CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, June 26, 2019 – 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 Development Services Department or on the City’s website at 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 Development Services 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 Development Services 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 Sofelkanik
   Commissioner Andrade
   Commissioner Cuity
   Commissioner DeBolt
   Commissioner Grose
   Commissioner Loe

3. PLEDGE OF ALLEGIANCE
4. PRESENTATIONS
   A. Orange County Planning Officials Leadership Initiative Collaborative (OCPOLI-C)
      Barry Curtis, Costa Mesa Economic and Development Services Director.

5. 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.

6. APPROVAL OF MINUTES
   A. Approve the Minutes for the Regular Meetings of April 24, 2019 and May 22, 2019 and the Special Meetings of March 14, 2019 and May 22, 2019.

7. CONSENT CALENDAR
   None.

8. STAFF REPORT
   None.

9. PUBLIC HEARING
   A. Site Plan Review (SPR) 18-03
      Hospital Central Plant at 3832 Catalina Street
      Consideration of a Site Plan Review (SPR 18-03) for a new two-story Central Plant Facility (to include a 41 feet tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

      Recommendation:

      1. Open the Public Hearing; and,

      2. Take testimony; and,

      3. Make the California Environmental Quality Act finding that the project has been reviewed in compliance with the provisions of the CEQA guidelines, and local guidelines. In accordance with Section 15063 of the California Environmental Quality Act, Environmental Impact Report SCH #2010041095 was certified by the Los Alamitos City Council via Resolution No. 2011-02 on February 7, 2011 for the Los Alamitos Medical Center Specific Plan; and,

B. General Plan Amendment (GPA) 19-01
Zoning Ordinance Amendment (ZOA) 17-04 and Targeted Zoning & Subdivisions Code Update
Consideration of a resolution recommending adoption of a Targeted Zoning & Subdivisions Code Update to the City Council through a Zoning Ordinance Amendment, and whether to amend certain sections of the General Plan through a General Plan Amendment to include an addendum to the 2015 General Plan Final Environmental Impact Report.

Recommendation:

1. Open the Public Hearing; and, if appropriate,


10. DISCUSSION
A. Discussion of New Business Assistance
A discussion to brainstorm ideas that will encourage businesses to apply for business licenses, and for property managers to remind them of the business license requirement. During the May 22, 2019 Planning Commission meeting, Commissioners continued this item to the June 26, 2019 meeting so that more of the members could be present for the discussion.

Recommendation: Discuss and give direction to Staff.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
None.

12. COMMISSIONER REPORTS
13. 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 Development Services 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 (resident)/$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2017-13.

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 Avenue; Los Alamitos Community Center, 10311 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.

Tom Oliver
Associate Planner

6/20/19 Date
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – March 14, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Special Session at 6:00 p.m., Wednesday, March 14, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
Andrade, DeBolt, and Loe
Absent: Vice Chair Sofelkanik
Commissioners Cuity and Grose

Staff: Les Johnson, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Laura Stetson, MIG
Jose Rodriguez, MIG

3. DISCUSSION
A. Study Session for the Zoning Code Update
The Planning Commission and Staff continued discussion of the potential changes proposed at the Special Meeting on February 7, 2019 to the Zoning Code, which includes:

➢ Title 17 – Article 2. Zoning Districts, Allowable Uses, and Development Regulations
  ▪ Eliminate L-I (Limited Industrial) zone per Planning Commission direction
  ▪ Add Town Center Mixed-Use zone (Use Table and Development Standards) to be consistent with the General Plan
  ▪ Modernize Allowed Uses and Permit Requirements for Residential and Commercial/Industrial Zones
    o Removed detailed uses and group uses into similar categories
    o Add more common uses and expanded AUP (Administrative Use Permits)
- Tweak property Development Standards, including Table 2-03 (Residential Zoning Districts General Development Standards)
  - Removed inconsistencies and simplified table
  - Adjusted setback requirements in R-2 zone for building taller than 25 feet
  - Adjusted outdoor living space requirements

- Minor Adjustments to property development standards, including Table 2-05 (General Development Standards for Commercial and Industrial Zones)
  - Adjust setbacks in P-M zone
  - Eliminate parcel coverage and added FAR to commercial and industrial zones

Laura Stetson with MIG summarized the material provided for this meeting.

Commissioner DeBolt commented on discrepancies he observed between the draft distributed, in comparison to what code actually says now, including proposed changes that were never discussed during a Planning Commission meeting.

Commissioner DeBolt noted the following:
- Lack of clarity in the draft provided as it does not show deletions.
- Observed proposed changes that have not been discussed amongst the Planning Commission. Some of those noted were the following:
  - Current code for the R2 zone allows for parcel area of 9,000 square feet, and the proposed is 6,000 square feet.
  - Interior lot parcel width in the R2 zone is being proposed to be changed from 60 feet to 45 feet; corner parcel from 70 feet to 55 feet; reverse corner from 75 feet to 55 feet; parcel depth from 135 feet to 55 feet as a minimum.
  - Code section 17.50 was not in the proposed update.

Chair Riley asked and received clarification from Ms. Stetson as to why they are seeing proposed changes in the draft that were never brought up for discussion amongst the Planning Commission. Ms. Stetson advised that the proposed changes were largely driven by changes in state law as to how density has to be calculated. New state law beefed up the Housing Accountability Act, which indicates that if the general plan allows up to 20 units per acre, you have to allow someone to achieve that density unless there are completely overwhelming circumstances (i.e., easement on the property).

Commissioner DeBolt commented that during the previous General Plan Amendment as a member of the General Plan Committee, there was discussion of density. Maximum 30 units per acre. At the time of discussion, it was implied that
imposing a maximum did not guarantee that had to be allowed but should have for properties that have larger parcels such as in the apartment area. Therefore, 1750 [square feet of property per unit] should establish the density, not the maximum identified. Furthermore, Commissioner DeBolt stated that if such a change is to be considered, then perhaps there should be a general plan modification to keep consistency.

Ms. Stetson advised that during the previous General Plan amendment, the consultant likely encouraged setting a maximum, as the laws were not being enforced as rigorously the way they are now by way of the Housing Accountability Act. If density were to be reduced below 30 units per acre in the R-3 zone, it would be running into conflict with the City’s housing element, which sets a maximum of 30 units per acre, which is considered affordable housing.

Commissioner DeBolt questioned who proposed the 30 units per acre. Ms. Stetson advised high, moderate, low and very low housing – having a zone which allows at least 30 units per acre, would be classified as default density [as established by law]; could be developed with below market rate housing.

Commissioner DeBolt noted that as a charter city, zoning is an area where it is permissible not to be consistent. Furthermore, added that he is not opposed to 30 units per acre however, it should still left to the discretion of elected official and commissioners.

City Attorney Daudt advised that he will bring forward information as to set limits for charter cities with regards to zoning changes.

Commissioner DeBolt would like additional information from the City Attorney, as to the exemptions that the City might be subject to as part of being a charter city before approving the proposed changes in the provided draft.

Staff will be reporting back to the Planning Commission with the following:
- Additional information of the housing laws and provisions associated.
- Verification of the City’s housing element and whether it supports affordable housing.
- Legislative bills being considered which would impose density requirements in the general plan.

Commissioner DeBolt stated that density calculations should exclude alley dedications. Development Services Director Johnson stated that this is already noted.

Ms. Stetson stated that density will be calculated based on net, and shall exclude any dedications.
The Planning Commission and staff discussed some of the current zoning standards for commercial and industrial zones.

Commissioner DeBolt asked and received clarification as to what is dictated in the R1 zone with regards to religious assembly. Ms. Stetson advised that parsonages are permitted on the same site as religious assembly so long as it is in the R1 zone.

The Planning Commission and staff discussed the following:
- Current standards in the town center mixed use area.
- Medical and dental offices are currently prohibited on the ground floor.
- A preference to keep a lower density in residential areas.
- Limiting building height to 60 feet.
- No rear setback requirement unless there is a 15 foot buffer between the town center and residential area.
- No new changes in the overlay zones or special purpose zones.
- The wireless communication facilities ordinance will be regulated differently than has been done in the past. This will be regulated by the Federal Communications Commission (FCC).

The Planning Commission and staff briefly discussed wireless facilities and their health hazards.

The Planning Commission and staff agreed to hold the next Zoning Code Study Session on March 27, 2019 at 6 p.m.

4. ADJOURNMENT
The Planning Commission adjourned at 7:16 p.m.

__________________________
John Riley, Chair

__________________________
Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – April 24, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:03 p.m., Wednesday, April 24, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
Culity, DeBolt, Grose, and Loe

Absent: Vice Chair Sofelkanik
Commissioner Andrade

Staff: Les Johnson, Development Services Director
Maria Veronica Enciso, Department Secretary
Michael Daudt, City Attorney
Tom Oliver, Associate Planner

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.

Speaker Debbie Rodriguez expressed concern of her experience with Commercial Property Manager Tracey Shelton [in the Alamitos Business Center] and the misrepresentation she received from Ms. Shelton, in advising her that the proposed location was zoned for a hair salon.

Speaker Richard Malley expressed his distrust of Ms. Shelton.

There being no additional speakers, Chair Riley closed oral communications.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular and Special Meeting of March 27, 2019.
Motion/Second: Grose/DeBolt
Carried 4/0 (Sofelkanik and Andrade absent, Riley abstained): The Planning Commission approved the minutes of the Regular and Special meeting of March 27, 2019.
6. DISCUSSION
None.

7. CONSENT CALENDAR
None.

8. STAFF REPORT
None.

9. PUBLIC HEARING
A. Site Plan Review (SPR) 18-03
Hospital Central Plant at 3832 Catalina Street
Consideration of a Site Plan Review for a new two-story Central Plant Building (to include a 56 feet tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

Development Services Director Johnson summarized the staff report.

Commissioner Grose requested to have copies of the phase one and phase two approvals, available for review by any Commissioner at City Hall.

Associate Planner Oliver advised that the approvals are also available for review on the City website.

Chair Riley opened the public hearing.

Motion/Second: Grose/Loe
Carried 4/0 (Sofelkanik and Andrade absent, DeBolt abstained): The Planning Commission agreed to continue the item to the May 22, 2019 Planning Commission meeting.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Service Director Johnson informed the Planning Commission of the following:

- Thanked the Planning Commission for all the work that they have done with the zoning amendments. Furthermore, advised that staff's goal is to have a draft to the Commission for their consideration, at least two to three weeks prior to the hearing.
- Aiming to hold the Updated Zoning Code Public Hearing in June.
The framing phase of construction for the Marriot Fairfield hotel has now been completed.
The Olson project [at 3311 Sausalito Street] has commenced the grading and utility connection phases of construction.
The Starbucks at 5252 Katella Avenue has completed the framing phase of construction.

11. COMMISSIONER REPORTS
Commissioner Grose advised of the upcoming Serve Los Al event that is taking place in June. Additionally, Commissioner Grose thanked Commissioner DeBolt for noticing the small details during discussion of the zoning code.

Commissioner DeBolt noted the following for future meeting discussions:

- Future discussion of allowable uses in retail.
- The potential for City involvement in imposing a fine and additional requirements to property owners who misrepresent allowable uses on their commercial properties.

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

ATTEST: John Riley, Chair

Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – May 22, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, May 22, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
Culity, Andrade, and Grose,

Absent: Vice Chair Sofelkanik
Commissioners Loe (excused) and DeBolt (excused)

Staff: Les Johnson, Development Services Director
Maria Veronica Enciso, Department Secretary
Michael Daudt, City Attorney
Tom Oliver, Associate Planner

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.

Speaker Hester Han expressed concern over the R2 parking requirements. Chair Riley encouraged Ms. Han to speak with staff at a different time to discuss her concerns.

Speaker Alex Chen expressed concern over the R2 parking requirements, and would like the requirements to change.

Speaker Samantha Case expressed her interest in opening a fitness center in a specific zone. Chair Riley encouraged Ms. Case to speak with staff during regular business hours about possible options.

There being no additional speakers, Chair Riley closed oral communications.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular Meeting of April 24, 2019.
Motion/Second: Grose/Cuytly
Not Carried 3/0 (Sofelkanik and Loe absent, Andrade abstained): As a result of a lack of quorum, the Planning Commission moved the approval of the April 24, 2019 Regular Meeting minutes to the June 26, 2019 meeting.

6. DISCUSSION
   A. Discussion of New Business Assistance
   A discussion of ways to encourage businesses to apply for business licenses and for property managers to remind them of the business license requirement.

   Development Services Direction Johnson advised that Commissioner DeBolt expressed interested in being present during discussion of this item.

   Motion/Second: Grose/Andrade
   Carried 4/0 (Sofelkanik, DeBolt, and Loe absent): The Planning Commission approved to move discussion of this item to next regular meeting on June 26, 2019.

7. CONSENT CALENDAR
   None.

8. STAFF REPORT
   None.

9. PUBLIC HEARING
   A. Site Plan Review (SPR) 18-03
   Hospital Central Plant at 3832 Catalina Street
   Continue consideration of a Site Plan Review (SPR 18-03) for a new two-story Central Plant Building (to include a 56 foot tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

   Associate Planner Oliver advised that the applicant has requested to move this item for discussion to the next regular meeting of June 26, 2019.

   Chair Riley invited any individuals to speak on this item.

   Motion/Second: Cuytly/Grose
   Carried 4/0 (Sofelkanik, DeBolt, and Loe absent): The Planning Commission approved to continue discussion of this item, to the June 26, 2019 Planning Commission meeting without closing the public hearing.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
A. SB2 Planning Grants Program

Development Services Director Johnson summarized the memorandum.

The Planning Commission and Development Services Director Johnson discussed the following:

- There are no known expectations of the City to change with receiving this grant.
- The goal is to increase affordable housing stock.
- Concern over the state coming down with any additional requirements that would impact the City.
- This funding would help absorb some of the cost of updating the housing element to accommodate affordable housing and the development of the area.
- The specific area of interest is the Towne Center.

Development Service Director Johnson informed the Planning Commission of the upcoming Los Alamitos Sewer Trunk Project by the Orange County Sanitation District (OCSD).

11. COMMISSIONER REPORTS
Commissioner Grose asked to have the Traffic Commission look into the following two issues:

- Nurses that are parking in the residential area [on Maple Street].
- Request to consider implementing a "No Parking" zone on Los Alamitos Boulevard in front of the Rossmoor Car Wash, to minimize the safety hazard of vehicles backing up.

 Commissioner Andrade thanked the Los Alamitos Police Department, specifically Officer Navarro and Detective Lopez, for locating his equipment that was stolen on his property.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:35 p.m.

ATTEST: John Riley, Chair
Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – May 22, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Special Session at 7:39 p.m., Wednesday, May 22, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
                      Cutily, Andrade, and Grose,

Abscent: Vice Chair Sofelkanik
                 Commissioner DeBolt (excused) and Loe
                 (excused)

Staff: Les Johnson, Development Services Director
       Maria Veronica Enciso, Department Secretary
       Michael Daudt, City Attorney
       Tom Oliver, Associate Planner

3. DISCUSSION
A. Appoint Two Planning Commissioners to serve on a Utility Projects Ad-Hoc Subcommittee
During the May 20, 2019 City Council meeting, an Ad-Hoc Subcommittee was formed to provide opportunity to discuss an existing Golden State Water utility project and to also discuss the establishment of standards and protocol for City involvement and community outreach with future utility projects. The establishment of the Ad-Hoc Subcommittee included two City Council members (Mayor Kusumoto, Council Member Grose) and two Planning Commissioners. In consideration of time, staff is requesting of the Planning Commission to have the appointment of the two Planning Commissioners occur as soon as possible.

Development Services Director Johnson summarized the staff report.

Development Services Director Johnson and Planning Commission discussed the following:

- Commissioner DeBolt expressed interest of being a committee member to staff.
- Workload is dependent upon the subcommittee’s dialogue; however, perhaps would consists of two or three meetings.
- Consideration to appoint Commissioner DeBolt and Commissioner Sofelkanik to the committee.
• Have an alternate choice if a commissioner cannot commit.

Motion/Second: Grose/Cuilty
Carried 4/0 (Sofelkanik, Debolt, and Loe absent): The Planning Commission appointed Vice Chair Sofelkanik and Commissioner DeBolt with Commissioner Grose as an alternate, to serve on the Utility Projects Ad-Hoc Subcommittee.

4. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:47 p.m.

ATTEST: John Riley, Chair

Les Johnson, Secretary
SUMMARY: Consideration of a Site Plan Review (SPR 18-03) for a new two-story Central Plant Facility (to include a 41 feet tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

RECOMMENDATION:

1. Open the Public Hearing; and,

2. Take testimony; and,

3. Make the California Environmental Quality Act (CEQA) finding that the project has been reviewed in compliance with the provisions of the CEQA guidelines, and local guidelines. In accordance with Section 15063 of the California Environmental Quality Act, Environmental Impact Report SCH #2010041095 was certified by the Los Alamitos City Council via Resolution No. 2011-02 on February 7, 2011 for the Los Alamitos Medical Center Specific Plan; and,

TO CREATE A PARKING AREA, AND THE CONSTRUCTION OF A UTILITY BRIDGE ACROSS THE PRIVATE ROAD, KAYLOR STREET (APN 242-162-13), ALL IN THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SP 09-1) AREA, (APPLICANT: KENT CLAYTON, TENET HEALTH)."

APPLICANT: Kent Clayton, represented by AJ Omar – Tenet Health

LOCATION: 3832 & 3791 Katella Avenue (APNs 242-162-14, 242-163-12, & 242-162-13)

ENVIRONMENTAL: The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) guidelines, and local guidelines. In accordance with Section 15063 of the California Environmental Quality Act, Environmental Impact Report SCH #2010041095 was certified by the Los Alamitos City Council via Resolution No. 2011-02 on February 7, 2011 for the Los Alamitos Medical Center Specific Plan.

APPROVAL CRITERIA: The Los Alamitos Medical Center Specific Plan (SP 09-1), Section 2.B (Land Use Summary by Phase) requires Planning Commission approval of a Site Plan Review to permit the construction of the Central Plant Structure.

NOTICING: This is a continued hearing from the April 24, 2019 and May 22, 2019 Planning Commission meetings. The Public Hearing Notice for the April 24, 2019 meeting was mailed out on April 10, 2019, to property owners and commercial tenants within 500 feet of the subject parcel, and publicly posted at the City Hall, the Community Center, and the Los Alamitos Museum. Additionally, the Public Hearing Notice was published in the News Enterprise on April 10, 2019.

PRIOR ACTIONS: 2011 - Los Alamitos Medical Center Specific Plan - ZOA 09-01, GPA 09-01, SP 09-01
BACKGROUND:

AJ Omar, on behalf of the Los Alamitos Medical Center, has submitted an application for the construction of a new Central Plant (utility) structure proposed for an area of the hospital parking lot at the southeast intersection of Kaylor Street and Catalina Street – see the attached site plan. The application asks approval to build a new central plant facility that includes a 38 foot tall, two-story, 11,619 square foot central plant building and a 41 foot tall Thermal Energy Storage (TES) water tank.

The Planning Commission previously confirmed the proposition for this facility to be in a different area and in a different phase than was originally approved in the Los Alamitos Medical Center Specific Plan. Please note that the project will also include the demolition of Medical Office Building (MOB) 1 on the same campus, near the northwest...
corner of Kaylor Street and Los Alamitos Boulevard, which will be replaced by additional surface parking. The proposed improvements also include a structure (referred to as the North Bridge/Screen Tower), which will carry the new utility connections from the new Central Plant across Kaylor Street to the existing medical center. Please refer to Attachment 1 for a project description provided by the Applicant.

During the September 26, 2018 Planning Commission meeting, the Commission considered and ultimately approved a proposal to modify the Los Alamitos Medical Center Specific Plan to create a Phase 2A and Phase 2B component to the Land Use Plan. Phase 2A consists of relocating the Central Plant from its current location at the southwest corner of Catalina Street and Kaylor Street to the southeast corner of Catalina and Kaylor Streets, the demolition of Medical Office Building 1 (a 24,000 square foot medical office building), and establishing additional surface parking in the place of MOB 1. Phase 2B will consist of a new four-story hospital tower and a new 6-level parking structure. Phase 3 was unchanged and consists of a second four-story hospital building, the demolition of the Administration/Warehouse Building (3776 & 3797 Catalina Street) which was originally planned for demolition in Phase 2 and surface parking in the area where the Central Plant is currently located.

An aesthetic focus of the central plant project is a large water tank that is slightly taller that the plant structure. The Applicant has described the tank as follows:

“The proposed state-of-the-art Thermal Energy Storage (TES) system will significantly reduce energy consumption from the utility power grid during peak hours. This system generates chilled water during off peak hours, storing it for use later in the day. This system will reduce the potential for rolling blackouts for Los Alamitos Medical Center, and their direct community.

The proposed TES tank is factory fabricated and field assembled with high quality prefinished steel panels. The proposed design features two colors, in a composition which anchors the base of the tank in primarily gray panels, with more white panels used toward the upper portion. This visual strategy helps break the mass of the tank, and visually lightens its appearance. Also of note, the proposed tank will be located adjacent to existing facilities at Golden State Water tanks, directly across Kaylor Street. The proposed TES tank will integrate with the site by marrying its two-tone pattern and color with the CMU modules of adjacent buildings. This material marriage is intended to diffuse the massiveness of the tank to human scale while balancing the site on both sides of Kaylor Street.

Further softening of the proposed project is provided via increased landscaping; trees, shrubs and turf surround the perimeter, bringing eye pleasing greenery and desired shade.

Lastly the future patient tower will include a six-level parking structure that will fully conceal the TES tank from the south side, blocking any view from Katella
Avenue. The remaining sides of the tank will be radically diffused by the Central Plant building.

On the site plan (Attachment 8, sheet A-051) there are dashed lines shown around two other areas of the medical center that are not specifically mentioned in the scope of this project. One dashed line area represents the existing emergency generator yard, which is to be demolished to accommodate miscellaneous emergency electrical substations, and the other dashed line area shows the existing electrical substation system cabinet or enclosure that is proposed to be renovated.

**DISCUSSION**

**Location**

The **Central Plant** is proposed to replace an existing parking lot located near the southeast corner of Kaylor Street and Catalina Street. The current **Medical Office Building** (MOB 1), to be demolished, is at the northwest corner of Kaylor Street and Katella Avenue. The **North Bridge/Screen Tower** will be constructed in a current parking lot across Kaylor from the main hospital building. The location of the proposed Central Plant is as follows:
The properties adjacent to the proposed Central Plant are developed and zoned as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning District</th>
<th>Uses</th>
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<tbody>
<tr>
<td>Project Site</td>
<td></td>
<td></td>
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<tr>
<td>Existing</td>
<td>Los Alamitos Medical Center Specific Plan (SP 09-1)</td>
<td>Parking Lot</td>
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<tr>
<td>Proposed</td>
<td>Central Plant for Hospital</td>
<td></td>
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<tr>
<td>North of Site</td>
<td>Planned Light Industrial w/ Medical Overlay (P-M-MOZ)</td>
<td>Trend Offset</td>
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<tr>
<td>East of Site</td>
<td>Los Alamitos Medical Center Specific Plan (SP 09-1)</td>
<td>Parking lot</td>
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<td></td>
<td>Planned Light Industrial w/ Medical Overlay (P-M-MOZ)</td>
<td>Deft Touch Soccer</td>
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<tr>
<td>West of Site</td>
<td>Planned Light Industrial w/ Medical Overlay (P-M-MOZ)</td>
<td>Current central plant and water company storage area</td>
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<td></td>
<td>Los Alamitos Medical Center Specific Plan (SP 09-1)</td>
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<tr>
<td>South of Site</td>
<td>Los Alamitos Medical Center Specific Plan (SP 09-1)</td>
<td>Parking lot</td>
</tr>
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</table>

**Site Plan Review (SPR) 18-03**

Below are views of each section of the project areas:
The Los Alamitos Medical Center Specific Plan (SP 09-1), Section 2.B (Land Use Summary by Phase) requires Planning Commission approval of a Site Plan Review to permit the construction of the Central Plant Structure.

The land use exhibits within the Specific Plan identify a conceptual level of the intended location and footprint of the uses proposed within the Medical Center campus. Prior to issuance of a building permit for any structure or improvement within the Specific Plan area, a site plan must be submitted for review by the City in accordance with Chapter 17.50 of the Municipal Code. A site plan for each phase is required.

The purpose of the site plan review procedure is to enable the Development Services Director to check development proposals for conformity with the provisions of the Specific Plan and zoning code, and to allow the director to impose conditions on the development or project as are necessary to bring it into conformity with the general plan, surrounding development, and city policies and regulations with respect to on-site and off-site dedications and improvements.
The Site Plan Review is conducted by comparing the proposed project to applicable Specific Plan development standards, design guidelines, and other applicable City ordinances. The proposed project would be located in the Los Alamitos Medical Center Specific Plan (LAMC – SP). The Los Alamitos Medical Center Specific Plan allows for medical center/medical office/community service land uses, as described in the Land Use Plan. Below, are the development standards from the Specific Plan and the Staff response concerning each:

**Development Standards (Los Alamitos Medical Center Specific Plan, Section 4.D.)**

The following sections numbered below are drawn from Development Standards that are reiterated from the hospital Specific Plan.

1. **Intensity:**

The floor area ratio within the Specific Plan area as a campus, including the medical center, existing and new medical office uses, and the central plant, based on gross acreage, shall not exceed 0.75.

**Staff Response:** The project is proposed to be a .55 FAR which does not exceed the intensity limit.

2. **General Development Standards:**

Any area used for storage or equipment shall be visually screened and buffered in accordance with Section 17.16.130(C) of the Municipal Code which requires the screening of roof or ground mounted mechanical equipment, loading docks, refuse storage areas and utility services to be screened from public rights of way by a minimum six-foot high masonry wall or structure, the details of which shall be included in the required site plan submittal. Such screening shall be architecturally compatible with other on-site development in color, material and style. All lighting shall be designed and located so as to confine direct rays to the premises.
Staff Response: Screening, building walls, and fencing walls cover most of the utility items that will be installed inside the central plant building complex. The architectural style is industrial modern, but with no certain descriptive label. Like most basic utility plants built today, its construction uses modern contemporary materials, interesting planes that step in and out, and decorative metal screening that take this structure beyond what could be a large, blank stucco box. It provides an interesting view for the public. It is anticipated that the building will become less prominent once other hospital buildings are constructed in the Specific Plan Area.

With that said, the proposed project design results in a visual focus upon the Thermal Energy Storage (TES) water tank, which measures 45 feet in diameter and has an overall height of 41 feet. The proposed screening walls and the abutting building affords partial screening of the tank. Though the screening walls are taller than usual, the TES tank still extends above them.

The two tank elevation drawings show both a “camouflage” type paint pattern, and a mural of ocean waves, both of which attempt to visually try to push the tank into the background. These two choices are for Commissioners to choose from in making the decision tonight. However, the size of the tank remains a visual focus of the proposed plant. As currently presented, the tank is of prominent focus due to the height exceeding the abutting two-story building. It should also be noted that the proposed tank is taller than the three existing Golden State Water tanks (36 feet tall) located directly across Kaylor Street from the project site.

The North Bridge/Screen Tower is a structure to route and screen utility pipes and wires that cross over Kaylor Street. It will be explained later in the report as to why the above ground routing is proposed. The proposed structure is consistent with the applicable development standards.

The new parking lot where the proposed-to-be-demolished MOB 1 is located, will have a parking booth that would be similar to the booths that were installed in phase 1 near the parking structure. The area will also see vehicular access improvements to the emergency room. Staff previously mentioned to the project architect that improved signage and minor exterior modifications would help provide appropriate visual attention to the emergency room entrance. The proposed new parking lot is consistent with the applicable development standards.

3. Structure Height:

Within the Los Alamitos Medical Center will be several new mid-rise structures including two four-story hospital/patient care buildings, a three-story medical office building, and four and six-level parking structures. Maximum heights shall be as follows, measured from top of parapet to finished grade:

New Buildings: Maximum of four (4) stories or 70 feet (whichever is greater), measured to top of parapet.
The following structures may exceed the allowed height:

a. Plumbing vents, chimneys, etc.
b. Fire walls
c. Mechanical features such as air conditioners, tanks, fans and similar equipment located on rooftops must be screened, but the architectural features used to provide that screening, are not considered as part of the building for purposes of determining building height, so long as features do not exceed the minimum amount required to achieve screening.
d. Skylights
e. Stair/Elevator structures
f. Solar panels
g. Architectural theme elements

Staff Response: The main plant structure essentially blocks the view of the 41 feet tall Thermal Energy Storage (TES) water tank on two sides – to the north and to the east. Views of the tank from the other two sides are partially screened with much of the tank in full view to the west and south. For comparison, the existing hospital parking structure is 56 feet tall, and the Golden State Water tanks across Kaylor Street to the west of this location are at a height of 36 feet.

With its large size, Staff understands that the tank would be costly to fully screen from view. The proposed screening is at a low height around the tank, intended to mask the less than pleasant equipment installed to serve the tank versus the tank itself. The tallest height of the main Central Plant building is 41½ feet. The building and tank will not exceed the maximum height of 70 feet allowed per the Specific Plan. Additionally, it should be noted that future proposed development to the south include a parking structure and patient tower. Once these future projects are constructed, it is anticipated that the water tower will be essentially blocked from view to the south.

The following are photos, provided by the applicant of a TES water tank:
An example of camouflage painted tanks:

4. Setbacks:

The following are required minimum building setbacks for new construction in the Specific Plan area:

Katella Avenue: 10 feet, Cherry Street: 10 feet, Catalina Street: 10 feet, Florista Street: 10 feet, Bloomfield Avenue: 10 feet, Kaylor Street: 5 feet, On-site: Rear Yard: none, Side Yard: none. Perimeter street setbacks shall be measured from the right-of-way line. Projections into required setbacks shall be allowed in accordance with the Municipal Code and may include columns.

Staff Response: The minimum setback requirements are met. The Kaylor Street setback is at five (5) feet while the Catalina Street setback is well beyond the required ten (10) feet. The rear yard and side yards do not require setbacks.

5. Building Separation:

Internal Buildings with the Medical Center Campus: Minimum building separation shall be provided in accordance with the 2016 California Building Code (CBC) requirements. Adjacent buildings outside the boundaries of the Specific Plan: 10 feet

Staff Response: All other buildings on the campus are well beyond 10 feet in separation from any part of this building.

6. Landscaping Requirements:

All landscaping and irrigation systems and plans shall conform to the requirements of the City of Los Alamitos Municipal Code and incorporate drought tolerant plants. A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the project.

a. Parking Lot Landscaping. Each off-street open surface parking lot shall provide an area, or areas, landscaped equivalent to twenty (20) square feet for each parking space
and shall include one fifteen (15) gallon tree for each 1,500 square feet of parking area. Required landscaping may be provided in any of the following areas: along the periphery of the parking area, internal to the parking areas within plazas or other common landscaped areas of the Specific Plan.

b. Site Plan Review Submittal. A landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Development Services Director. Fifteen (15) percent of the site shall be in landscaped areas. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.

Staff Response: These requirements are either met or would be reiterated by Staff in the landscape section of the resolution. The Applicant has identified the following with regard to the proposed landscaping:

“The plans show the required 15% landscaping and project compliance requirements; see the colored site plan and calculation breakdown, attached. The south and east side of the project will be planted with trees (Majestic Beauty, Bottle Tree, African Sumac, Brisbane Box), shrubs (Wax Leaf Privet, Bird of Paradise, New Gold Lantana) and ground cover (Dwarf Cool Season Turf) to complement existing species within site. A full set of landscape plans will be submitted to the city for review and approval as soon as the project is approved by the city planning.”

7. Fencing:

Any and all fencing and walls installed as part of this project shall conform to the requirements of the City of Los Alamitos Municipal Code.

Staff Response: Some of the walls installed as screening in this proposed plan exceed seven (7) feet in height, but can be approved as part of this review of the Planning Commission. These walls, since they exceed six feet in height, are all made of masonry material. The proposed wall fence will surround the Central Plant site to limit public access to the building. It will be constructed of Concrete Masonry Unit (CMU) vertically split precision block with stacked pattern.

8. Parking Requirements:

a. Off-Street Parking Requirements

Parking is calculated in accordance with the ratios established by the Municipal Code which requires for the Central Plant to provide 1 space per 500 square feet (gross). At the time of site plan review, the parking requirement for the Central Plant shall be determined based upon the floor plans for the final design, calculated at the Central Plant ratio identified above. If no office space is present, no parking will be required. The Applicant shows three (3) spaces within the walled off area of the plant.
Staff Response: As a result of the table being small and difficult to read, the parking numbers and how they are affected by this project for the entire Specific Plan area are presented as a separate document. Please see attachment 3 to this report.

Additionally, the Applicant has submitted a redlined, revised, parking plan from the Specific Plan to show how the parking will change through the new 2A and 2B Phases. The new parking lot, when completed, will provide more public parking as well as a more prominent access/drop off area for the emergency room. It will also have a Parking Booth to enable collection of parking fees.

In the Municipal Code, there is a loading space requirement for the Central Plant Building of one 12 by 20 feet parking space (LAMC 17.26.100). If later approved, Staff would draft a condition to meet this standard.

During the construction of the proposed project, parking will not be available in the areas for the Central Plant, around the North Bridge/Screen Tower, and parking area where MOB 1 is proposed to be removed; however, the existing parking structure was overbuilt to accommodate the parking taken up by these projects while they are constructed. There also continues to be a hospital shuttle that moves visitors around the campus from parking areas to the buildings.

b. In accordance with Title 24 of the California Building Code, parking spaces for disabled persons shall be provided and located as close to the buildings as is feasible.

Staff Response: The Americans with Disabilities Act (ADA) spaces and the path of travel to them are demonstrated on the site plan and would be conditioned to be designed to meet the ADA code in a resolution of approval.

c. The parking space size for this project shall be 9-feet wide by 19-feet long for open parking lot areas and 9-feet wide by 18-feet long within parking structures.

Staff Response: The new parking spaces meet this requirement.

d. Parking for disabled persons shall be provided in accordance with the Americans with Disabilities Act.

Staff Response: See requirement “b” above.

e. A minimum width of 24 feet shall be provided for two-way drive aisles of parking areas.

Staff Response: All of the new drive aisles are proposed to be constructed to the required 24 feet width.

9. Signage:
Signage within the Specific Plan area shall conform to the Los Alamitos Signage Ordinance, Chapter 17.28 of the Municipal Code or an adopted sign program approved by the Development Services Director.

**Staff Response:** No signage is proposed at this time.

10. Development Standards Modifications:

A significant deviation for development standards may be allowed only by action of the City Council. The Council may grant one or more modifications only if the following findings of fact can be made:

a. The modification(s) is necessary to properly implement a physically and economically viable project; and,

b. The modification(s) would ensure compliance with the general purpose and intent of the adopted specific plan.

**Staff Response:** No modifications are requested.

**NOISE**

The Applicant has submitted a Noise study with the application, authored by CSDA Design Group, which is attached to this report. Here is the conclusion paragraph of the noise study:

"Based on our ambient noise survey, the criteria presented in Section 3.0 and our analysis of Phase One and Phase Two, the project will satisfy the City's property line noise limit of 70 dBA. Although not required for Code compliance, the calculated noise level at the nearest facade of the future hospital is less than 65 dBA. This is expected to allow the suggested interior noise criterion of 45 dBA to be satisfied in the future hospital with typical facade construction methods and materials."

**NORTH BRIDGE/SCREEN TOWER**

![North Bridge / Screen Tower](image)

This is a structure that is intended to screen connective wires and pipes that cross Kaylor Street. The project Architect has provided the following to explain why the North...
Bridge/ Screen Tower is necessary, and why the infrastructure is not remaining underground when it crosses Kaylor Street:

"Kaylor Street is congested with existing utilities spanning north south from Catalina Street to tie into Katella Avenue main utility services:

a. Domestic water services: Existing water lines ranging from 6 to 8 inches springing from Golden State Water and branching out through Kaylor Street.
b. Sanitary Sewer Services: Existing sewer lines ranging from 8 to 12 inches connecting Katella Avenue to Catalina Street.
c. Storm Drainage Services: Existing Storm line ranging from 8 to 12 inches connecting Katella Avenue to Catalina Street.
d. Edison Electrical Services: various Edison conduits and conductors connecting Katella Avenue to Catalina Street.
e. Telecom Services: Existing telecom services are also spanning the length of Kaylor Street.
f. Underground water table is notably high at this site, varying from 4 to 15 feet below grade.
g. All the mentioned above existing utilities are located at various elevations and depths below grade.

Our initial approach to providing infrastructure support to the existing hospital from the proposed Central Plant was to be underground; it is convenient, less costly and invisible. The project team’s utility investigations (detailed above) provided a scenario where crossing Kaylor Street below grade would be unworkable. Spanning Kaylor Street with approximately 16 pipes (electrical conduit, chilled water lines, medical vacuum, IT, etc., while avoiding existing utility lines would necessitate locating the new utilities significantly low, subjecting them to underground water, causing rapid deterioration, and extremely difficult repair access.

Please note that the proposed Central Plant is a critical use building, designed with a state-mandated structural high importance factor, to maintain operation during emergencies, delivering uninterrupted infrastructure support to both the existing hospital and future patient tower. Therefore, burying the proposed utilities deep underground to evade the existing public and private utilities will cause complications identifying and accessing failed system(s), and allowing the much-needed repairs during emergencies.”

The North Bridge/Screening Tower will be constructed using much of the same screening materials and colors proposed for the Central Plant building. Metal mesh will cover the view into the area where the infrastructure passes across, but will be a bit transparent, giving an interesting modern industrial look. Staff notes that it looks a bit like a monorail track with its concrete columns and span across the street. The clearance would be 14 feet 6 inches, allowing for fire trucks and most other vehicles to pass underneath. The required code clearance is 13 feet 6 inches.
NEW PARKING AT THE NORTHWEST CORNER OF KATELLA AVENUE AND KAYLOR STREET

A new parking lot will be created to replace the current parcel location of Medical Office Building (MOB) 1 when it is demolished. This parking area will also act as the vehicle entrance and parking for the emergency room. During construction, the emergency room parking will be relocated as shown on a site plan in the color copies attached to this report.

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

This project falls under the purview of the California's Office of Statewide Health Planning and Development (OSHPD). They ensure that hospital buildings are safe, offer financial assistance to individuals and healthcare institutions, and collect and publish healthcare data. The City's Building Division will not have jurisdiction over the project, this project will be plan-checked and inspected for safety by OSHPD.

SPECIFIC PLAN

As proposed, the project is somewhat consistent with the Specific Plan designation and its applicable goals. The following table outlines the goals of the specific plan and how this project meets them:
<table>
<thead>
<tr>
<th>Goals of the Specific Plan</th>
<th>How Goals Are Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comply with the City of Los Alamitos General Plan Goals and Policies.</td>
<td>See the table below this table.</td>
</tr>
<tr>
<td>Design the project with consideration of the site’s circulation, environmental, and physical opportunities and constraints.</td>
<td>The proposed project is consistent with the original intent of these subjects as created in the Specific Plan.</td>
</tr>
<tr>
<td>Create project identity through thematically coherent and aesthetically pleasing architecture, landscaped areas, colors, signage, and entry statements outlined in project design guidelines and implemented through the site plan review process.</td>
<td>Though serving a utility function, the proposed Central Plant generally has a complimentary architectural design that will continue cohesion between the project elements of the Specific Plan.</td>
</tr>
<tr>
<td>Size and phase the medical center development plan to satisfy, and be consistent with, current and anticipated future market demand.</td>
<td>This project is proposed primarily to satisfy current market demand for the hospital, as well as for the increased demand that will be required for the future Specific Plan projects.</td>
</tr>
<tr>
<td>Encourage a streamlined and predictable discretionary review process for subsequent reviews</td>
<td>This proposed project originally strayed away from the Specific Plan, and has changed through various architectural iterations, therefore the process for this approval has been quite lengthy.</td>
</tr>
<tr>
<td>Provide for coordinated land use, urban design, landscape, transportation, and infrastructure planning.</td>
<td>The site Plan Review process does in fact provide a structure for this coordination.</td>
</tr>
<tr>
<td>Create a sustainable development that minimizes short term and long term adverse environmental impacts to the fullest extent feasible and adequately addresses consumer needs.</td>
<td>This project is being proposed precisely to be ready to create utility capacity for future projects at the medical center.</td>
</tr>
<tr>
<td>Improve the local job market by providing a substantial number of permanent new jobs within and available to the local community.</td>
<td>This project is planned to make possible the future phases of the Specific Plan, and those phases will create more jobs.</td>
</tr>
</tbody>
</table>

Here is how the proposed project compares to General Plan Policies:

<table>
<thead>
<tr>
<th>Policies of the General Plan</th>
<th>How Policies are Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobility and Circulation Element</td>
<td></td>
</tr>
<tr>
<td>Policy 5.3 Public facilities. Provide adequate on-site parking at public facilities for daily and event-based activities, especially in the downtown and medical center areas.</td>
<td>In an effort to maintain parking levels for future specific plan projects, this project removes a medical office building on the campus in order to replace the parking removed for the central plant.</td>
</tr>
<tr>
<td>Public Facilities and Safety Element</td>
<td></td>
</tr>
<tr>
<td>Policy 5.2 Los Alamitos Medical Center. Maintain and enhance a collaborative relationship with Los Alamitos Medical Center and other medical service providers to best serve the community, create healthy communities, and maintain and attract a skilled workforce.</td>
<td>The proposed project was improved through a cooperation between the City and the Los Alamitos Medical Center to ensure compliance with the Center’s Specific Plan.</td>
</tr>
</tbody>
</table>
CONCLUSION

As currently proposed, Staff recommends approval of Site Plan Review 18-03 due to the aesthetic improvements made to the plans since the last iteration that were distributed to Planning Commissioners in April 2019. In particular, Staff appreciates the water tank redesign that reduced the structure height, provides some screening and a “camouflage” paint pattern that helps soften its prominent focus. It is understood that the future parking structure and patient tower will ultimately minimize direct views of water tank from Katella Avenue. However, it is uncertain at this time as to when these structures will be established. In the interim, the new central plant will be directly visible from Katella. Staff recommends approval of the camouflage paint pattern, rather than the ocean waves due to its less prominent appearance.

Attachments:

1. Resolution 19-08, with Exhibit A – Conditions of Approval
   Exhibit B – Large Plans (28” x 40”) & Color Elevations
2. Applicant Description of Project
3. Parking Numbers Matrix
4. Redlined Parking Plan
5. Noise Study
6. Fly-over Video – view at: https://vimeo.com/339224787
7. Letter from Kent Clayton - Concerning Future Hospital Phases
8. Miscellaneous Concept Elevations- of Future Hospital
   Expansions
RESOLUTION NO. PC 19-08


WHEREAS, a complete application for a Site Plan Review was submitted by Kent Clayton on June 19, 2019 requesting approval to build a 38 feet tall, two-story, 11,619 square foot central plant building, install a 41 foot tall Thermal Energy Storage (TES) water tank inside a walled area next to the building, and demolition of Medical Office Building 1 to create additional surface parking; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review at a duly noticed public hearing on June 26, 2019, at which time it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES 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 hereby makes the following findings which are based on all of the evidence presented, both written and oral; the Staff report is incorporated by reference:

1. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district. The development meets, or will be conditioned to meet, all requirements.

2. The design and layout of the proposed development would not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards. The project has been designed
with the future phases of the Los Alamitos Medical Center Specific Plan in mind.

3. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter. The design is in harmony with surrounding hospital developments and has a modern building design, extensive landscaping, and maintenance as required by the Specific Plan.

4. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance. The project will enhance the existing property and maintain an appropriate level of maintenance, through the requirements of the Specific Plan.

5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity, and the project will meet all current building code requirements.

6. The proposed development would not substantially depreciate property values in the vicinity. The project locations are zoned for these types of uses. The new central plant structure will maintain the aesthetics, improve the infrastructure of the Los Alamitos Medical Center, and make the future phases of the Specific Plan possible.

SECTION 3. The proposed use has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) guidelines, and local guidelines. In accordance with Section 15063 of the California Environmental Quality Act, Environmental Impact Report SCH #2010041095 was certified by the Los Alamitos City Council via Resolution No. 2011-02 on February 7, 2011 for the Los Alamitos Medical Center Specific Plan.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR18-03, as represented by the plans and elevations in “Exhibit B” and subject to the conditions listed in “Exhibit A” and any changes made by this Commission.

SECTION 5. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of June 2019, by the following vote:
ATTEST: 

John Riley, Chair

Les Johnson, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 26th day of June 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Les Johnson, Secretary

PC RESO 19-08 
Page 3 of 3
GENERAL CONDITIONS

1. Approval of this application is to allow for the construction of an 11,829 square feet, two-story, central plant (utility) on a parcel at 3832 Catalina Street (APN 242-162-14), the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12) to create a parking area, and the construction of a utility bridge across the private road, Kaylor Street (APN 242-162-13), all in the Los Alamitos Medical Center Specific Plan (SP 09-1) area with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated March 26, 2019 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.

2. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City’s associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant’s consent, but should it do so, the City shall waive the indemnification herein, except the City’s decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. The Applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department within 30 days of final approval of all resolutions. The property Applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department.
4. In case of violation of any of the conditions of approval or applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all Staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.

5. Project plans for the development shall be subject to a complete code compliance review with the Development Services Department when the plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by the Los Alamitos Medical Center Specific Plan and applicable sections of Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.

6. Approval of Site Plan Review 18-03 shall be valid for a period of twelve (12) months from the date the site plan was approved. If construction is commenced within this twelve (12) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.

LANDSCAPING

7. A Landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Development Services Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.

8. Landscaping shall comply with the City’s water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.

9. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.
LIGHTING

10. Prior to permit issuance, Applicant shall submit a lighting plan to the Development Services Department to the satisfaction of the Development Services Director.

11. All lighting structures shall be placed to confine direct rays to the subject property.

UTILITIES

12. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Development Services Department for review and approval prior to the Building and Safety Division Plan check.

13. All utility service lines, other than those that will cross Kaylor, shall be placed underground.

14. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each unit shall be separately metered.

CONSTRUCTION

15. During construction, the Applicant shall display a sign visible to the public from Walnut Street with a contact number of the construction superintendent to address any questions or concerns about demolition, grading, and construction activities.

16. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.

17. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.

18. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.

19. Stock piling and/or vehicle-staging areas shall be placed as far as practical from any residential homes.
20. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties and neighborhood.

21. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.

22. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.

ENGINEERING

23. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.

24. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.

25. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.

26. Driveway slopes shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.

27. If utility cuts in the street are excessive, the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.

28. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.

29. A City Public Works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.
30. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.

31. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.

32. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.

33. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Final Water Quality Management Plan (WQMP) that:

- Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas.
- Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
- Incorporates Treatment Control BMPs as defined in the DAMP.
- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
- Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
- Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

**ROSSMOOR/LOS ALAMITOS SEWER DISTRICT**

34. This area is served by the RLAASD. The District operates and maintains existing 8-inch diameter sewers in both Catalina Street and Kaylor Street. As depicted in the graphic below, the sewer in Catalina Street flows in a westerly direction joining the sewer in Kaylor Street at Manhole (MH) No. 828 at which point it flows in a southerly direction to MH No. 25 in Katella Avenue. From that point the flow proceeds in a westerly direction in an 8-inch diameter sewer in Katella Avenue. All of these previously referenced sewers appear to have sufficient capacity to handle discharges from the proposed new Central Plant; however, there is a reduction in capacity in the Katella Avenue sewer just west of Cherry Street.

35. Before the District can determine whether its sewers can handle discharges from the proposed new Central Plant, the applicant or their engineer must provide an
estimate of the anticipated daily discharges into the District's sewers. Concurrent with that submittal, the applicant/engineer must also provide information on the expected frequency of such discharges (i.e., will the discharges be constant throughout the day?; Will they vary from day to night?; Will they occur only at certain times of the day?; etc.). Given the reduction in capacity in the Katella Avenue sewer west of Cherry Street (into which the Catalina-Kaylor sewer flows), we must review the applicant/engineer's estimates of future anticipated Central Plant sewage flows and possibly re-run the District's Sewer Hydraulic Model before giving this project the green light.

36. If the project is found to be hydraulically sufficient, the project developer must submit engineering plans for the District's review and approval prior to connection to the District's sewer(s) in Catalina Street and/or Kaylor Street.

37. Prior to approval of the above-noted plans, the project developer must pay all applicable connection, permit, plan-check and inspection fees.

38. To allow us to proceed with running a hydraulic sewer model, we will need the following additional information:

- The specific location of the future hospital tower;

- Estimated daily discharges to the sewer system from the new hospital tower; and

- The number of beds planned for the proposed 176,000 SF Hospital tower.

ORANGE COUNTY FIRE AUTHORITY (OCFA)

39. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a grading permit, or a building permit if a grading permit is not required:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)

- fire sprinklers (service code PR425)
Exhibit B

North Bridge / Screen Tower

East Screen Tower

North Elevation

South Elevation

Street trees in foreground

Thermal energy storage tank in basement

Black on west edge, shown shaded for clarity

Black on west edge, shown shaded for clarity

Black on west edge, shown shaded for clarity

Black on west edge, shown shaded for clarity

LOS ALAMITOS MEDICAL CENTER
CENTRAL UTILITY PLANT

LOS ALAMITOS CENTRAL PLANT
COLORED ELEVATIONS

CA ARCHITECTS
LANDSCAPE AREA CALCULATIONS:

TOTAL LOT AREA: 52,665 SF
15% TOTAL REQUIRED: 7,890 S.F.
TOTAL LANDSCAPE AREA PROVIDED = 8,315 SF.
TOTAL PROVIDED EXCEEDS REQUIRED THEREFORE = OK
DEMOLITION PLAN

DEMOGEN NOTES

1. REMOVE EXISTING FITTINGS & FIXTURES
2. REMOVE EXISTING CONCRETE & LITTER
3. REMOVE EXISTING FENCES & FENCING
4. REMOVE EXISTING GLASS & GLAZING
5. REMOVE EXISTING WATER TANKS & VALVES
6. REMOVE EXISTING HEATING & COOLING EQUIPMENT
7. REMOVE EXISTING ELECTRICAL ENCLOSURES
8. REMOVE EXISTING RECESSED LIGHTING
9. REMOVE EXISTING WALLS
10. REMOVE EXISTING CEILINGS

LEGEND

NOTE:
PLANT SCHEDULE

<table>
<thead>
<tr>
<th>BOTANICAL NAME / COMMON NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trachelospermum jasminoides / Confederate Jasmine</td>
<td>3 Gal</td>
</tr>
<tr>
<td>Styrax japonicus / Japanese Bay</td>
<td>1 Gal</td>
</tr>
<tr>
<td>Callistemon citrinus <code>Little John</code> / Dwarf Bottle Brush</td>
<td>5 gal</td>
</tr>
<tr>
<td>Ligustrum japonicum <code>Texanum</code> / Wax Leaf Privet</td>
<td>5 gal</td>
</tr>
<tr>
<td>Stipa neomexicana / New Mexico Feathergrass</td>
<td>5 gal</td>
</tr>
<tr>
<td>Strelitzia reginae / Bird Of Paradise</td>
<td>15 gal</td>
</tr>
<tr>
<td>Lantana x <code>New Gold</code> / New Gold Lantana</td>
<td>1 Gal</td>
</tr>
<tr>
<td>Female azaleas / Gold Corpse</td>
<td>5</td>
</tr>
</tbody>
</table>
PLOTTED BY: BOLLARD 6" CONCRETE

1/2" RADIUS TYP. OF PORCELAIN STEEL WITH BEADED REFLECTORIZED SIGN CONSTRUCTED WHITE STEEL WITH BEADED TEXT OR REFLECTORIZED SIGN

POST TUBE GALVANIZED AS PER ASTM A653 GRADE 90
POST TUBE SHALL MEET ASTM A1011 GRADE 50
POST IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.

FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL OF UNIFORM TRAFFIC
CENTERLINE OF SIGN IS NO MORE THAN 24" FROM EDGE OF ROADWAY.
SIGNS MAY BE MOUNTED ON EXISTING POSTS OR BUILDINGS IF ROLLED CURB TO CENTER OF POST.

HEIGHT OF SIGN IN SIDEWALK OR PEDESTRIAN AREAS SHALL BE 80" AND
INTERNATIONAL SYMBOL OF ACCESSIBILITY (ISA).
"PASSENGER LOADING ZONE ONLY" AND INCLUDE THE DISTINGUISHING PLACARDS WITH DETAILS
ACCESSIBLE" CBC PER 11B LANGUAGE OR AN ADDITIONAL SIGN WITH THE DESIGNATION "VAN PARKING
ACCESSIBLE PARKING SPACES CONTAIN ADDITIONAL DISTINGUISHING PLACARDS OR BY TELEPHONING
UNAUTHORIZED VEHICLES WITH DISABILITIES MAY BE ACCESSIBLE SPACES NOT
WITH DETAILS 502.6
SIGN TO COMPLY WITH CBC SECTION 11B502.8. SEE DETAIL                   . FOR SIGN MOUNTING.

PARKING STALLS TO COMPLY WITH CBC SECTION 1129B.3.
SIGNAGE TO COMPLY WITH CBC SECTION 1131B.2
SEE DETAIL                  . FOR SIGN MOUNTING.
1. T.O. ROOF PAD/CURB DIMENSION SHOWN ARE TYPICAL ABOVE THE HIGHEST POINT OF THE RIDGE.
2. ADD 3/4" FIRE RESISTIVE EXT. GRADE PLYWOOD TO FACE OF SCHEDULED PARTITION AT 'IT' TELECOME ROOM, EXTEND TO 8'-0" HI. PAINTED TO MATCH ADJACENT WALL.
3. FOR SYMBOL LEGEND SEE SHEET G-000.
4. ALL DIMENSIONS ARE TO FACE OF STUD, CENTER OF COLUMN/GRID LINE, FACE OF CMU OR UON.
5. CONSTRUCT FIRE AND/OR SMOKE RATED ASSEMBLIES IN THEIR ENTIRETY PRIOR TO NON-RATED ASSEMBLIES.
6. EXPOSED COLUMNS, BEAMS, SUPPORTS SHALL BE PAINTED PER SPECIFICATION.
7. CAULK / SEAL ALL CONNECTIONS AND JOINTS BETWEEN CMU AND GYPSUM BOARD.
8. ELASTOMERIC WATERPROOF SEALANT AT ALL PENETRATIONS, CUT OUT, CAPS AND HOLES IN EXTERIOR WALLS/ENVELOPE OF BUILDING, MATCHING COLORS, UON. GROUT ANNULAR SPACING BETWEEN PIPING AND SLEEVES, WHERE OCCURS.
9. LOCATE DOOR JAMBS 4" AWAY FROM ADJACENT WALL UNLESS OTHERWISE DIMENSIONED.

GENERAL NOTES:

- SCALE: 1/8" = 1'-0"
1. TO ROOF PADD/CURB DIMENSION SHOWN ABOVE THE HIGHEST POINT OF THE RIDGE.
2. ADD 3/4” FIRE RESISTIVE EXT. GRADE PLYWOOD TO FACE OF SCHEDULED PARTITION AT ‘IT’ TELECOM ROOM, EXTEND TO 8’-0” HI. PAINTED TO MATCH ADJACENT WALL.
3. FOR SYMBOL LEGEND SEE SHEET G-000.
4. ALL DIMENSIONS ARE TO FACE OF STUD, CENTER OF COLUMN/GRID LINE, FACE OF CMU OR UN.
5. CONSTRUCT FIRE AND/or SMOKE RATED ASSEMBLIES IN THEIR ENTIRETY PRIOR TO NON-RATED ASSEMBLIES.
6. EXPOSED COLUMNS, BEAMS, SUPPORTS SHALL BE PAINTED PER SPECIFICATION.
7. CAULK/SEAL ALL CONNECTIONS AND JOINTS BETWEEN CMU AND GYPSUM BOARD.
8. ELASTOMERIC WATERPROOF SEALANT AT ALL PENETRATIONS, CUT OUTS, CAPS AND HOLES IN EXTERIOR WALLS/ENVELOPE OF BUILDING, MATCHING COLORS, UN.
9. LOCATE DOOR JAMBS 4” AWAY FROM ADJACENT WALL UNLESS OTHERWISE DIMENSIONED.

LEGEND

- L1: Rigid insulation
- L2: Fire barriers
- D1: Exit to floor below
- REGULATED TO SHARE ACCESIBILITY / DOOR CLEARANCE
- EQUIPMENT PAD, HTYP
- MECHANICAL SYSTEM
- ROOF DRAIN SYSTEM
- ROOF HATCH
- WALKING PAD, NOT ON EVERY FLOOR
- FLOOR SINK
- FD

GENERAL NOTES

- All work shall be performed consistent with all applicable codes, standards and specifications. The undersigned is responsible for the accuracy of this drawing.
- All work shall be compliant with the applicable local building codes and standards. The undersigned is responsible for the accuracy of this drawing.
- All work shall be performed in accordance with the applicable local building codes and standards. The undersigned is responsible for the accuracy of this drawing.
- All work shall be performed in accordance with the applicable local building codes and standards. The undersigned is responsible for the accuracy of this drawing.
- All work shall be performed in accordance with the applicable local building codes and standards. The undersigned is responsible for the accuracy of this drawing.
1. T.O. ROOF PAD/CURB DIMENSION SHOWN ARE TYPICAL ABOVE THE HIGHEST POINT OF THE RIDGE. 
2. ADD 3/4" FIRE RESISTIVE EXT. GRADE PLYWOOD TO FACE OF SCHEDULED PARTITION AT 'IT' TELECOME ROOM, EXTEND TO 8'-0" HI. PAINTED TO MATCH ADJACENT WALL. 
3. FOR SYMBOL LEGEND SEE SHEET G-000. 
4. ALL DIMENSIONS ARE TO FACE OF STUD, CENTER OF COLUMN/GIRD LINE, FACE OF CMU OR UON. 
5. CONSTRUCT FIRE AND/OR SMOKE RATED ASSEMBLIES IN THEIR ENTIRETY PRIOR TO NON-RATED ASSEMBLIES. 
6. EXPOSED COLUMNS, BEAMS SHALL BE PAINTED PER SPECIFICATION. 
7. CAULK/SEAL ALL CONNECTIONS AND JOINTS BETWEEN CMU AND GYPSUM BOARD. 
8. ELASTOMERIC WATERPROOF SEALANT AT ALL PENETRATIONS, CUT OUT, CAPS AND HOLES IN EXTERIOR WALLS/ENVELOPE OF BUILDING, MATCHING COLORS UON. 
9. LOCATE DOOR JAMBS 4" AWAY FROM ADJACENT WALL UNLESS OTHERWISE DIMENSIONED. 

GENERAL NOTES

CONSULTANT REVIEWED DRAWN APPROVAL REVISIONS AGENCY NO. ISSUE DATE STAMP

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LOS ALAMITOS MEDICAL CENTER
Central Plant Site Plan Review
Project Description

BACKGROUND

The Los Alamitos Medical Center hospital was constructed in 1968 and the Medical Center Campus has been modified several times. Four medical offices, a Total Care Pavilion, and a garage structure have been constructed as the campus has expanded.

The existing Medical Center provides medical care to over 100,000 patients each year, with over 88% of admissions from within a six-mile radius. The facility is a top employer in Los Alamitos, and supports local services through utility, property, first function uses, and sales taxes. As an acute care hospital, Los Alamitos Medical Center serves an essential function in the community.

In 2011, the Los Alamitos City Council certified an Environmental Impact Report (EIR) and adopted the Los Alamitos Medical Center Specific Plan to provide for the phased expansion and modernization of the Medical Center Campus. The EIR assumed the phased implementation of Medical Center Campus improvements including medical offices, a hospital expansion, a parking structure, and a new Central Plant. The Specific Plan identified net increase of 164 beds, and a 14,000 square-foot Central Plant. The first phase - a medical office building and parking structure - has been constructed and is a successful addition to the campus and the City. The Specific Plan contemplated two new bed towers and a Central Plant to be constructed in the second and third phases. The Specific Plan contemplated the Central Plant was to be located on Catalina Street.

PROPOSED PROJECT

- The current project is proposed to address needed improvements to utility component systems related to the age, location, function, and operating capacity of the systems. Many of the components are over 50 years old and are dispersed around and on the roof of the Medical Center. The Los Alamitos Medical Center administration is taking preventative steps to replace such systems and centralize them in one location as one new, fully integrated Central Plant that is modern, efficient and purposefully located within the campus to be a good neighbor to its community.
  There are numerous technical code-related reasons that make the construction of the Central Plant a critical need for the hospital; many of the utility systems cannot be upgraded in place. These technical constraints are outlined in Attachment 1 of this Project Description. Plans for the Central Plant must be processed and approved through the State of California Office of State Health Planning and Development (OSHPD). Although the City does not have discretionary approval authority, the project does require site plan review and approval by the City. This application is for Site Plan review. Attached plans include the site plans, building elevations, grading plan and a landscape plan.
- Demolish a two-story Medical Office Building MOB #1, and construct surface parking as promised in the approved Specific Plans.

Location.

- The proposed Central Plant would be sited on the periphery of the Medical Center Campus just north east of the off-site existing water tanks owned by Golden State Water (South/ East corner of Kaylor St./ Catalina St.).
• Surface Parking – Demolishing MOB #1 is located on the North/West corner of Katella Ave./Kaylor St.

Central Utility Plant is an Essential Facility. The 11,829 square-foot Central Plant is proposed as a free-standing, 2-story building of Type II-B construction. The Central Plant is designed to serve the existing hospital (167 bed/121,748 sf) and a proposed future patient hospital tower. The Central Plant siting accommodates the future location of the bed tower south of the proposed central plant. A new Central Plant is a critical facility supporting the emergency power, chilled water, and other needs of the existing and future hospital uses.

The features of the Central Plant include the following:

• Centralizing and upgrading the Electrical Emergency power.
• Centralizing and upgrading the Site electrical.
• Centralizing and upgrading the chilled water and cooling systems.
• Centralizing and upgrading the Boilers and Medical gases systems.
• Centralizing and upgrading the facility management and control systems.
• Reducing greenhouse gas emissions by increasing systems efficiency and installing a TES system (Thermal Energy Storage).

Utilities Paths:
• The wet utilities serving the existing hospital will exit the Central Utility Plant south west side (below grade) and continue directly underground and head south parallel to Kaylor St. and then daylight at the utility bridge base to span Kaylor Street through a screened utility bridge.
• The dry utilities serving the existing hospital will exit the Central Utility Plant south east side (below grade) through underground concrete banks and head south between the adjacent property (Aircraft Windshield Company) and the future Garage and then head west to connect to the utility bridge.
• All future patient tower will terminate underground just south of the Central Utility Plant.
# PARKING TABULATION:

<table>
<thead>
<tr>
<th>BUILDING IDENTIFICATION</th>
<th>BUILDING AREA (SQUARE FEET)</th>
<th>NUMBER OF BEDS</th>
<th>REQUIRED PARKING SPACES</th>
<th>PARKING LOT IDENTIFICATION</th>
<th>IN PARKING SPACES</th>
<th>DEMOLISHED PARKING SPACES</th>
<th>ADDED PARKING SPACES</th>
<th>PROVIDED PARKING SPACES POST CENTRAL UTILITY PLANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING HOSPITAL</td>
<td>127,745</td>
<td>167</td>
<td>1,000</td>
<td>A</td>
<td>94</td>
<td>-3</td>
<td>3</td>
<td>54</td>
</tr>
<tr>
<td>EXISTING MOB 1 (TO BE DEMOLISHED)</td>
<td>24,000</td>
<td>-</td>
<td>-120</td>
<td>B</td>
<td>90</td>
<td>-100</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>EXISTING MOB 2 (UNALTERED)</td>
<td>64,000</td>
<td>-</td>
<td>200</td>
<td>C</td>
<td>100</td>
<td>0</td>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>EXISTING MOB 3 (UNALTERED)</td>
<td>60,000</td>
<td>-</td>
<td>300</td>
<td>D</td>
<td>400</td>
<td>-100</td>
<td>3</td>
<td>320</td>
</tr>
<tr>
<td>EXISTING TOTAL CARE PAVILION (UNALTERED)</td>
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<td>-</td>
<td>30</td>
<td>F</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>EXISTING ADMINISTRATION / WAREHOUSE BUILDING</td>
<td>16,000</td>
<td>-</td>
<td>30</td>
<td>G</td>
<td>82</td>
<td>0</td>
<td>0</td>
<td>82</td>
</tr>
<tr>
<td>EXISTING MOB 7/MEDICAL GARAGE</td>
<td>75,100</td>
<td>-</td>
<td>343</td>
<td>GARAGE 1</td>
<td>1,079</td>
<td>0</td>
<td>0</td>
<td>1,079</td>
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<tr>
<td>NEW CENTRAL UTILITY PLANT</td>
<td>11,619</td>
<td>-</td>
<td>0</td>
<td>CENTRAL UTILITY PLANT</td>
<td>0</td>
<td>0</td>
<td>3</td>
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</tr>
<tr>
<td>GRAND TOTAL</td>
<td>442,249</td>
<td>167</td>
<td>1,647</td>
<td></td>
<td>1,841</td>
<td>-134</td>
<td>53</td>
<td>1,781</td>
</tr>
</tbody>
</table>
## B. Parking Plan

A total of up to 1,966 on-site parking spaces will be provided within the Specific plan Area at build-out, configured in surface and structured parking areas. Parking will be provided at ratios that meet or exceed the parking standards of the Specific Plan Development Regulations as shown in Table 3, Parking Requirements, based on the anticipated phased build-out of the project. The final parking requirement will be based on the parking ratios outlined in the Development Regulations of this Specific Plan, calculated at the time of final site plan review, and thus may vary slightly based on final square footages. Parking would be on a paid basis, with employee parking provided at no charge. Employees would take access to the parking areas and/or structure(s) via separate controlled entry points.

### Table 3
Parking Requirements

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Use</th>
<th>Square Feet</th>
<th>Beds</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Main Hospital</td>
<td></td>
<td>121,748</td>
<td>167</td>
<td>292</td>
</tr>
<tr>
<td>Existing MOB 1 (interim until demolished in Phase 2)</td>
<td></td>
<td>24,000</td>
<td>-</td>
<td>120</td>
</tr>
<tr>
<td>Existing MOB 2 (unaltered)</td>
<td></td>
<td>64,000</td>
<td>-</td>
<td>320</td>
</tr>
<tr>
<td>Existing MOB 3 (unaltered)</td>
<td></td>
<td>60,000</td>
<td>-</td>
<td>300</td>
</tr>
<tr>
<td>Existing Total Care Pavilion (unaltered)</td>
<td></td>
<td>71,676</td>
<td>-</td>
<td>358</td>
</tr>
<tr>
<td>Existing Administration/Warehouse Building (interim until demolished in Phase 2)</td>
<td></td>
<td>15,099</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>New Medical Office Building A</td>
<td></td>
<td>75,100</td>
<td>-</td>
<td>-376 347</td>
</tr>
<tr>
<td>Subtotal Phase 1 (Stand Alone)</td>
<td></td>
<td>431,623</td>
<td>167</td>
<td>1,796 1,767</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 2</th>
<th>Use</th>
<th>Square Feet</th>
<th>Beds</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Main Hospital</td>
<td>(Internal reconfiguration with bed count reduction)</td>
<td>(no change)</td>
<td>-54</td>
<td>-94 Reduction due to reduced bed count</td>
</tr>
<tr>
<td>New Hospital/patient care building 1</td>
<td></td>
<td>88,100</td>
<td>92</td>
<td>161</td>
</tr>
<tr>
<td>Demolition of MOB 1</td>
<td></td>
<td>-24,000</td>
<td>-</td>
<td>-120</td>
</tr>
<tr>
<td>Demolition of Administration/Warehouse Bldg.</td>
<td></td>
<td>-15,099</td>
<td>-</td>
<td>-26</td>
</tr>
<tr>
<td>Subtotal Phase 2 (net)</td>
<td></td>
<td>49,001</td>
<td>92</td>
<td>-79</td>
</tr>
<tr>
<td>Cumulative Total Phase 2</td>
<td></td>
<td>480,624</td>
<td>205</td>
<td>1,717</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase 3</th>
<th>Use</th>
<th>Square Feet</th>
<th>Beds</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hospital/patient care building 2</td>
<td></td>
<td>88,100</td>
<td>126</td>
<td>221</td>
</tr>
<tr>
<td>New Central Plant</td>
<td></td>
<td>14,100</td>
<td>-</td>
<td>28*</td>
</tr>
<tr>
<td>Subtotal Phase 3</td>
<td></td>
<td>102,200</td>
<td>-</td>
<td>249</td>
</tr>
<tr>
<td>BUILD-OUT TOTAL</td>
<td></td>
<td>582,824</td>
<td>331</td>
<td>1,966</td>
</tr>
</tbody>
</table>

Parking ratios: Hospital (1.75 spaces/bed), Medical Office (5 spaces/1,000 sf), Office (4 spaces/1,000 sf), warehouse (1 space/1,000 sf), Central Plant (1 space/500 sf)

* At the time of site plan review the parking requirement for the Central Plant shall be determined based upon the floor plans for the final design, calculated at a the Central Plant ratio identified in the Development Regulations of this document. If no office space is present, no parking will be required.

** Proposed Central Plant do not have office spaces.
LOS ALAMITOS MEDICAL CENTER - CENTRAL UTILITY PLANT
NOISE EMISSION STUDY

Los Alamitos Medical Center

C|a Architects
December 28, 2018

CSDA Design Group
Los Alamitos Medical Center – Central Utility Plant
Noise Emission Study

December 28, 2018

Prepared for:
AJ Omar
c|a Architects

Prepared by:
Patrick Murphy

CSDA Design Group
889 North Douglas Street, Suite 100
El Segundo, CA 90245

CSDA Project No. 1646.01
Table of Contents

Section                                      Page
1.0  Executive Summary................................................................. 2
2.0  Project Description................................................................. 2
3.0  Acoustical Criteria................................................................. 3
    3.1  Los Alamitos Medical Center Specific Plan (SP 09-1).................... 3
    3.2  Los Alamitos General Plan.................................................... 4
    3.3  Los Alamitos and Orange County Municipal Code.......................... 4
    3.4  Facility Guidelines Institute................................................ 5
    3.5  Criteria Summary............................................................... 6
4.0  Ambient Noise Measurements................................................... 7
    4.1  Weather .............................................................................. 7
    4.2  General Noise Conditions....................................................... 7
    4.3  Noise Measurement Results...................................................... 7
5.0  Noise Level Calculation Methodology............................................ 9
6.0  Results and Analysis................................................................. 10
    6.1  Phase One Noise Levels - CUP Serving Existing Hospital................. 10
    6.2  Phase Two Noise Levels - CUP Serving the Existing Hospital and the New Patient Tower 11
    6.3  General Noise Mitigation Recommendations.................................... 13
7.0  Conclusion.................................................................................. 13

List of Figures

Figure                                      Page
Figure 1: Long Term (LT) Measurement Locations LT-1 and LT-2.................... 7
Figure 2: LT-1 Measurement Data ................................................................ 8
Figure 3: LT-2 Measurement Data ................................................................ 8
Figure 4: Calculated Equipment Noise Levels – Phase One – CUP Serving Existing Hospital 11
Figure 5: Calculated Equipment Noise Levels – Phase Two – CUP Serving Existing Hospital and New Patient Tower.......................................................... 12

List of Tables

Table                                      Page
Table 1: Los Alamitos and Orange County Municipal Code Exterior and Interior Noise Standards 5
Table 2: FGI Guidelines Minimum and Maximum Design Criteria for Noise in Interior Spaces 6
Table 3: Noise Measurement Results................................................................ 8
Table 4: Noise Modeling Assumptions.................................................................. 9
Table 5: Phase One Property Line Noise Levels at Height of 10 Feet..................... 10
Table 6: Phase Two Property Line Noise Levels at Height of 10 Feet..................... 11
1.0 Executive Summary

CSDA has completed a noise emission study to determine compliance with applicable acoustical criteria, and potential impact on the future hospital tower to be constructed 170 feet south of the Los Alamitos Medical Center (LAMC) Central Utility Plant (CUP). The following summarizes our findings:

The existing environmental noise levels at the nearest property line range from $L_{eq}$ 56 dBA to 63 dBA. The calculated day/night average sound level ranged between $L_{dn}$ 65 dBA to $L_{dn}$ 67 dBA.

Based on our analysis, CUP equipment noise levels will not exceed 70 dBA at the nearest property lines, which is an industrial property, therefore, the project will comply with the City of Los Alamitos Municipal Code.

CUP equipment noise levels will comply with the City Municipal Code requirements at the nearby Los Alamitos Elementary School and residential property lines based on the results for our analysis.

Although not required for code compliance, we recommend an interior noise criterion of 45 dBA be applied for the patient rooms in the new Patient Tower due to exterior noise intrusion, based upon The Guidelines for Design and Construction of Health Care Facilities (2014 edition) published by the Facility Guidelines Institute (FGI). To meet this criterion, we recommend the noise generated by the cooling towers not exceed 65 dBA at the nearest façade of the future hospital. Based on our analysis, CUP equipment noise levels will not exceed this criterion with the following design elements and noise mitigation measures.

- 21 ″ tall equipment screen consisting of acoustic louvers similar to Kinetics KCAC-3.
- Super Low Sound Fans installed on all three Evapco cooling towers.

2.0 Project Description

CSDA understands the project is a new ground up Central Utility Plant (CUP), located on Los Alamitos Medical Center property across Kaylor Street from the main hospital. The facility is designed to provide all utilities except medical gas (utilizing chillers, boilers, cooling towers, pumps, generators and emergency generators) for the existing 167 bed hospital and the planned new Patient Tower.

We have analyzed two (2) phases of development.

a) Phase One: CUP serving the existing hospital.

b) Phase Two: CUP serving the existing hospital and the new Patient Tower.

---

1 $L_{eq}$: The equivalent continuous sound level which would contain the same sound energy as the time varying sound level over time $t$.

2 Day/Night Average Sound Level ($L_{dn}$ or DNL): A descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a 10 dB penalty applied to noise occurring during the nighttime hours (10 pm to 7 am) to account for the increased sensitivity of people during sleeping hours. A 10 dB increase in sound level is perceived by people to be twice as loud.

3 http://www.fgiguidelines.org/
Based on Figure 1-3 in the City’s General Plan, the project and neighboring parcels are zoned P-M (Planned Light Industrial). The project is located approximately within 525 feet of a commercial zone, 590 feet of a residential zone and 760 feet of Los Alamitos Elementary School.

The noise producing equipment in the proposed CUP includes:
- Ground Level (open to sky)
  - Three (3) emergency generators
- 1st Floor (enclosed)
  - Three boilers
  - Three chillers
  - 17 pumps
- 2nd Floor (enclosed)
  - Medical vacuum pump
  - Medical air compressor
- Roof (open to sky)
  - Three (3) cooling towers and two sweepers, enclosed with an equipment screen consisting of acoustic louvers on the north, west and south walls.

CSDA conducted a noise emission study to calculate the future noise levels produced by the CUP and provide noise mitigation recommendations to comply with applicable acoustical criteria.

3.0 Acoustical Criteria

3.1 Los Alamitos Medical Center Specific Plan (SP 09-1)

The Los Alamitos Medical Center Specific Plan, adopted February 2011, contains the following policies/actions applicable to this project:

Specific Plan Goals
- Comply with the City of Los Alamitos General Plan Goals and Policies
- Design the project with consideration of the site’s circulation, environmental, and physical opportunities and constraints.

Site Planning
- Loading, delivery service areas, outdoor storage, standalone mechanical facilities, should be located and designed to minimize their visibility, circulation conflicts and adverse noise impacts. Sound attenuation walls should be used where appropriate to reduce noise where required by code or the project’s environmental analysis.

Applicable General Plan Implementing Goals and Policies and Consistency of Proposed Project

| Policy 6-2.1: Potential noise impacts due to stationary sources should be mitigated in the planning stage. | Consistent. The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the General Plan Noise Element, Municipal Codes Section 17.24.020(d) requirements, recommended mitigation measures, and the acoustical Significance Criteria and Incremental Effects. |

---

4 http://cityoflosalamitos.org/?wpfb_did=303
The Central Plant is located approximately 386 feet northwest of the nearest sensitive receptors. Furthermore, the off-site buildings, Catalina Street, and street trees and vegetation would serve as a buffer between the project site and these residential uses. Refer to Section 5.5. Noise for a discussion of impacts and Mitigation Measure NOI-1 which states stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporated insulations barriers, or other measures to the extent feasible.

### 3.2 Los Alamitos General Plan

The Los Alamitos General Plan⁵, adopted March 2015, contains the following policies/actions applicable to this project:

**GOAL 4:** An environment in which minimized noise contributes to the public’s health, safety, and welfare.

**POLICY 4.1 Land Use Compatibility:** Approve development and require mitigation measures to ensure existing and future land use compatibility as shown in the City’s Noise Ordinance, the Land Use and Noise Compatibility Matrix, the State Interior and Exterior Noise Standards, and the Airport Environ Land Use Plan for the JFTB.

**POLICY 4.3 Control Sound at the Source:** Prioritize noise mitigation measures to control sound at the source over buffers, sound walls, and other perimeter measures.

**POLICY 4.4 Noise Impacts.** Minimize or eliminate persistent, periodic, or impulsive noise impacts of business operations.

### 3.3 Los Alamitos and Orange County Municipal Code

The following items from Chapter 17.24⁶ of the Los Alamitos Municipal Code are applicable to this project.

- Exterior and Interior Noise Standards (Sections 17.24.050 and 17.24.070) The following noise standards, unless otherwise specifically indicated, shall apply to all real property within a designated noise zone:

---

Table 1: Los Alamitos and Orange County Municipal Code Exterior and Interior Noise Standards

<table>
<thead>
<tr>
<th>Noise Zone</th>
<th>Exterior Noise Standards</th>
<th>Interior Noise Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Noise Level (dBA)</td>
<td>Time Period</td>
</tr>
<tr>
<td>1 (Residential) day</td>
<td>55</td>
<td>7 a.m. to 10 p.m.</td>
</tr>
<tr>
<td>1 (Residential) night</td>
<td>50</td>
<td>10 p.m. to 7 a.m.</td>
</tr>
<tr>
<td>2 (Professional and Institutional)</td>
<td>55</td>
<td>Anytime</td>
</tr>
<tr>
<td>3 (Commercial)</td>
<td>60</td>
<td>Anytime</td>
</tr>
<tr>
<td>4 (Industrial)</td>
<td>70</td>
<td>Anytime</td>
</tr>
</tbody>
</table>

Prohibited Exterior Noise Levels (Section 17.24.060). It is unlawful or a person to create noise or to allow the creation of noise on property owned leased, occupied, or otherwise controlled by a person, that causes the noise level when measured on a residential, public institutional, professional, commercial or industrial property, either within or without the city, to exceed the applicable noise standard. The noise levels at the affected property shall not exceed:

1. The noise standard for a cumulative period of more than 30 minutes in any hour; or
2. The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or
3. The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or
4. The noise standard plus 15 dBA for a cumulative period of more than one minute in any hour; or
5. The noise standard plus 20 dBA for any period of time.

Maximum Allowable Noise Levels (Section 17.24.060.B). In the event the ambient noise level exceeds the noise limit categories listed above, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category (noise standard plus 20 dBA), the maximum allowable noise level under that category shall be increased to reflect the maximum ambient noise level.

Exemptions. A mechanical device, apparatus, or equipment used, related to or connected with emergency machinery, vehicle or work.

Note: This is interpreted by the design team to include the emergency generators proposed for this project.

3.4 Facility Guidelines Institute

The CUP will be designed to serve the existing bed hospital as well as the new Patient Tower that will be completed in the second phase as described in the Los Alamitos Medical Center Specific Plan. We understand the future Patient Tower will be located within 34 feet of the CUP building footprint.

The Guidelines for Design and Construction of Health Care Facilities (2014 edition)\(^7\) published by the Facility Guidelines Institute (FGI) contains policies/actions that can be applied to this project, as the California Building Code/OSHPD\(^8\) does not address environmental noise intrusion.

Table 2 presents the minimum and maximum design criteria for noise in interior spaces.

\(^7\) http://www.fgipguidelines.org/

\(^8\) OSHPD: California’s Office of Statewide Health Planning and Development (OSHPD) is the leader in collecting data and disseminating information about California’s healthcare infrastructure.
Table 2: FGI Guidelines Minimum and Maximum Design Criteria for Noise in Interior Spaces

<table>
<thead>
<tr>
<th>Room Type</th>
<th>NC / RC(N) / RNC A,B,C,D</th>
<th>dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patient rooms</td>
<td>30–40</td>
<td>35–45</td>
</tr>
<tr>
<td>Multiple occupant patient care areas</td>
<td>35–45</td>
<td>40–50</td>
</tr>
<tr>
<td>NICU1</td>
<td>25–35</td>
<td>30–40</td>
</tr>
<tr>
<td>Operating rooms2</td>
<td>35–45</td>
<td>40–50</td>
</tr>
<tr>
<td>Corridors and public spaces</td>
<td>45–55</td>
<td>50–60</td>
</tr>
<tr>
<td>Testing/research lab, minimal speech2</td>
<td>40–50</td>
<td>45–55</td>
</tr>
<tr>
<td>Research lab, extensive speech2</td>
<td>35–45</td>
<td>40–50</td>
</tr>
<tr>
<td>Group teaching lab</td>
<td>30–40</td>
<td>35–45</td>
</tr>
<tr>
<td>Doctor's offices, exam rooms</td>
<td>25–35</td>
<td>30–40</td>
</tr>
<tr>
<td>Conference rooms</td>
<td>25 (max)</td>
<td>30 (max)</td>
</tr>
<tr>
<td>Teleconferencing rooms</td>
<td>25 (max)</td>
<td>30 (max)</td>
</tr>
<tr>
<td>Auditoriums, large lecture rooms</td>
<td>25–30</td>
<td>30–35</td>
</tr>
</tbody>
</table>

1 NICU building mechanical noise levels were set for compliance with Guidelines requirements when added to NICU activity noise.
2 See A1.2.6.1.4 for recommended ranges for operating rooms.
3 See the white paper “Sound and Vibration Design Guidelines for Health Care Facilities” (January 1, 2010) posted at www.fgiguideines.org for a discussion of room noise rating criteria. Also see A1.2.6.1.4 (Room noise levels in operating rooms).
4 One rating system shall be chosen to evaluate room noise levels, and noise from building mechanical systems shall be evaluated using the single rating system.

Although the future hospital has not yet been designed, the exterior noise level at the nearest facade to the CUP should be reduced so the interior noise criteria, presented in Table 2, can be achieved using typical construction methods and materials. Typical construction practices and materials can usually provide 20-25 dBA of noise reduction.

3.5 Criteria Summary

Based on the above, the following summarizes the design noise criteria for this project:

- Noise generated by the CUP should not exceed the following:
  - **Exterior.** 70 dBA should not be exceeded at the nearest Industrial property line. We understand the footprint of the CUP will be within 70 feet of this property line. Presently, this is the most stringent exterior noise criterion for this project. As stated in Section 3.3, the maximum allowable property line noise level may increase if the measured ambient exceeds the noise limit categories presented in 17.24.060 of the City’s Municipal Code.

- **Interior.** A noise level of 45 dBA should not be exceeded in the patient rooms of the new hospital tower. This is based on the FGI guidelines and the City’s interior, nighttime noise criteria for residences. Although the future hospital tower is not zoned as residential, the interior noise criterion of 45 dBA is derived from sleep disturbance studies, which is applicable to patient rooms.
4.0 Ambient Noise Measurements

Noise measurements were conducted to quantify the existing environmental noise levels at the site. The following discusses the measurements and results.

4.1 Weather

During the measurements, the maximum wind speed was 9 miles per hour (mph); wind noise did not affect the measurements. The temperature ranged from a low of 48°F to a high of 64°F, and the humidity level ranged from a low of 44% to a high of 100%, with no precipitation.

4.2 General Noise Conditions

The measured noise environment is primarily influenced by mechanical noise associated with surrounding industrial facilities and local vehicular traffic on Kaylor Street, Catalina Street and Kyle Street. Minor noise sources include onsite traffic noise, birds, and general city noise.

4.3 Noise Measurement Results

To long-term (i.e., 24 hour) measurements were conducted at the project site from December 13 to 14, 2018. The long term measurements were taken in secured lock boxes 12 feet above the ground. Measurements commenced at 10:00 AM on December 13 and ended at 11:46 AM on December 14.

The equipment was calibrated immediately before and after the measurements with no significant drift in response. Figure 1 shows the measurement locations, and Table 3 summarizes the noise measurement results.

Figure 1: Long Term (LT) Measurement Locations LT-1 and LT-2
Table 3: Noise Measurement Results

<table>
<thead>
<tr>
<th>Measurement Location</th>
<th>L_{day} dBA</th>
<th>Daytime Noisiest Hour, dBA</th>
<th>Nighttime Noisiest Hour, dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>LT-1: Eastern Property Line</td>
<td>66</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>LT-2: Near Northern Property Line</td>
<td>69</td>
<td>63</td>
<td>63</td>
</tr>
</tbody>
</table>

LT = Long-term meter, 12' height

Figure 2 and Figure 3 present the time-history results in hourly intervals at locations LT-1 and LT-2, respectively. The City’s noise standard for industrial land use is shown as well. The measured ambient noise levels did not exceed the City’s noise standard (70 dBA) for industrial land uses during the long-term measurement. Therefore, according to section 17.24.060 of the City’s Municipal Code, the applicable property line noise standard at the eastern property line is 70 dBA.
5.0 Noise Level Calculation Methodology

In order to calculate the future noise levels of the proposed CUP, we used three-dimensional noise modeling software (CadnaA). The model incorporates the geometry of the project site and the adjacent buildings, and accounts for site-specific acoustical characteristics (e.g., acoustical louvers, reflected noise from neighboring buildings). The model was created based on the architectural drawings received December 11, 2018 and the topographical survey. The noise sources in the model were based on the manufacturers’ published sound data for the mechanical equipment. Where manufacturer’s sound data was not available, representative sound data was used based on the specifications of the equipment.

The height of the cooling tower enclosure, consisting of acoustic louvers, is 21-1/2 feet above the roof. We used the insertion loss associated with Kinetics KCAC-3 acoustical louvers with a depth of 24” for the north, west and south walls of the equipment enclosure. The acoustic model includes sound data with the Evapco cooling towers outfitted with the manufacturer’s Super Low Sound Fan.

Our analysis was broken into two phases:

- Phase One: CUP serving the existing hospital.
- Phase Two: CUP serving the existing hospital and the new Patient Tower.

Table 4 summarizes the assumptions/inputs into the noise model:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Quantity</th>
<th>Location</th>
<th>Modeled Unit</th>
<th>Noise Level, dBA</th>
<th>Source</th>
<th>Operating Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boiler</td>
<td>3</td>
<td>Boiler Rm</td>
<td>Burnham 45PW-200</td>
<td>87.5 @ 3.3ft</td>
<td>Noise Control for Buildings and Manufacturing Plants⁹</td>
<td>Two at full load, one on standby</td>
</tr>
<tr>
<td>Pump (Boiler Rm)</td>
<td>9</td>
<td>Boiler Rm</td>
<td>Weg Pump Motor</td>
<td>69 @ 3.3ft</td>
<td>Manufacturer</td>
<td>Six at full load, three on standby</td>
</tr>
<tr>
<td>Chiller</td>
<td>3</td>
<td>Chiller Rm</td>
<td>York YMC2-S1934AB</td>
<td>73 @ 3.3ft</td>
<td>Manufacturer</td>
<td>Two at full load, one on standby</td>
</tr>
<tr>
<td>Pump (Chiller Rm)</td>
<td>9</td>
<td>Chiller Rm</td>
<td>Weg Pump Motor</td>
<td>69 @ 3.3ft</td>
<td>Manufacturer</td>
<td>Six at full load, three on standby</td>
</tr>
<tr>
<td>Cooling Tower with enclosure*</td>
<td>3</td>
<td>Rooftop</td>
<td>Evapco AT 122-3N20, Super Low Sound Fan</td>
<td>Top: 71@5ft, Sides: 78@5ft</td>
<td>Manufacturer</td>
<td>Two at full speed, one on standby</td>
</tr>
<tr>
<td>Sweeper</td>
<td>2</td>
<td>Rooftop</td>
<td>Weg, 10hp electric motor</td>
<td>72 @ 3.3ft</td>
<td>Manufacturer</td>
<td>One at full load, one on standby</td>
</tr>
<tr>
<td>Medical Vacuum Pumps</td>
<td>4</td>
<td>Med Vac/Air</td>
<td>BeaconMedaes VHS10T-200V-Q</td>
<td>90 @ 3.3ft</td>
<td>Manufacturer</td>
<td>Four at full load</td>
</tr>
</tbody>
</table>

6.0 Results and Analysis

6.1 Phase One Noise Levels - CUP Serving Existing Hospital

We have analyzed both daytime and nighttime noise levels for Phase One. **No mitigation is necessary to meet the City noise criteria for Phase One.**

Table 5 summarizes the results of our Phase One calculations at the property lines:

<table>
<thead>
<tr>
<th>Location and Land Use</th>
<th>Time Period</th>
<th>Ambient Noise Level (dBA)</th>
<th>Equipment Noise Level (dBA)</th>
<th>Cumulative Noise Level (dBA)</th>
<th>Criteria (dBA)</th>
<th>Meets Criteria?</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Property Line: Industrial</td>
<td>Day</td>
<td>60</td>
<td>45</td>
<td>60</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>60</td>
<td>45</td>
<td>60</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td>West Property Line: Industrial</td>
<td>Day</td>
<td>63</td>
<td>48</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>63</td>
<td>48</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td>North Property Line: Industrial</td>
<td>Day</td>
<td>63</td>
<td>48</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>63</td>
<td>48</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Figure 4 is a noise contour map of the calculated equipment noise levels at a height of 10 feet for Phase 1.
6.2 Phase Two Noise Levels - CUP Serving the Existing Hospital and the New Patient Tower

We have analyzed both daytime and nighttime noise levels for Phase Two. **No mitigation is necessary to meet the City noise criteria for Phase Two.** Mitigation is also not necessary to meet our suggested criterion of 65 dBA at the north façade of the future hospital (to achieve the 45 dBA interior noise level criterion).

Table 6 summarizes the results of our Phase Two calculations at the property lines:

<table>
<thead>
<tr>
<th>Location and Land Use</th>
<th>Time Period</th>
<th>Ambient Noise Level (dBA)</th>
<th>Equipment Noise Level (dBA)</th>
<th>Cumulative Noise Level (dBA)</th>
<th>Criteria (dBA)</th>
<th>Meets Criteria?</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Property Line: Industrial</td>
<td>Day</td>
<td>60</td>
<td>47</td>
<td>60</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>60</td>
<td>47</td>
<td>60</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td>West Property Line: Industrial</td>
<td>Day</td>
<td>63</td>
<td>52</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>63</td>
<td>52</td>
<td>63</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td>North Property Line: Industrial</td>
<td>Day</td>
<td>63</td>
<td>55</td>
<td>64</td>
<td>70</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>63</td>
<td>55</td>
<td>64</td>
<td>70</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Future Hospital:

<table>
<thead>
<tr>
<th>Floor</th>
<th>Day</th>
<th>Night</th>
<th>Day</th>
<th>Night</th>
<th>Day</th>
<th>Night</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>60</td>
<td>45</td>
<td>60</td>
<td>60</td>
<td>65*</td>
<td>Yes</td>
</tr>
<tr>
<td>2nd</td>
<td>60</td>
<td>46</td>
<td>60</td>
<td>60</td>
<td>65*</td>
<td>Yes</td>
</tr>
<tr>
<td>3rd</td>
<td>60</td>
<td>48</td>
<td>60</td>
<td>60</td>
<td>65*</td>
<td>Yes</td>
</tr>
<tr>
<td>4th</td>
<td>60</td>
<td>49</td>
<td>60</td>
<td>60</td>
<td>65*</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* CSDA’s suggested criterion at hospital façade to allow standard construction to satisfy FGI interior noise criterion of 45 dBA

Figure 5 is a noise contour map of the calculated equipment noise levels at a height of 10 feet for Phase 2.

Table 5 and Figure 6 show the calculated equipment noise levels at the nearest property lines and at each floor of the future hospital’s north façade will comply with the project criteria.
6.3 General Noise Mitigation Recommendations

Our analysis assumed all doors were closed and properly sealed. If the doors of the CUP are left open, the City's property line criteria may be exceeded. Since doors are often the acoustical 'weak link' in a composite wall construction, we recommend the following:

- Closed Doors. The CUP should be designed to allow necessary ventilation for proposed equipment to eliminate the need for open or louvered doors for equipment cooling.
- Sealing Steel Doors. All exterior steel doors should have perimeter seals (Pemko S-88) and a drop seal (Pemko 434A/420A) to maintain the acoustical integrity of the door. The acoustical performance of a door without proper seals is severely degraded.
- Sealing Roll-Up Doors. All roll-up doors should be fitted with weather seals at bottom and interior side guides, so the door can seal tightly against the structure when closed.

7.0 Conclusion

Based on our ambient noise survey, the criteria presented in Section 3.0 and our analysis of Phase One and Phase Two, the project will satisfy the City's property line noise limit of 70 dBA. Although not required for Code compliance, the calculated noise level at the nearest facade of the future hospital is less than 65 dBA. This is expected to allow the suggested interior noise criterion of 45 dBA to be satisfied in the future hospital with typical facade construction methods and materials.

This concludes our environmental noise study for Los Alamitos Medical Center CUP; please contact us with questions.
Fly-over Video – view at:

https://vimeo.com/339224787
March 20, 2019

City of Los Alamitos Planning Department
3191 Katella Ave.
Los Alamitos, CA 90720

Attention: Tom Oliver, Associate Planner

RE: Central Utility Plant

Dear Tom:

This letter is in reference to the request for additional information as it relates to the Central Utility Plant (CUP) and future campus development.

At this time, we have engaged our Architects to begin the conceptual plans and drawings as it relates to the demolition of the Medical Office Building on Kaylor and Katella. The demolition would take place approximately six (6) months after receiving OSHPD approval for the CUP project.

Our Architects have also been engaged with developing the conceptual plans and drawings for the Patient Tower and Parking Structure. As you are very well aware, this process is extensive and requires substantial time and financial investment. Nevertheless, our intent is to submit a complete application to the City of Los Alamitos for site plan review prior to the February 2021 deadline (10th anniversary of the adopted Specific Plan).

I appreciate the Planning Commission’s support as we improve our campus and physical plant.

Sincerely,

Kent Clayton
Chief Executive Officer
PATIENT TOWER CONCEPT RENDERING
DATE: APRIL 10, 2019

LOS ALAMITOS MEDICAL CENTER
CENTRAL UTILITY PLANT

PATIENT TOWER CONCEPT RENDERING
DATE: APRIL 10, 2019

LOS ALAMITOS MEDICAL CENTER
CENTRAL UTILITY PLANT

PATIENT TOWER CONCEPT RENDERING
DATE: APRIL 10, 2019
City of Los Alamitos
PLANNING COMMISSION/SUBDIVISION
COMMITTEE AGENDA REPORT

MEETING DATE: June 26, 2019
ITEM NUMBER: 9B

To: Chair Riley and Members of the Planning Commission
Via: Les Johnson, Development Services Director
From: Tom Oliver, Associate Planner
Subject: General Plan Amendment (GPA) 19-01
Zoning Ordinance Amendment (ZOA) 17-04
Targeted Zoning & Subdivisions Code Update

SUMMARY: Consideration of a resolution recommending adoption of a Targeted
Zoning & Subdivisions Code Update to the City Council through a Zoning Ordinance
Amendment, and whether to amend certain sections of the General Plan through a
General Plan Amendment, to include an addendum to the 2015 General Plan Final
Environmental Impact Report.

RECOMMENDATION:

1. Open the Public Hearing; and, if appropriate,

2. Adopt Resolution No. 19-09, entitled, “A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA,
RECOMMENDING THE CITY COUNCIL: (1) AMEND THE LOS ALAMITOS
GENERAL PLAN, AND (2) FOLLOWING SUCH AN AMENDMENT TO THE
GENERAL PLAN, APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 17-04,
AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE
(CITY INITIATED).”

APPLICANT: City of Los Alamitos

LOCATION: Citywide

ENVIRONMENTAL: Public Resources Code § 21065 defines "project" as "an
activity which may cause either a direct physical change in
the environment, or a reasonably foreseeable indirect
physical change in the environment." The proposed
Resolution does not have the potential to result in either a
direct physical change in the environment, or a reasonably
foreseeable indirect physical change in the environment, as
the resolution does not call for any change in the existing environmental conditions within the City. Instead, the proposed Resolution merely recommends that the City Council: (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Code Amendment (ZCA) 17-04. Accordingly, the Ordinance is not a "project" subject to California Environment Quality Act (CEQA). (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if this action could be construed to be a project subject to the CEQA, the proposed Resolution is exempt pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the proposed Resolution does not constitute "approval" of any identifiable projects.

**APPROVAL CRITERIA:**

After the close of the public hearing, the commission shall forward a written recommendation to the council whether to approve, approve in modified form, or disapprove the proposed code amendment, based on the findings contained in LAMC Section 17.70.050 (Findings and decision). The recommendations of the commission on proposed amendments shall be adopted by a majority of the total voter members of the commission (LAMC § 17.70.030).

**NOTICING:**

The Public Hearing Notice of this meeting was published as an 1/8 page notice in the June 10, 2019 issue of the News Enterprise.

**BACKGROUND:**

On March 23, 2015, the City of Los Alamitos City Council certified the FEIR for the General Plan Update and adopted by resolution a comprehensive update of the Los Alamitos General Plan. The General Plan guides the City to the year 2035 by establishing goals and policies that address land use, mobility and circulation, economic development, and related issues. The Zoning Code (LAMC Title 17) consists of text that explains the purposes of each district; specifies permitted, administrative, and conditional uses; and establishes development requirements. The Zoning Code serves as the primary tool to achieve the goals, policies, and development expectations established in Los Alamitos's Land Use Plan. Under California law, the Zoning Code must be consistent with the General Plan.
In 2018, the City began the work necessary to update to the Subdivision and Zoning Codes, and the Zoning Map, with the primary objective being to ensure consistency with the General Plan, as well as the following:

- Make the codes easier to use.
- Implement state and federal laws and case law that became effective since the last updates of the codes.
- Streamline administrative processes.

In the process of updating the Subdivision and Zoning Codes, it has been determined that three focused General Plan Amendments would be required in order to make certain amendments to the zoning code recommended by the Planning Commission.

**DISCUSSION**

**Project Description:**

The City of Los Alamitos adopted a comprehensive update to the General Plan in 2015. The update introduced new policies, goals, and implementation measures. The General Plan established a comprehensive community vision for Los Alamitos regarding land use, housing, mobility and circulation, safety, open space/conservation, noise, growth management, and economic development. The vision for the community is based on Los Alamitos' vision to be:

- An attractive, dynamic, and modern city renowned for its world-class schools, parks, and recreation facilities, as well as a nationally recognized medical center.
- A city comprised of well-maintained neighborhoods that enjoy strong identities, generate civic pride, and collectively offer wide range of places to live.
- A vibrant town center that defines the popular image of the City and offers multiple places for residents, workers, and students of Los Alamitos to meet friends, stroll, enjoy great food, and shop.
- A city that is home to successful businesses that provide the City with a diversity of tax revenue and fiscal support, helping ensure Los Alamitos is economically sustainable.
- A city that maintains a system of streets and trails that are safe for everyone and every form of transportation—be the children, families, workers, or customers who walk, bike, ride transit, or drive.

The City's long-range objectives with respect to land use are to have a city with:

- An attractive and pedestrian-friendly town center that serves as the heart of the Community.
- Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.
- Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities.
- Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity.
Lands owned by public agencies that are used, planned, and developed in a manner that reinforces the goals of the General Plan.

The Subdivision and Zoning Codes serve as the primary tools for implementing General Plan land use policies over the long term. Los Alamitos is essentially built out, with little vacant land available for development. The City has long-established land-use patterns; the General Plan Update builds on these land-use patterns and provide opportunities for redevelopment in key areas of the City.

The Subdivision Code (Title 16) establishes regulations for the subdivision of real properties. Largely, the City’s subdivision regulations mirror the requirements of the State Subdivision Map Act.

The Zoning Code (Title 17) specifies zoning regulations through allowed uses, their location, development standards, and the standards of implementation. To avoid creating nonconforming uses and development conditions, the Zoning Code largely carries forward existing land use regulations and development standards.

Changes to the Subdivision Code (Title 16):

No major changes have been made to the Subdivision Code. The focus of the update was to ensure consistency with the State Subdivision Map Act—such as extensions of time for tentative maps—and current City review and approval practices. Also, certain definitions were modified to parallel definitions in the Zoning Code.

Changes to the Zoning Code (Title 17):

In the early 2000’s, the City initiated a comprehensive update to the Zoning Code to reflect modern land use practices and make the code easier to use. However, that effort was not fully completed even though the code was adopted (in 2006). As a result, the code contained a few internal inconsistencies. In 2015, the City adopted a comprehensive update to its General Plan, which included new land use direction along the arterial corridors and in the industrial districts. To implement new land use policies and to fix lingering issues from the 2006 Zoning Code update, the City has undertaken revisions to the code that include:

General
- Elimination of internal conflicts and conflicts with other provisions of the Municipal Code.
- Addition of graphics and usable tables throughout the code.

Land Use Regulations and Development Standards
- Created Town Center Mixed-Use zone (TCMU) to implement General Plan policy.
- Eliminated Limited Industrial Zone (L-I) and integrated it into Planned Light-Industrial (P-L-I), with P-L-I allowing commercial recreational uses (with a Conditional Use Permit) throughout the P-L-I zone.
- Modernized allowed uses and permit requirements for Residential and Commercial/Industrial zones. Removed detailed uses and grouped uses into similar categories. Added more common uses and expanded AUP (Administrative Use Permits).
- Removed inconsistencies and simplified property development standards for Table 2-03 (Development Standards in Residential Zones).
- Adjusted setback requirements in R-2 zone for buildings taller than 25 feet.
- Adjusted outdoor living space requirements for residential zones.
- Minor adjustments to property development standards, including Table 2-05 (General Development Standards for Commercial and Industrial Zones).
- Adjusted setbacks for the P-L-I zone.
- Eliminated parcel coverage and added FAR to commercial and industrial zones.
- Removed detailed parking lot design standards.
- Adjusted and added sign standards to ensure consistency with case law, particularly for temporary signs.
- Addition of the Live/Work provisions and a Live/Work Overlay Zone (LWOZ).

**Administrative Provisions and Definitions**

- Clarified administrative procedures and review responsibilities in the Review Authority table, particularly for Development Review Permits.
- City Staff review established for Site Development Permits – Minor (2,500 square feet or less of new construction).
- Established standard appeal period of 10 days for all Director and Planning Commission actions.
- Organized and standardized Temporary Use Permit regulations.
- Codified Zoning Consistency Review practice.

In addition, the Zoning Code has been reformatted to improve ease of use, and the language has been redrafted to provide clarity, consistency, and avoid ambiguities.

Both the General Plan and Zoning Code regulate how development projects must proceed. Alone or in combination, the documents in and of themselves do not create physical impacts on the environment. These documents regulate unified and coordinated development processes; individual projects may have the potential to result in environmental impacts. However, through the application of these documents, development projects and land uses will achieve General Plan goals and policies established for the community, which are designed to enhance residential neighborhoods and business districts and minimize environmental impacts. General Plan goals, policies, and implementation measures (including adoption of an updated Zoning Code) were duly considered in the 2015 FEIR for the General Plan Update.
Changes to the General Plan Land Use Policy Map and Text:

In the process of updating the Zoning Code, City Staff and Consultants worked with an Ad Hoc Zoning Code Update Committee. The Committee identified two General Plan policies that needed modification to better reflect land use policy intent. Later, during the Planning Commission study sessions, Commissioners added a third zoning text amendment that requires a General Plan amendment. The three recommended amendments are summarized as follows:

- Language clarifying that the Professional Office designation allows retail and service commercial uses in addition to office use, which has long been City practice, as reflected in the provisions for the Commercial-Professional Office zone (the implementing zone for the Professional Office land use designation).

- Eliminating the Limited Industrial and only having the Planned Industrial zoning district. Both zoning districts are essentially the same with the only difference being that Limited Industrial also allows commercial recreation uses. The Committee recommended eliminating this distinction and thus having a single industrial designation (Planned Industrial) to reflect the limited extent of industrial land in Los Alamitos and the fact that commercial recreation uses could be regulated through use permits.

- Amending the General Plan density of the Multiple Family Residential land use designation. For a number of years, the Development Standards in the R-3 Zoning Code had included a “gross land per unit” requirement that in practice gave this Zone a limit of 25 dwelling units per acre, rather than 30 as the General Plan states. Commissioners felt that if they removed the gross land requirement from the Zoning Code it would ultimately increase the density of this zone beyond a number that this zone is accustomed to experiencing. The solution to this puzzle would be to amend the General Plan dwelling units per acre for the Multiple Family Residential designation to a range of 20 to 25 dwelling units per acre.

These amendments do not change land use policy intent examined in the 2015 FEIR for the General Plan Update. With regard to any future application for commercial recreation uses, such applications would require discretionary review and site-specific environmental analysis pursuant to CEQA. Please note that these General Plan changes must occur prior to City Council approval of the proposed zoning code amendment.

Changes to the Zoning Map:

Changes to the Zoning Map will be addressed by the Planning Commission during the July 24, 2019 Planning Commission Meeting.

CONCLUSION
Staff recommends approval of adoption of Resolution 19-09, recommending that the City Council (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Ordinance Amendment (ZOA) 17-04, unless additional or contrary information is received during the meeting, and based upon the documents submitted to the Commission, and any oral and written evidence presented during the Public Hearing.

Attachments: 1) Draft Planning Commission Resolution 19-09  
2) Draft Subdivision & Zoning Codes – Distributed to Commissioners on June 12, 2019  
3) Zoning Update Matrix Tracking
RESOLUTION NO. 19-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL:
(1) AMEND THE LOS ALAMITOS GENERAL PLAN, AND (2) FOLLOWING SUCH AN AMENDMENT TO THE GENERAL PLAN, APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 17-04, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE (CITY INITIATED)

WHEREAS, the Planning Commission of the City of Los Alamitos, California, did on the 26th day of June, 2019, hold a duly noticed Public Hearing for review of a Zoning Ordinance Amendment to amend titles 16 and 17 of the Los Alamitos Municipal Code, as identified by this Resolution; and,

WHEREAS, the proposed amendments are necessary to implement the Los Alamitos 2035 General Plan, adopted by the City Council at their regular meeting on March 23, 2015; and,

WHEREAS, the Planning Commission proposes that the City Council make certain General Plan Amendments as part of this process; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council initiate the process and take the steps necessary to complete certain amendments to the Los Alamitos 2035 General Plan to ensure consistency with the proposed amendments to titles 16 and 17 of the Los Alamitos Municipal Code, which are presented in draft Ordinance No. TBD (ZOA 17-04).

SECTION 2. The Planning Commission hereby recommends that the City Council adopt Ordinance No. TBD (ZOA 17-04), attached as Exhibit "A", subject to and following completion of the aforementioned amendments to the Los Alamitos 2035 General Plan.

SECTION 3. In making this recommendation the Planning Commission makes the following findings:

A. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The exercise of updating the Municipal Code with these amendments is intended to improve the convenience, health, interest, safety, and welfare of the City by bringing the Subdivision and Zoning Codes into step with the stated goals of the City’s residents; and,
B. The proposed amendment is required by State law and internally consistent with other applicable provisions of this Zoning Code and do not provide any conflicts with any other provision of the Los Alamitos Municipal Code; and,

C. Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the resolution does not call for any change in the existing environmental conditions within the City. Instead, the proposed Resolution merely recommends that the City Council: (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Code Amendment (ZCA) 17-04. Accordingly, the Ordinance is not a "project" subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

D. Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Approval of this Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the Resolution does not call for any change in the existing environmental conditions within the City. Instead, the Resolution merely recommends that the City Council: (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Code Amendment (ZOA) 17-04. Accordingly, the Resolution is not a "project" subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if this action could be construed to be a project subject to the California Environmental Quality Act ("CEQA"), the Resolution is exempt pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the Resolution does not constitute "approval" of any identifiable projects.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

PASSED, APPROVED, AND ADOPTED this 26th day of June, 2019.
Chair Riley

ATTEST:

________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

________________________
Michael S. Daudt, City Attorney

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

I, Les Johnson, 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 26th day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Les Johnson, Secretary

PC RESO 19-09
Page 3 of 3
UPDATED TITLE 16 (SUBDIVISIONS) AND
TITLE 17 (ZONING)

PLANNING COMMISSION
PUBLIC HEARING DRAFTS

June 2019
TITLE 16 SUBDIVISIONS

Chapter 16.02. General Provisions
Chapter 16.04. Definitions
Chapter 16.06. Types of Maps
Chapter 16.08. Tentative Maps – Requirements for Filing
Chapter 16.10. Tentative Maps – Procedures
Chapter 16.12. Standards of Design
Chapter 16.14. Dedications
Chapter 16.16. Improvements, Monumentation, and Security
Chapter 16.18. Dedication of Land for Park Facilities and Payment of In-Lieu Fees
Chapter 16.20. Major Thoroughfare Fees
Chapter 16.22. Taxes and Assessments
Chapter 16.28. Waivers and Exceptions
Chapter 16.30. Reversions to Acreage
Chapter 16.32. Certificate of Compliance
Chapter 16.34. Lot Line Adjustments
Chapter 16.36. Merger of Lots
Chapter 16.40. Notices of Violation

Chapter 16.02. General Provisions

Sections:

16.02.010 Title.
16.02.020 Purposes.
16.02.030 Prohibitions.
16.02.040 Development Services Director.
16.02.050 Planning Commission.
16.02.060 City Council.
16.02.070 Processing and Filing Fees.

16.02.010 Title.

This Title may be cited as the Los Alamitos Subdivision Code.

16.02.020 Purposes.

A. The purpose of this Title is to provide regulations and controls for the design and improvement of subdivisions in the City, in accordance with the Subdivision Map Act (Government Code Section 66410 et seq.).

B. Other purposes of this Title are to:

1. Implement the General Plan;
2. Provide regulations and controls, within the law, over the use of land in the City for the health, safety, and welfare of present and future residents; and

3. Provide a procedure for lot line adjustments and mergers in the City.

16.02.030 Prohibitions.

A. No person shall offer to sell or lease, contract to sell or lease, sell or lease, finance any lot or lots of real property or commence construction of any building for sale, lease, or financing thereon, except for model homes, or allow occupancy, for which a final tract map is required by this code, until such map, in full compliance with the provisions of this Municipal Code and the Subdivision Map Act, has been filed for record by the City Clerk.

B. No person shall sell, lease, or finance any lot or lots of real property or commence construction of any building for sale, lease, or financing thereon, except for model homes, or allow occupancy, for which a parcel map is required by this Municipal Code, until such map, in full compliance with the provisions of this Municipal Code, and the Subdivision Map Act, has been filed for record by the City Clerk.

C. No permit to develop any real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or this Title shall be granted by any officer or employee of the City of or by the Planning Commission or the City Council unless a certificate of compliance has been issued and recorded for the property to be developed in accordance with this Title.

16.02.040 Development Services Director.

Any reference to the “Director” in this Title shall be to the City’s Development Services Director or that person designated by the Director holding the appropriate licenses or credentials required by the Subdivision Map Act. The Director shall be responsible for enforcing the provisions of this Title. The Director is designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or deny amendments to approved tentative maps, certificates of compliance and conditional certificates of compliance, lot line adjustments, mergers of lots, and subdivision improvement plans.

16.02.050 Planning Commission.

A. The Planning Commission is designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or deny tentative parcel maps and waivers of parcel maps.

B. The Planning Commission shall review and make recommendations to the City Council on residential condominium conversions and petitions for reversions to acreage.

C. The Planning Commission shall perform such other duties as may be specified by the City Council.

16.02.060 City Council.

A. The City Council, referred to in this Title as Council, is designated as an appeal board as that term is used in the Subdivision Map Act and shall hear appeals from actions of the Planning Commission.
B. The Council shall have the authority to review and approve, conditionally approve, or deny extensions of time for tentative maps, final parcel maps, final tract maps, petitions for reversions to acreage, tentative tract maps, and vesting tentative maps.

16.02.070 Processing and Filing Fees.

Fees to cover the costs incurred by the City in processing maps, plans, and requests filed pursuant to the provisions of the Subdivision Map Act and this Municipal Code shall be paid to the City in compliance with the fee resolution adopted by the Council.
Chapter 16.04. Definitions

Sections:

16.04.010 Subdivision Map Act Prevails.
16.04.040 Definitions (A).
16.04.050 Definitions (B).
16.04.060 Definitions (C).
16.04.070 Definitions (D).
16.04.080 Definitions (E).
16.04.090 Definitions (F).
16.04.100 Definitions (G).
16.04.110 Definitions (H).
16.04.120 Definitions (I).
16.04.130 Definitions (J).
16.04.140 Definitions (K).
16.04.150 Definitions (L).
16.04.160 Definitions (M).
16.04.170 Definitions (N).
16.04.180 Definitions (O).
16.04.190 Definitions (P).
16.04.200 Definitions (Q).
16.04.210 Definitions (R).
16.04.220 Definitions (S).
16.04.230 Definitions (T).
16.04.240 Definitions (U).
16.04.250 Definitions (V).
16.04.260 Definitions (W).
16.04.270 Definitions (X).
16.04.280 Definitions (Y).
16.04.290 Definitions (Z).

16.04.010 Subdivision Map Act Prevails.

The definitions in the Subdivision Map Act and in Title 17 (Zoning Regulations) of the Municipal Code shall govern the meaning of words in this Title except as follows:

<table>
<thead>
<tr>
<th>Term used in this Title</th>
<th>Equivalent terms in Subdivision Map Act</th>
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<tbody>
<tr>
<td>Final tract map</td>
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<td>Tract map</td>
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<td>Tentative parcel map</td>
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16.04.020 **Zoning Regulations and Subdivision Map Act Definitions Apply.**

Unless otherwise defined in this Title, words and phrases used in this Title shall be deemed to have the same meaning applied to them in the Zoning Regulations, the Subdivision Map Act, and the adopted Uniform Construction Codes.

16.04.030 **Subdivision Code Definitions.**

All references to this Section shall include Sections 16.04.040 (Definitions (A)) through 16.10.290 (Definitions (Z)) of this Title.

16.04.040 **Definitions (A).**

*Area of benefit.* A specified area wherein it has been determined that the real property located within the specified area will benefit from the construction of a major thoroughfare.

16.04.050 **Definitions (B).**

*Building site.* A lot or contiguous lots of land which was established in compliance with the property development and building site requirements in the Zoning Regulations and the Subdivision Map Act.

16.04.060 **Definitions (C).**

*Council.* The City Council of the City of Los Alamitos.

*City standard plans.* The Los Alamitos standard plans as adopted by the Council.

*City standard specifications.* The Los Alamitos standard specifications as adopted by the Council.

*Condominium.* A condominium project as defined in Civil Code Section 1350, containing two or more condominiums, as defined in Civil Code Section 783; a community apartment project, as defined in Business and Professions Code Section 11004, containing two or more rights of exclusive occupancy; a stock cooperative, as defined in Business and Professions Code Section 11003.2, containing two or more rights of exclusive occupancy; or any other such project as defined by law.

*Condominium conversion.* The offering for sale of condominium units that were previously units in multiple residential buildings.

*Condominium project.* An entire parcel of real property divided or to be divided into condominiums, including all structures thereon.

*Construction.* The preliminary design, environmental or other studies, design, acquisition of right-of-way, administration of construction contracts, and actual construction.

*County.* The County of Orange.

*County Recorder.* The County Recorder of the County of Orange.

*County Surveyor.* The County Surveyor of the County of Orange.
16.04.070 Definitions (D).

Driveway. A designated passageway providing vehicular access between a street, alley, or dedicated easement and a garage or carport, a parking area, or other driveway or street. A driveway shall not be considered a street.

16.04.080 Definitions (E).

Easement. A recorded right or interest in the land of another, which entitles the holder to some use, privilege, or benefit out of or over the land.

Engineering geologist. A person duly certified in the State of California to practice engineering geology.

16.04.090 Definitions (F).

Final parcel map. A recorded parcel map that is in substantial conformance with an approved or conditionally approved tentative parcel map and which is filed in compliance with provisions of this Title and the Subdivision Map Act. See also Section 16.20.050 (Final Parcel Maps).

Final tract map. A recorded tract map that is in substantial conformance with all or a portion of an approved or conditionally approved tentative tract map and which is filed in compliance with provisions of this Title and the Subdivision Map Act. Section 16.20.040 (Final Tract Maps).

Flood-control work or drainage work. The means of conveying or storing stormwater, including natural watercourses, improved drainage channels, retarding basins, closed conduits or pipes, and authorized or existing flood-control channels, and also the control of sedimentation.

Flood hazard. The capability of flowing water or mixtures of soils and water to impair or to damage buildings and other structures, and their functions; to erode natural and modified land surfaces, including channels and watercourses; and to deposit eroded material on either public or private property in a damaging or impairing manner and amount.

Flood hazard, possible. The possible extension of areas denoted as “subject to flood hazard,” including also the uncertainty of degree or extent of bank erosion.

16.04.100 Definitions (G).

Grading code. The grading and excavation standards established in the adopted Uniform Construction Codes.

16.04.110 Definitions (H).

Reserved.

16.04.120 Definitions (I).

Improvement. Street work and utilities to be installed or agreed to be installed on the land proposed to be subdivided by any person, firm, corporation, partnership, or association to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract or parcel map. “Improvement” also refers to such other specific improvement or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the Council, or a combination,
is necessary or convenient to ensure conformity to or implementation of the General Plan, Municipal Code, or any adopted specific plan.

Inundation. Ponded water or water in motion of sufficient depth to damage property due to the mere presence of water or to deposition of silt.

16.04.130 Definitions (J).
Reserved.

16.04.140 Definitions (K).
Reserved.

16.04.150 Definitions (L).
Reserved.

16.04.160 Definitions (M).

Major thoroughfare. Those roads designated as transportation corridors and major, primary, secondary, or commuter highways on the master plan of arterial highways in the Mobility and Circulation Element of the City’s General Plan. The primary purpose of major thoroughfares is to carry through traffic and provide a network connecting to and including the State highway system.

Master plan of drainage. An engineering report adopted by the Council which outlines the local drainage facilities (but not including necessary on-site or regional facilities), needed for proper development of a specific area of the City.

Multiple residential building. A building or portion of a building, used and designed as a residence for two or more families living independently of each other and doing their own cooking in the building, including apartment houses, apartment hotels, and flats, but not including motels or boarding houses.

Multiple residential unit. A unit within a multiple residential building.

16.04.170 Definitions (N).
Reserved.

16.04.180 Definitions (O).
Reserved.

16.04.190 Definitions (P).

Person. Any individual, firm, partnership, joint venture, association, club, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, the county, this and any other city, city and county, municipality, district or other political subdivision, or any other group or combination acting as a unit.
16.04.200 Definitions (Q).

Reserved.

16.04.210 Definitions (R).

Remainder parcel. The portion of a parcel of land which is not to be included within the boundaries of the final parcel or tract map.

Right-of-way. A specifically defined area or strip of land, either public or private, on which an irrevocable right of passage or use has been recorded.

16.04.220 Definitions (S).

Slope, manmade. A manufactured slope consisting wholly or partly of either cut or filled material.

Soil engineer. A civil engineer duly registered in the State of California whose field of expertise includes soil mechanics.

Stock cooperative. See Business and Professions Code Section 11003.2.

Street. A public or private vehicular right-of-way, other than an alley or driveway, including both local streets and arterial highways.

Subdivider. See Government Code Section 66423.

Subdivision. See Government Code Section 66424.

Subdivision Map Act. See Government Code Title 7, Division 2, Section 66410 et seq.

16.04.230 Definitions (T).

Tentative Map. A map showing the design and improvement of a proposed division of land and the existing conditions in and around it. The map may be either a tentative parcel map or a tentative tract map.

Tentative parcel map. See Section 16.20.030 (Tentative Parcel Maps).

Tentative tract map. See Section 16.20.020 (Tentative Tract Maps).

16.04.240 Definitions (U).

Unit. The particular area of a building or airspace that is designed, intended, or used for exclusive possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

16.04.250 Definitions (V).

Vehicular access rights. The right of persons to gain entry or exit with a vehicle to or from a street or driveway to or from abutting land.
**Vesting tentative map.** A map which confers a vested right to proceed with development for a specified time after recordation. See also Section 16.20.080 (Vesting Tentative Maps).
<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.04.260</td>
<td>Definitions (W)</td>
<td>Reserved</td>
</tr>
<tr>
<td>16.04.270</td>
<td>Definitions (X)</td>
<td>Reserved</td>
</tr>
<tr>
<td>16.04.280</td>
<td>Definitions (Y)</td>
<td>Reserved</td>
</tr>
<tr>
<td>16.04.290</td>
<td>Definitions (Z)</td>
<td>Reserved</td>
</tr>
</tbody>
</table>
Chapter 16.06. Types of Maps

Sections:

16.06.010 Available Maps and Procedures.
16.06.020 Tentative Tract Maps.
16.06.030 Tentative Parcel Maps.
16.06.040 Final Tract Maps.
16.06.050 Final Parcel Maps.
16.06.060 Exceptions.
16.06.070 Exclusions and Designated Remainder Parcels.
16.06.080 Vesting Tentative Maps.

16.06.010 Available Maps and Procedures.

Four different types of maps and procedures are available for the purpose of creating subdivisions and lots, as identified in this Chapter. Certain subdivisions may be created without following a map procedure.

16.06.020 Tentative Tract Maps.

A tentative tract map is a preliminary map used whenever a lot or a number of contiguous lots is proposed to be subdivided for the purpose of creating five or more lots, five or more condominium units, the conversion of five or more existing dwelling units to a stock cooperative, or except as otherwise specified by Section 16.06.040 (Final Tract Maps) or Section 16.06.070 (Exclusions and Designated Remainder Parcels).

16.06.030 Tentative Parcel Maps.

A. A tentative parcel map is a preliminary map used whenever a lot or contiguous lots is proposed to be subdivided for the purpose of creating fewer than five lots or fewer than five condominium units, or where:

1. The land before division contains consists of less than five acres, each lot proposed to be created by the subdivision will abut upon a maintained public street or highway, and all dedications and improvements required by City standards will have been previously complied with; or

2. Each lot proposed to be created by the subdivision will have a gross area of 20 acres or more and a right of vehicular access for a continuous width of not less than 20 feet to a maintained public street or highway; or

3. The lot proposed to be subdivided is within a tract of land zoned for commercial or industrial uses and abuts streets or highways which have been approved by the City as to alignment and width and to which it has a right of vehicular access for a minimum continuous width of not less than 28 feet; or

4. Each lot proposed to be created by the subdivision will have a gross area of not less than 40 acres or not less than a quarter of a quarter section.

B. A parcel map shall not be required for subdivisions of a portion of the operating rights-of-way of a railroad corporation which are created by short-term leases, meaning terminable by either party on not more than 30 days written notice. Furthermore, a parcel map shall not be required for land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made based upon substantial evidence in individual cases that public policy necessitates a parcel map.
16.06.040 Final Tract Maps.

A subdivision may be created by the recordation of a final tract map that is in substantial conformance with all or a portion of an approved or conditionally approved tentative tract map. Each final tract map shall include all or an approved portion of the approved or conditionally approved tentative tract map. It shall be filed in compliance with the provisions of this Title and the Subdivision Map Act.

16.06.050 Final Parcel Maps.

A. A subdivision may be created by the recordation of a final parcel map that is in substantial conformance with an approved or conditionally approved tentative parcel map or with a portion of an approved or conditionally approved tentative parcel map which complies with the provisions of Section 16.06.030 (A)(3) (Tentative Parcel Maps) of this Title. A final parcel map may also be recorded on portions of a tentative tract map when such portions comply with the specifications of Section 16.06.030(A)(2), Section 16.06.030(A)(3), or Section 16.06.030(A)(4) (Tentative Parcel Maps). It shall be filed in compliance with the provisions of this Title and the Subdivision Map Act, in particular, Government Code Sections 66426 and 66463.1.

B. A parcel map shall be based upon a field survey, except that a parcel map may be compiled from record data when the City Engineer determines that the subdivision does not require a field survey, provided the map complies with the provisions of the Subdivision Map Act.

16.06.060 Exceptions.

A. Certain types of land divisions and transactions may be completed without complying with the entire tentative and final tract or parcel map procedure, as specified in this Section.

B. A request for determination as to the status of any lot created as a result of a lease or conveyance specified by subsections (B) (1) through (9) of this Section may be submitted in compliance with the certificate of compliance procedure as stated in Chapter 16.32 (Certificate of Compliance). Neither a tentative or final tract or parcel map is necessary for the following:

1. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;

2. Mineral, oil, or gas leases;

3. Land dedicated for cemetery purposes under the Health and Safety Code;

4. Leases of agricultural land for agricultural purposes;

5. Short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation, defined as such by Public Utilities Code Section 230;

6. Subdivisions in which every lot has a gross area of 60 acres or more;

7. Lot line adjustments;

8. Conveyances of land for rights-of-way to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such a public utility; however, in any of these instances a
tentative and final tract or parcel map may be required if the Director or City Engineer determines that a map is necessary for purposes of public health and safety or for the general welfare;

9. Any separate assessment under Revenue and Taxation Code Section 2188.7;

10. Unless a final parcel or final tract map was approved by the Planning Commission, the conversion of a community apartment project, as defined in Business and Professions Code Section 11004, to a condominium, as defined in Civil Code Section 783, but only if all of the following requirements are met:
   a. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982;
   b. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Government Code Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion; and
   c. The Director certifies that the above requirements were satisfied;

11. Unless a parcel or final map was approved by the Planning Commission, the conversion of a stock cooperative, as defined in Business and Professions Code Section 11003.2, to a condominium, as defined in Civil Code Section 783, but only if all of the following requirements are met:
   a. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981 or individually owned by stockholders of the cooperative on January 1, 1981. As used in this subdivision, a cooperative unit is individually owned if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative;
   b. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Government Code Section 17, including an incorporator or director of the cooperative, on January 1, 1981;
   c. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice and displacement, and relocation benefits; and
   d. The Director certifies that the above requirements were satisfied;

12. The leasing of, or the granting of an easement to, a lot, or any portion or portions a lot, in conjunction with the financing, erection, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the City;

13. The leasing or licensing of a portion of a lot or the granting of an easement, Conditional Use Permit, or similar right on a portion of a lot, to a telephone corporation (as defined in Public Utilities Code Section 234) exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the City; or

14. The establishment of condominiums on property pursuant to the requirements of the Subdivision Map Act and this Title when the Planning Commission or Council approved a final parcel map or final tract map for the
TITLE 16: SUBDIVISION ORDINANCE

project, the separation of a three-dimensional portion or portions of the property from the remainder of the
property or the division of that three-dimensional portion or portions into condominiums shall not constitute a
further subdivision as defined in Government Code Section 66424, provided each of the following conditions
has been satisfied:

a. The total number of condominiums established is not increased above the number authorized by the City
in approving the parcel map or final map;

b. A perpetual estate or an estate for years in the remainder of the property is held by the condominium
owners in undivided interests in common, or by an association as defined in Civil Code Section 1351
subdivision (a), and the duration of the estate in the remainder of the property is the same as the duration
of the estate in the condominiums; and

c. The three-dimensional portion or portions of property are described on a condominium plan or plans, as
defined in Civil Code Section 1351 subdivision (e).

C. A final parcel map is not required when waived pursuant to the provisions of Chapter 16.28 (Waivers and
Exceptions).

D. A request for certificate of compliance may or may not require a tentative map, as specified by the Director.

16.20.070 Exclusions and Designated Remainder Parcels.

Whenever a subdivider seeks to have a lot otherwise covered by the provisions of this Title omitted or determined to
be a designated remainder parcel, the provisions of Government Code Section 66424.6 shall apply and be followed by
the subdivider and the City.

16.20.080 Vesting Tentative Maps.

A. A vesting tentative map is at the option of the subdivider and shall not be a prerequisite to any proposed subdivision
or application for development.

B. A vesting tentative map shall be identified on the submittal as a "vesting tentative map."

C. A vesting tentative map is limited to development of the property per the applicable regulations in existence at the
time of approval of the vesting tentative map or pursuant to subsection (D) of this Section.

D. Whenever a subdivider files a vesting tentative map whose intended development is inconsistent with the Zoning
Regulations in effect at the time, the inconsistency shall be noted on the vesting tentative map, and the vesting
tentative map shall be processed subject to the provisions of Section 16.10.090 (Property Development Standard
Conformance).

E. A vesting tentative map shall be processed in the same manner as a tentative map. However, previously approved
tentative maps which were not approved as vesting tentative maps may be so approved only if refiled and
processed in compliance with all requirements in this Title.

F. The provisions of Section 16.10.130 (Period of Validity – Extensions) shall apply to an approved or conditionally
approved vesting tentative map.
G. The vested right for a recorded subdivision map shall be for a period of one year beyond the recording date of the final tract map or final parcel map and shall confer on such maps all rights described in Government Code Sections 66498.1 through 66498.8. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year time period shall commence when the final map or parcel map for that phase is recorded. Prior to the expiration of the initial one-year period, the developer may apply for a one-year extension of the period of the vested right to the Planning Commission. If the extension is denied, the developer may appeal in accordance with Chapter 17.60 (Appeals) of the Municipal Code.

H. The provisions of Section 16.10.120 (Modification of Maps and Conditions of Approval) shall apply to an approved or conditionally approved vesting tentative map.

I. Fees for the filing and processing of vesting tentative maps shall be the same as the fees established for the filing and processing of tentative maps. However, the Council may establish by resolution an additional fee to cover additional costs incurred by the processing of vesting tentative maps, including an extension of time.

J. Fees for development permits such as building and grading permits, filed per an approved vesting tentative map or a recorded vesting final/parcel map shall be the fees in effect at the time of issuance of the permit.

K. Additional information requested is limited to that which relates to ordinances, resolutions, policies, or standards for the design, development, or improvement relating to the conferred vesting rights, except with regard to a specified determination under the California Environmental Quality Act, Public Resources Code Section 21080.1, or in compliance with Federal or State requirements.
Chapter 16.08. Tentative Maps – Requirements for Filing

Sections:

16.08.010 Types of Maps Covered.
This Chapter pertains to tentative parcel maps and tentative tract maps.

16.08.020 Form and Contents.
Tentative maps shall conform with requirements as to form and content as specified on application forms provided by the Development Services Department of the City.

16.08.030 Who May File.
Any property owner who proposes to subdivide property may file a tentative map. Any person who proposes to subdivide property that is legally owned by another person may file a tentative map for such property with the written consent of the legal owner of record.

16.08.040 Certification of Ownership.
Each tentative map shall be signed by the property owner or owners of record and shall be accompanied by evidence of ownership of the real property proposed for subdivision. When any portion of a tentative map includes property that is owned by a public agency, the certification of ownership need not include the signatures for ownership, provided portions are clearly identified on the map.

16.08.050 Title Report.
Tentative maps shall be accompanied by a preliminary title report which discloses all possessory interests and interests of record in the land being subdivided, when determined to be necessary by the Director.

16.08.060 Soils Report.
A. Unless the requirement is waived by the Director pursuant to subsection (B) of this Section or deferred pursuant to subsection (C) of this Section, tentative maps, including condominium conversions or the division of an existing developed lot, shall be accompanied by a preliminary soils report based upon adequate test borings and prepared by a registered civil engineer. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils report on each proposed lot in the subdivision containing any such soils problem shall accompany the tentative map. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils report...
investigation of each potentially affected lot in the subdivision may be required by the Director. Such reports shall include recommended corrective action which is likely to prevent structural damage.

B. The Director may waive the preliminary soils report required by subsection (A) of this Section for tentative tract maps where the Director determines that it is unnecessary because the City already has sufficient information as to the qualities of the soils in the proposed subdivision and for tentative parcel maps.

C. The Director may defer the requirement for a preliminary soils report until the submission of a final tract or parcel map.

D. The City may approve or conditionally approve the tentative map or portion thereof where these soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit, may require that the approved recommended action be incorporated into the construction of each structure.

E. The preliminary soils report shall be submitted to the City Engineer for review. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.

16.08.070 Additional Information.

A. Tentative maps shall be accompanied by such additional information as may be specified by the Director. The Director shall have the authority to include among such requirements geologic, seismic, and hydrology reports; aerial photographs and transparent overlays; grading, site development, and landscaping plans, including building setback lines; evidence from the proposed sewer agency and water supplier with respect to their capability of serving the proposed subdivision; fire protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions.

B. The Director may require differing amounts of supplementary information, depending upon the type of map involved, the scope of the proposed subdivision, and the anticipated environmental impacts of the subdivision.

C. The Director may require the submission of additional information after the filing of tentative maps as necessary.
Chapter 16.10. Tentative Maps – Procedures

Sections:

16.10.010 Types of Maps Covered.

This Chapter pertains to tentative parcel maps and tentative tract maps.

16.10.020 Filing.

A. Tentative maps shall be filed with the Director, who shall accept such maps only when he/she determines that the requirements for filing a tentative map established by this Title and the Subdivision Map Act have been satisfied. The date a tentative map is filed shall be the date it is accepted as complete by the Director.

B. Each tract or parcel map shall be identified by a number prominently displayed on the face of the map issued by the county.

16.10.030 Copies to Responsible Agencies.

A. Where a local agency has filed a territorial map with the Director pursuant to the Subdivision Map Act, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the local agency within three days of the date the tentative map is filed.

B. When the State Department of Transportation has filed with the Council a map of territory within one mile on either or both sides of any State highway routing pursuant to the Government Code, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the district office of the State Department of Transportation within three days of the date the tentative map is filed.

C. Within five days of the date a tentative map is filed, the Director shall give notice of the filing to the governing boards of the school district or districts within which the proposed subdivision is located pursuant to Government Code Section 66455.7.
16.10.040 Time for Action.

The Planning Commission and Council shall act upon a tentative map within the time specified in the Subdivision Map Act unless:

A. An extension of time for action is mutually consented to by the applicant and the Planning Commission or Council, in which case the map shall be acted upon within the time agreed upon; or

B. The applicant withdraws the map.

16.10.050 Reports and Recommendations.

A. Reports and recommendations on tentative maps shall be in writing and shall be provided to the applicant at least three days prior to any hearing or action on the tentative map, provided that the applicant:

1. May waive this requirement;

2. May consent to the receipt by the Planning Commission or Council of additional recommendations and provided further, that an applicant shall be deemed to have consented unless the applicant specifically objects to the form and timeliness of additional recommendations prior to the time the Planning Commission or Council takes action on the tentative map.

B. The Director may provide additional recommendations on tentative maps to the Planning Commission, and the Planning Commission may provide additional recommendations on tentative maps to the Council. Any additional recommendations shall be provided to the applicant at least three days prior to any hearing or action on the tentative map.

16.10.060 Review of Tentative Maps.

Each tentative parcel map shall be reviewed by the Planning Commission, which shall approve, conditionally approve, or deny the tentative map. Each tentative tract map shall be reviewed by the Council, which shall approve, conditionally approve, or deny the tentative map.

16.10.070 Substitution of Revised Maps.

A revised tentative map may be submitted at any time prior to action on the map by the Planning Commission or Council. The time for action on a tentative map specified in Section 16.10.040 (Time for Action) shall recommence upon the acceptance by the Director of a revised tentative map.

16.10.080 Meetings and Hearings.

A. The Planning Commission or Council shall act on tentative maps at regularly scheduled meetings or duly noticed special meetings when the matter has been duly placed upon the Commission or Council’s agenda. Public hearings shall be required for the consideration of tentative maps. At a public hearing, the Planning Commission or Council shall allow all interested persons an opportunity to address the Planning Commission or Council on any matter pertaining to a proposed subdivision.

B. Notice of a public hearing shall be given to all persons shown in the latest equalized assessment roll as owning property within 500 feet of the property proposed to be subdivided pursuant to the requirements of Government Code Section 66451.3.
16.10.090 Property Development Standard Conformance.

A. The Planning Commission or Council shall not approve or conditionally approve a tentative map which does not conform with applicable property development standards as specified in this Title, Title 17 (Zoning Regulations), and the General Plan, except as provided in subsection (B) of this Section.

B. A tentative map may be approved when it conforms with property development standards which have been recommended for adoption by the Planning Commission or Council on the condition that the property development standards must become effective prior to recordation of the final tract or final parcel map.

C. A tentative map shall not be approved if it is apparent that any proposed lot cannot be developed to its intended use without the modification of property development standards.

16.10.100 Findings Required.

A tentative parcel map or tentative tract map shall be approved or conditionally approved only if the Planning Commission or Council makes the following findings:

A. The design and improvement of the proposed subdivision is consistent with the City's General Plan;

B. The site is physically suitable for the proposed type of development;

C. The requirements of the California Environmental Quality Act have been satisfied;

D. The site is physically suitable for the proposed density of development;

E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat unless environmental mitigation is infeasible pursuant to Government Code Section 66474.01;

F. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;

G. The design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public; and

H. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with Section 16.10.090 (Property Development Standard Conformance).

16.10.110 Additional Findings Required.

A. The Planning Commission or Council shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system, where such a system exists, would result in or add to a violation of existing requirements prescribed by either the Santa Ana Regional Water Quality Control Boards. In the event it is determined that the proposed waste discharge would result in or add to such a violation, the Planning Commission or Council shall deny the tentative map unless there are extenuating or overriding considerations, in which case these shall be stated.
B. In the event a subdivision fronting upon the coastline or shoreline or upon a public waterway, river, or stream owned in part or entirely by a public agency does not provide public access to such public resources through the subdivision itself in accordance with requirements of Sections 16.12.230 (Rivers and Streams), the Planning Commission or Council shall find that reasonable public access to the resource in question is otherwise available within a reasonable distance from the subdivision. If this finding cannot be made, the map shall be denied.

C. If the Planning Commission or Council approves or conditionally approves a tentative map which deviates from any standard of design as allowed by Section 16.12.260 (Deviations from Standards of Design), the Planning Commission or Council shall make a finding or findings that each deviation has been individually considered and found to be justified based upon specific special circumstances which apply.

D. The Planning Commission or Council shall determine whether the design of the subdivision provides for future passive or natural heating or cooling opportunities pursuant to Government Code Section 66473.1.

16.10.120 Modification of Maps and Conditions of Approval.

Upon the request of the subdivider, approved tentative maps may be modified and conditions of approval may be modified or deleted by the Director. In all cases, the Director shall attempt to notify any third parties who had previously indicated an interest in the matter of the consideration of the modification. The Director may elect instead to forward any such request to the Planning Commission for consideration and action.

16.10.130 Period of Validity – Extensions.

A. In accordance with Government Code Section 66452.6, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, unless prior to the expiration date the property owner or authorized representative requests an extension of time to extend the map, or, if the property owner is required to expend the dollar amount identified in the provisions of Government Code Section 66452.6 to finance public improvements outside the boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundaries of the property to be subdivided and which are reasonably related to the development of the property, as identified in Government Code Section 66452.6.

B. The Council may grant an extension of time for any map for a period or periods not exceeding a total of 36 months beyond the original date of expiration, or as may otherwise established by the Subdivision Map Act.

C. In accordance with Government Code Section 66452.11, if an approved tentative map had not expired on September 13, 1993, the life of the tentative map shall be extended for 24 months.

D. An extension may be granted only where it will not result in conditions or circumstances contrary to the public health, safety, or the general welfare, as identified in Government Code Section 66452.6.

16.10.140 Appeal of Tentative Parcel Map to Council.

Any interested person may appeal to the Council from any action of the Planning Commission with respect to a tentative parcel map by filing an appeal in accordance with Chapter 17.60 (Appeals) of the Municipal Code.
Chapter 16.12. Standards of Design

Sections:

16.12.010 Conformance with Standards of Design.
Subdivisions shall be designed in conformance with the following standards of design and any applicable standards for the zone in which the property is located, as identified in Title 17 (Zoning Regulations). Deviations from these standards may be requested pursuant to Section 16.12.260 (Deviations from Standards of Design).

Subdivisions shall be designed and improved so as to be consistent with the General Plan and any applicable adopted specific plan and the objectives, policies, and general land uses and programs specified therein.

A. Tentative map boundaries shall be drawn to include all area of all abutting lots which are owned by the same property owner and proposed for boundary alteration. However, when any land is proposed to be divided in such a way that the subdivision will include a portion of land owned by the same property owner and proposed for boundary alteration, any portion with a contiguous gross area of five acres or more which is not proposed to be included within the subdivision may be identified by reference on the tentative map.
B. A portion of a tentative parcel map may be designated as a remainder for the purpose of an exception to the survey requirements, in compliance with the following provisions:

1. Any remainder shall have a gross area of five acres or more;
2. Any remainder so designated shall not be considered to be a building site; and
3. Any remainder so designated shall not be improved with any building or structure that is subject to the requirements of the Uniform Building Code.

C. Whenever a parcel of real property lies partially within the City and partially within an unincorporated area or within another city, any proposal to subdivide such real property shall be consistent with existing corporate boundaries. No lot, except proposed public or private street rights-of-way, shall be partially within a city and partially within unincorporated area. Any portion of such real property lying within any other city or unincorporated county territory shall be included on the tentative map for the purpose of showing the remainder parcel, but any approving action on the tentative map by the City shall not be construed as approval of any design or improvements shown within any other city or unincorporated county territory.

D. Regardless of its size, no portion of any property shown on the latest equalized county assessment roll as a unit or contiguous units shall be excluded from within the boundaries of a subdivision for the purpose of avoiding dedication or improvement of any street, drainage, or flood-control facility.

16.12.040 Lots.

A. Each lot being created by a subdivision shall be either numbered or lettered. If it is numbered, it must comply with the requirements of a building site as defined in the Zoning Regulations.

B. Lettered lots may not be used as building sites and need not comply with the requirements for a building site.

C. Lettered lots other than streets shall be labeled as to their intended use. Numbered lots may be labeled as to their intended use.

D. A numbered lot which is drawn so that it is in more than one zone shall comply with area and width requirements of the zone having the greater requirements.


If an existing or proposed public roadway, as shown in the General Plan Mobility and Circulation Element, is located so that any portion of such roadway lies within or adjacent to a subdivision, the roadway shall be shown on the map in a width and in an alignment corresponding to the Mobility and Circulation Element, and the roadway shall be designed in accordance with the standard plans or applicable specific plan adopted by the Council.

16.12.060 Private Streets.

Private streets shall be permitted, pursuant to conditions specified in the standard plans adopted by the Council, when the Council finds that the occupants of the subdivision will be better served and the welfare of the general public will not be impaired.

Subdivisions shall be designed to limit vehicular access to highways shown on in the General Plan Mobility and Circulation Element.

16.12.080 Street Widths.

Subdivisions shall be designed in conformance with the standard plans adopted by the Council, except:

A. Private streets serving four or fewer lots as access to a public street shall provide for a minimum pavement width of 28 feet within a minimum 40-foot-wide right-of-way.

B. Private streets serving five parcels or more as access to a public street shall provide for a minimum pavement width of 40 feet within a minimum 56-foot-wide right-of-way.

C. Streets in a subdivision which provides an approved alternate pedestrian circulation system shall have a right-of-way that will provide a minimum parkway width of at least eight feet.

16.12.090 Dead-End or Cul-de-Sac Streets.

Dead-end streets shall be terminated by a turnaround having a diameter which will maintain a parkway width uniform with that of the street. No such dead-end street shall exceed a length of 500 feet measured along the center line from the center point of the turnaround to its center line intersection with a through street.

16.12.100 Local Street and Highway Longitudinal Grades.

Local street and highway longitudinal grades shall be no less than one percent, reverse grade vertical curves excepted. Private longitudinal grades shall be no less than one percent, reverse grade vertical curves excepted. Highway longitudinal grades shall not exceed six percent and local street grades shall not exceed 10 percent, unless approved in writing by the City Engineer.

16.12.110 Curved Local Street and Highway Radii.

The center line radii of curves on local streets or highways shall be not less than:

A. The Standard Orange County Environmental Management Agency (OCEMA) and Cal Trans Highway Design Standards;

B. 550 feet on collector streets; and

C. 250 feet on local streets.

16.12.120 Local Street Lengths.

Local streets shall not exceed 1,000 feet in length without a significant change in alignment.
16.12.130 Local Street and Highway Corner Cutoffs and Corner Radii.

All local street and highway corner cutoffs and corner radii shall be designed in conformance with the standard plans as adopted by the Council.


A. Sidewalks shall be designed in accordance with the standard plans adopted by the Council and located as follows:
   1. Along both sides of arterial highways;
   2. Along all commercial and industrial frontage;
   3. Along both sides of collector streets;
   4. Along residential frontage where the required minimum building site area is less than 15,000 square feet and the lots have access to the street, except in those instances where an alternate pedestrian circulation system is proposed;
   5. Along all streets leading directly to a school, a designated school bus stop, or a park;
   6. Where the sidewalk will provide a continuation or link between other sidewalks.

B. Additional pedestrian ways not abutting a street shall be provided when necessary for access to schools, recreation, and other public areas. These pedestrian ways shall not be less than six feet in width.

16.12.150 Bicycle Trails.

Where the General Plan or any officially adopted specific or precise plan designates a bikeway trail as lying wholly or partially within any proposed subdivision, the necessary right-of-way for the bikeway or equestrian trail shall be shown on the map in compliance with adopted plans, and bikeways shall be designed in accordance with standard plans.


Street lighting shall be provided along and at the intersections of all arterial highways and local streets in accordance with the illumination levels specified in the standard plans, except as otherwise approved by the City Engineer.


A. Utility lines, including but not limited to, electric, communications, street lighting, and cable television, shall be placed underground within any new, revised, or reactivated residential subdivision. The subdivider is responsible for making the necessary arrangements with the utility companies for the installation of facilities. For the purposes of this subsection, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground within the street right-of-way where sufficient right-of-way width exists so as to provide sufficient width to comply with local, State, and Federal standards. The foregoing shall not pose a serious hazard to pedestrian traffic.
B. If approved by the Director, utility lines, the main purpose of which is to provide service to customers outside of the original boundaries of the subdivision, and those utility lines which were in service in the area covered by the tentative tract or tentative parcel map prior to the filing of the tentative map, may be placed above ground.

C. Required underground utility lines may be located in street or alley rights-of-way or along any lot line.

D. Overhead utility lines should be located at the rear of lots where practical. The poles supporting such overhead lines shall not be installed within any street, alleyway, drainage easement, or flood-control channel.

E. Aboveground installation of utilities shall be permitted on a temporary basis when such utilities are required during construction, provided, however, that such utilities shall be removed or placed underground prior to the final exoneration of street improvement bonds.


All lots intended for development shall be connected to a sanitary sewer system.

16.12.190 Drainage and Erosion Control.

A. Tentative maps shall illustrate the existing or proposed manner in which water drains onto, across, and off of the land being subdivided, including the facilities and easements necessary to accommodate the drainage to its point of ultimate disposal.

B. In the event a subdivider unnaturally concentrates or diverts surface water running onto adjacent land in a manner permitted by law, the map shall illustrate the manner in which the water will be accepted and disposed and shall provide appropriate documentation, as necessary, to establish the need and legal right to so affect drainage.

C. If an existing or proposed flood control channel as shown on an officially adopted flood control plan is located so that any portion of it lies within or adjacent to a subdivision, the channel shall be illustrated on the map as a lettered lot in a width and in an alignment corresponding to the flood control plan.

D. Where any lot is designed in such a manner that it will not drain with a minimum one percent grade directly to a street or common drainage facility, it shall be designed in a manner that will conform to the following criteria:

1. Lots shall be designed in such a manner that manufactured slopes are not subject to sheet flow or concentrated runoff from either the same or an adjacent lot;

2. All water flowing down manufactured slopes, except that falling on each slope, shall be constrained within an approved drainage device; and

3. All water flowing from one lot to or across another lot shall be within an approved drainage device located within a properly executed easement, where appropriate.


A. Manufactured slopes shall be designed so that they can be conveniently maintained so as to minimize erosion, slope failure, and unsightly conditions.

B. This Section does not apply to manufactured slopes five feet in height or less.
C. All manufactured slopes shall be shown on tentative maps and shall be classified, labeled, and designed as follows:

**Type A.** Those proposed to be maintained by a public agency or by a group, such as a homeowners’ association, and which are located either adjacent to an arterial highway or within a park, greenbelt, or other public or common open space area.

**Type B.** Those proposed to be maintained by a group, such as a homeowners’ association, and which are located within or adjacent to individual lots and which are not within a park, greenbelt, or other public or common open space area.

**Type C.** Those proposed to be maintained by individuals and which are located within individual lots in such a manner that they are inappropriate for maintenance by a group such as a homeowners’ association.

D. Manufactured slopes shall be designed to resemble natural terrain where feasible, with a minimum of long, flat, inclined plane surfaces and acute angles.

E. Manufactured slopes shall be no steeper than three feet horizontal to one foot vertical.

F. The maximum height of manufactured slopes in excess of or steeper than five feet horizontal to one foot vertical shall be as follows:

- **Type A.** No maximum.
- **Type B.** 35 feet.
- **Type C.** 20 feet.

G. Manufactured slopes shall not be constructed one on top of another or combined in such a manner so that they exceed the maximum heights specified in subsection (F) of this Section. However, this limitation shall not apply to adjacent slopes on land abutting the subdivision, provided there is a visual and physical break of at least 10 horizontal usable feet, exclusive of drainage facilities, between the top of the lower slope and the top of the upper slope.

H. Lettered lots shall not include Type C slopes, unless such slopes will be directly visible from the probable building pad on the lot.

I. Automatic irrigation systems shall be incorporated into the design of Type A and Type B slopes. An irrigation system connected to the main water system serving the lot shall be incorporated into the design of Type C slopes.

J. The design of manufactured slopes shall include landscaping in accordance with the requirements of Section 16.12.220 (Landscaping and Screening).


Local parks shall be shown on the tentative map in a manner consistent with the General Plan. (Ord. 580 § 2 Exh. A, 1994)
TITLE 16: SUBDIVISION ORDINANCE


The design of the areas listed below shall include appropriate landscaping for aesthetic, noise suppression, fire protection, erosion control purposes, and vehicular sight distances:

A. Manufactured slopes greater than five feet in height;
B. Common areas;
C. Roadway medians and parkway areas;
D. Lot containing existing significant trees or other plants proposed to be preserved;
E. Fuel breaks; and
F. Other open space areas.


A. Any proposed subdivision fronting upon a public waterway, river, or stream shall be designed to provide reasonable public access by fee or easement from a public highway to and along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width, and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river, or stream consistent with public safety.

B. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.

C. In determining what is reasonable public access, the following factors shall be considered:
   1. The easement may be for a foot trail, bicycle trail, or vehicular access;
   2. The size of the subdivision;
   3. The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, boating, diving, fishing, water skiing, scientific collection, and teaching; and
   4. The likelihood of trespass on private property and reasonable means of avoiding trespass.


A. Any subdivision proposed to be located in an area shown in the General Plan Safety Element to be a high or extreme fire hazard area shall provide appropriate fire protection by means of firebreaks, fuel modification programs, access roads, sufficient water supply, landscaping and open spaces, and other methods that the fire chief has determined will ensure the public health, safety, and welfare of the future occupants of the subdivision and the adjacent area.

B. The design of any required fuel modification program shall include landscape architectural planning encompassing visual quality standards, watershed impact, and erosion control and wildlife impact and other design features described in the fire hazard reduction design criteria. The program shall include provisions for landscape architectural construction observation, inspection, and maintenance.
C. The cost of the design and implementation of any fuel modification program shall be the responsibility of the subdivider.

D. A method or procedure for assuring continued maintenance of any required fuel modification program shall be provided by the subdivider and approved by the fire chief and the Director.

16.12.250 Dangerous Area to Be Removed or Controlled.

Areas proposed to be subdivided which are known to be dangerous by reason of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, flood hazard, or any other dangerous conditions shall be approved for subdivision only when the Planning Commission or Council finds that the conditions or hazards are to be removed or that appropriate measures or controls will be applied which will assure adequate protection to the subject property and to surrounding uses and improvements.


A. The Planning Commission or Council may approve or conditionally approve tentative maps which deviate from the standards of design contained in the following sections:

16.12.040 Lots.
16.12.050 Arterial Highways.
16.12.080 Street Widths.
16.12.090 Dead-End or Cul-De-Sac Streets.
16.12.100 Local Street and Highway Longitudinal Grades.
16.12.110 Curved Local Street and Highway Radii.
16.12.130 Local Street and Highway Corner Cutoffs and Corner Radii.
16.12.150 Bicycle Trails.

B. The deviations from the standards of design contained in the sections listed in subsection (A) of this Section shall be identified by a note on the face of the tentative map, and the subdivider shall submit evidence of justification for each deviation.

C. Special circumstances which may be cited to justify a deviation from the standards of design listed in subsection (A) of this Section include, but are not limited to, alternative means of pedestrian circulation, environmental considerations, physical constraints, existing nearby uses, and a limited amount of ultimate traffic.

D. The Planning Commission or Council shall take specific action on each requested deviation. Deviations not specifically approved shall be considered to be denied.
Chapter 16.14. Dedications

Sections:

16.14.010 Required Dedication for Public Use or Benefit.
The Planning Commission or Council may require the dedication to the public, to the City, or to another public agency as may be appropriate all real property or fee interest in real property both on and off site required for public use or benefit, including but not limited to the following:

A. Local, streets, arterial highways, and transportation corridors;
B. Alleys;
C. Trails, paths, and pedestrian ways;
D. Flood control facilities;
E. Parks;
F. Easements for landscaping maintenance;
G. Public utility easements;
H. Public transit facilities; and
I. Other public easements.

16.14.020 Transfer of Ownership Required for Private Use or Benefit.
The Planning Commission or Council may require that the items listed in Section 16.14.010 (Required Dedication for Public Use or Benefit) be deeded for private use or benefit to a homeowners’ association or other responsible body. However, in no event shall dedications of a fee interest be made to any public or private utility. Dedications required by utilities shall be made in fee simple to the City, which shall provide for utility service pursuant to the terms of the appropriate franchise.

Whenever specified by the Planning Commission or Council, offers of dedication of arterial highways or transportation corridors shall include the release and relinquishment of vehicular access rights to and from facilities from any property shown within a final tract or parcel map abutting thereon. When the Planning Commission or Council finds, based on
evidence provided by the Director, that there is a particular circulation problem on a local street, release and relinquishment of access rights to and from the local street may be required.


The applicant submitting a tentative tract map may be required to dedicate land for the school facilities necessary to assure the residents of the subdivision that adequate public school service is provided in accordance with the requirements and procedures identified in the Subdivision Map Act. Whenever the Council imposes such a dedication requirement, it may concurrently approve an alternate tentative map, to be effective in the event the school district affected does not enter into a binding commitment within 30 days to accept the dedication. A dedication pursuant to this Section shall only be required at the request of a school district made within 20 working days of the notice given pursuant to Section 16.10.080 (Meetings and Hearings).


Dedications required for utility purposes shall be made in fee simple to the City. In no event shall dedications for utility purposes be made to any public or private utility. Such dedications are to be made in fee simple to the City, which shall provide for utility service pursuant to the terms of the appropriate franchise.


A. Dedications and offers of dedication shall be made by a certificate on the final tract or parcel map. Separate instruments may be used with the approval of the City Engineer, when permitted by law and when the subdivider intends to dedicate or offer for dedication real property prior to the approval of a final tract or parcel map. The City shall record a certificate with the County Recorder of the County of Orange of that dedicated property, except that which is used for open space, parks, or schools. The certificate shall be attached to the map and shall contain the following information:

1. The name and address of the subdivider dedicating the property;

2. A legal description of the real property dedicated; and

3. A statement that the City shall reconvey the property to the subdivider if the City makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion of the property is not needed for public utilities.

B. The subdivider may request that the City make a determination that the same public purpose for which the dedication was required still exists, after payment of a fee which shall not exceed the amount reasonably required to make the determination. If the City decides to vacate, lease, sell, or otherwise dispose of the dedicated property, the City shall give at least 60 days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.


Dedications required by Section 16.14.010 (Required Dedication for Public Use or Benefit) shall not be required for any remainder parcel which is sufficient as to size and shape to be further divided in compliance with applicable Zoning Regulations, provided the Planning Commission or Council determines that such dedications and improvements are not necessary immediately for public use or benefit and that the property owner will not be excused from a requirement to dedicate and install necessary improvements at a later time.
Chapter 16.16. Improvements, Monumentation, and Security

Sections:

16.16.010 Improvements Required.
A. The subdivider shall grade and improve or agree to grade and improve all land shown on the final tract or parcel map for those dedications listed in Section 16.14.010 (Required Dedication for Public Use or Benefit) in compliance with the requirements of the approved tentative map in such a manner and with such improvements as are necessary for the general use of the lot owners in the subdivision and local traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract or parcel map. All elevations shall be based on current Orange County Surveyor Vertical Datum. The grading plans and improvement plans shall make reference to the benchmark and elevation used for the design and engineering.

B. The subdivider may be required to improve or agree to improve those dedications which are necessary or convenient to ensure conformity to or implementation of the General Plan.

16.16.020 Subdivisions of Four or Fewer Parcels.
A. Required improvements shall be noticed by certificate on the final parcel map or the instrument evidencing waiver of the parcel map. Except as otherwise specified in subsection (C) of this Section, the certificate shall include a requirement for fulfillment of improvements prior to issuance of any building permit or other grant of approval for development of the lot or for installation of the improvements at an earlier time as provided in the agreement.

B. The agreement required by Section 16.16.050 (Agreements In Lieu of Improvements) shall be entered into prior to the City Engineer’s approval of the parcel map for recordation or prior to granting a waiver of the parcel map. Except as otherwise specified in subsection (C) of this Section, the agreement shall provide for installation of the improvements prior to the granting of any building permit or other grant of approval for development of the parcel, or for the installation of the improvements at an earlier time as provided in the agreement.

C. The requirements for installation of the improvements prior to issuance of building permits may be omitted from a parcel map when a requirement is not a condition of approval of the parcel map or waiver of parcel map.

16.16.030 Standards.
Improvements shall be designed and constructed in accordance with the standards of design contained in Chapter 16.12 (Standards of Design), the standard plans, and any other applicable standards adopted by the Council.
16.16.040 Improvement Plans.

All improvement plans of improvements to be installed within or supplemental to the final tract or parcel map must be approved by the Director or other responsible authority prior to approval of the final tract or parcel map.

16.16.050 Agreements In Lieu of Improvements.

If any improvements are not completed satisfactorily or any monuments not set before the final tract or parcel map is approved, the subdivider shall enter into an agreement with the City whereby, in consideration of the approval by the City of the final tract or parcel map, the subdivider agrees to perform and to furnish the equipment, material, and labor necessary to complete the required work within the time specified in the agreement. The agreement shall be accompanied by security as provided in Sections 16.16.070 (Improvement Security) and 16.16.090 (Monumentation).

16.16.060 Plan Checking, Engineering, and Inspection Fees.

Subdivider(s) submitting detailed plans and specifications for approval required by Section 16.16.040 (Improvement Plans) shall pay plan checking, engineering, and inspection fees as established by resolution of the Council. The fees shall be paid at the following times:

A. Engineering fee prior to approval of the Director.

B. Inspection fee prior to starting construction of bonded improvement at then applicable rates.


Security in the form specified by the Subdivision Map Act shall be furnished with every improvement agreement. The amount of the security shall be as follows:

A. If bonds are furnished by one of the authorized corporate sureties:
   1. A performance bond in the amount of 100 percent of the estimated cost of the improvement,
   2. A payment bond in the amount of 100 percent of the estimated cost of the improvement;

B. If money, instrument of credit, or negotiable bonds are furnished, 100 percent of the estimated cost of the improvement. The money, instrument of credit, or negotiable bonds shall apply to both faithful performance and payment to the contractor, subcontractors, laborers, materialmen, and other persons employed in the performance of the agreement.


The Director is authorized to release security in accordance with the provisions of the Subdivision Map Act.

16.16.090 Monumentation.

A. Monuments shall be set for each tract and parcel map in accordance with the provisions of the Subdivision Map Act and in accordance with the rules and procedures approved by the Director.

B. The agreement referred to in Section 16.16.050 (Agreements In Lieu of Improvements) shall be accompanied by security in a sum not less than the cost of setting the monuments.
16.16.100 Extension of Time.

The Director is authorized to grant an extension of time to the agreement as specified in Section 16.16.050 (Agreements in Lieu of Improvements), if, as determined by the Director, a delay in the completion of the improvements is justified and the delay will not cause substantial inconvenience to the general public.
Chapter 16.18. Dedication of Land for Park Facilities and Payment of In-Lieu Fees

Sections:

16.18.010 Purpose.

This Chapter implements the provisions of Government Code Section 66477, which authorizes a city to require the dedication of land for park facilities and/or payment of in-lieu fees incident to and as a condition of the approval of a tentative tract map or parcel map for certain subdivisions.

16.18.020 Parkland Dedication Requirements.

A. The dedication of land for park facilities shall be required by the Planning Commission or Council incident to and as a condition of the approval of a tentative tract map or parcel map for a subdivision if the subdivision contains 51 or more separate lots, or consists of a condominium project containing 51 or more dwelling units, except any condominium project created by the conversion to a condominium of an existing multi-unit residential building which is more than five years old. In addition, when a condominium project or stock cooperative, as those terms are defined in Civil Code Section 1351, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of lots may be less than 51.

B. The land required to be dedicated for park purposes shall be of suitable quality to be used for park purposes. The City may condition the subdivider to fund the cost of a study to determine the suitability of the land proposed to be dedicated for park purposes.

C. Property to be dedicated shall be free of any and all liens and encumbrances and shall include a California Land Title Association Standard Coverage title insurance policy, including a proper title record provided by the subdivider.

16.18.030 Standards for Determining the Amount of Dedicated Parkland.

The amount of land required to be dedicated to the City for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall be consistent with the standards and policies for park facilities adopted in the General Plan, any applicable specific plan, or any Council resolution, and shall bear a reasonable relationship to the need for park facilities by the inhabitants of the subdivision.
16.18.040 Amount of Dedicated Parkland to Be Required.

A. Except as otherwise provided by this Chapter, the number of acres or fraction of an acre of land required to be dedicated to the City for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall be 5.0 acres per 1,000 estimated population in the subdivision based on the product of the following:

1. The maximum number of dwelling units permitted within the subdivision as determined from Title 17 (Zoning Regulations) and the conditionally approved tentative tract map or tentative parcel map applicable to the subdivision, multiplied by

2. The average number of residents per dwelling unit within the incorporated territory of the City, as determined by the most recent population estimates provided by the State Department of Finance, multiplied by

3. 5.0 acres per 1,000 persons.

B. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be credited against the payment of fees or dedication of land.

16.18.050 Adjustments to Amount of Dedicated Parkland which May Be Required to Account for Private Open Space.

A. Where a tentative tract map or a tentative parcel map is approved for a common interest development, as defined in Civil Code Section 1351, which includes private open space set aside for active recreational purposes, then the maximum number of acres or fraction required to be dedicated to the City for park facilities incident to and as a condition of approval of such tentative tract map or tentative parcel map shall be reduced by an amount equal to 25 percent of the number of acres or fraction of an acre of the private open space set aside for private open space purposes.

B. For purposes of this Section, private open space set aside for active recreational purposes shall include any private open space within the subdivision other than yards, courtyard areas, setbacks, and other open areas required by Zoning Regulations, building regulations, and other regulations of the City which meets all of the following requirements:

1. The private open space is open to and accessible by all residents of the subdivision;

2. The private open space includes one or more of the following active recreational elements:
   a. Open spaces dedicated to active recreational pursuits such as soccer, golf, baseball, softball, and football;
   b. Tennis courts, basketball courts, racquetball courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games; and
   c. Recreational swimming pools or other swimming areas and those fenced areas directly adjacent to such swimming pools or swimming areas.

3. Use of the private open space is restricted for active recreational purposes by a recorded covenant which runs with the land and which can be terminated only with the prior written consent of the Council.
16.18.060 Application of Parkland Dedication Requirements to Subdivisions Containing Lots Likely to be Further Subdivided.

Where an application is filed for approval of a tentative map or a final parcel map for a subdivision which contains fewer than 51 lots, the subdivision, nevertheless, shall be deemed to contain 51 or more lots for purposes of land dedication requirements provided for by this Chapter where the Planning Commission or Council, based on all available evidence, determines that one or more lots within the subdivision are likely to be further subdivided in a manner which would create a total of 51 or more lots within the entire subdivision. This evidence shall include, but not be limited to, the potential number of lots and/or dwelling units that would be permitted within the subdivision pursuant to the General Plan or any applicable specific plan. Moreover, where a subdivision contains lots likely to be further subdivided, the Planning Commission or Council shall determine the maximum number of acres and/or fraction of an acre to be dedicated to the City for park facilities in the manner provided by this Chapter. This number shall be based on the maximum number of dwelling units which would be permitted within the subdivision pursuant to the provisions of the General Plan or any applicable specific plan rather than in the Zoning Regulations applicable to the subdivision.


When the Planning Commission or Council has required the dedication of land for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision, the Planning Commission or Council, as a further condition of approval, may require the construction and installation of the following public improvements within the dedicated parkland and adjoining public rights-of-way:

A. Storm drainage facilities necessary for the conveyance and disposal of stormwaters generated within or flowing through the dedicated parkland;

B. Fencing necessary in order to provide an appropriate buffer between the dedicated parkland and adjoining properties;

C. Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees, and traffic control devices;

D. Utilities stubbed to the property line; and/or

E. Any other public improvements which the Planning Commission or Council determines are necessary in order to make the dedicated parkland suitable for development as a park facility.

16.18.080 Use of Dedicated Parkland.

Where parkland has been dedicated to and accepted by the City in accordance with the conditions of approval of a tentative tract map or tentative parcel map for a subdivision, the parkland shall be used for the purpose of developing new or rehabilitating existing neighborhood or community park and recreational facilities in accordance with a parkland development schedule adopted by the Council.

16.18.090 Payment of in Lieu Fees for Park and Recreation Purposes.

A. The Planning Commission or Council may require payment of in-lieu fees instead of or in combination with the dedication of parkland so long as the fees are equal to the value of the parkland which would otherwise have been dedicated. The subdivider of a subdivision containing 50 or fewer lots shall only be required to pay the in-lieu fees, provided that when a condominium project, stock cooperative, or community apartment project, as those terms
are defined in Civil Code Section 1351, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of lots may be less than 51.

B. For any subdivision containing more than 50 lots, the Council may elect, at its sole discretion, to require the payment of in-lieu fees for park and recreation purposes instead of dedication of parkland if the subdivision is not conducive to the development of parks and recreation facilities. The Council’s decision regarding whether to require payment of in-lieu fees shall be based on the subdivision’s location, topography, quality of land resources, design constraints, and related factors.

C. In-lieu fees required pursuant to this Section shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 16.18.040 (Amount of Dedicated Parkland to Be Required), plus the cost of improvements pursuant to Section 16.18.070 (Improvements to Dedicated Parkland and Adjoining Public Rights-of-way). The amount of the fee shall be fixed by the following formula:

\[
\text{In Lieu Fee} = \text{Fair Market Value of the Amount of Land} + \text{Cost of Improvements} \times \text{Park standard of 5.0 acres of parkland per 1,000 persons} \times \text{Persons Per Dwelling Unit.}
\]

The amount of the in-lieu fee shall be established by resolution of the Council.
Chapter 16.20. Major Thoroughfare Fees

Sections:

16.20.010 Applicability.
A subdivider, as a condition of approval of a final tract map or final parcel map, or a building permit applicant, as a condition of issuance of a building permit, shall pay a fee as established in this Title to defray the costs of constructing major thoroughfares.

16.20.020 Payment of Major Thoroughfare Fees.
Payment of fees shall not be required unless any major thoroughfare is in addition to, or a widening or reconstruction of, any existing major thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.

Action to establish an area of benefit may be initiated by the Council upon its own motion or upon the recommendation of the Director, City Engineer, or other designated City employee. The proposal shall be forwarded to the Planning Commission for its review and recommendations at a regular, adjourned, or special meeting. The Planning Commission’s comments and recommendations and the Director’s report shall be transmitted to the Council. The Council will set a public hearing for each proposed area benefitted. Notice of the time and place of the hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs, and the method of fee apportionment, shall be given by first class mail addressed to each property owner within the proposed area of benefit, as shown on the last equalized assessment roll of property.

16.20.040 Conduct of Hearing – Protests.
A. At the public hearing, the Council will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing, the Council may, unless a majority written protest is filed and not withdrawn as specified in subsection (C) of this Section, establish an area of benefit. If established, the Council shall adopt a resolution describing the boundaries of the area of benefit; setting forth the cost, whether actual or estimated; and the method of fee apportionment. A certified copy of such resolution shall be recorded with the County Recorder of the County of Orange. Such apportioned fee may be modified by a joint powers agency in accordance with Government Code Section 66484.3(b)(3).

B. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions of the
property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this Section, the Council shall make provisions for payment of the share of improvement costs apportioned to lands from other sources.

C. Written protest shall be received by the City Clerk any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefitted, then the proposed proceedings shall be abandoned, and the Council shall not, for one year from the filing of the written protests, commence or carry on any proceedings for the same improvement under the provisions of this Section, unless the protests are overruled by an affirmative vote of four-fifths of the Council. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the close of the public hearing.

D. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this Section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Council shall not be barred from commencing new proceedings not including any part of the improvement so protested against. The proceedings shall be commenced by a new notice and public hearing as identified in Section 16.20.030 (Establishment of Area of Benefit – Hearing).

E. Nothing in this Section shall prohibit the Council, within such one-year period, from commencing and carrying on new proceedings for the construction of an improvement or portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with the improvement.

16.20.050 Deposit of Fees in Separate Accounts.

Fees paid pursuant to this Section shall be deposited in a major thoroughfare fund. A fund shall be established for each planned major thoroughfare project. If the area of benefit is one in which more than one major thoroughfare is required to be constructed, a separate fund may be established covering all of the major thoroughfares in the area of benefit. If the area of benefit encompasses one or more major thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all thoroughfares, a single fund may be established to account for fees paid. Except as provided in Government Code Section 66484.3 (g), moneys in the fund shall be expended solely for the construction or reimbursement for construction of improvements serving the area to be benefitted and from which the fees comprising the fund were collected or to reimburse the City for the costs of constructing the improvement.

16.20.060 Consideration in Lieu of Payment.

The Council may approve the acceptance of consideration in lieu of the payment of fees established in this Title.

16.20.070 Advancement of Funds by City.

The City may approve the advancement of money from the general fund or other fund to pay the costs of constructing the improvements covered and may reimburse the general fund or other fund for the advances from major thoroughfares funds established pursuant to this Chapter. The sole security for replacement of the indebtedness shall be moneys in the major thoroughfares fund. The City may enter into a joint exercise of powers agreements with other local agencies for the purposes of this Chapter.

If the subdivider, as a condition of approval of the subdivision, or the building permit applicant, as a condition of the issuance of the building permit, is required or desires to construct a major thoroughfare, the Council may enter into a reimbursement agreement with the subdivider or building permit applicant. The agreement may provide for payments to the subdivider or applicant from the major thoroughfare fund covering that specific project to reimburse the subdivider or applicant for costs not allocated to the subdivider's or applicant's property in the resolution establishing the area of benefit. If the major thoroughfare fund covers more than one project, reimbursements shall be made on a pro rata basis reflecting the actual or estimated costs of the projects covered by the fund.

16.20.090 Joint Powers Authority.

A. For purposes of carrying out the provisions of this Chapter and in accordance with Government Code Section 66484.3, the City may enter into joint exercise of powers agreements with other local agencies and/or may form joint powers authorities and/or joint powers agencies.

B. Fees paid pursuant to this Chapter may be utilized to defray all direct and indirect financing costs related to the construction of major thoroughfares by the joint powers agency. Because the financing costs of major thoroughfares for which a toll charge shall be established or collected represent a necessary element of the total cost of those major thoroughfares, the joint powers agency constructing those facilities may include a charge for financing costs in the calculation of the fee rate. The charge shall be based on the estimated financing cost of any eligible portion of the major thoroughfares for which tolls shall be collected. The eligible portion shall be any or all portions of the major thoroughfare for which a viable financial plan has been adopted by the joint powers agency on the basis of revenues reasonably expected by the joint powers agency to be available to the major thoroughfare, after consultation with representatives of the fee payers.

C. For purposes of calculating the charge, financing costs shall include only reasonable allowances for payments and charges for principal, interest and premium on indebtedness, letter of credit fees and charges, remarketing fees and charges, underwriters' discount, and other costs of issuance, less net earnings on major thoroughfare funds by the joint powers agency prior to the opening of the facility to traffic after giving effect to any payments from the fund to preserve the federal income tax exemption on the indebtedness. For purposes of calculating the charge for financing costs in the calculation of the fee rate only, financing costs shall not include any allowance for the cost of any interest paid on indebtedness with regard to each eligible portion after the estimated opening of the portion to traffic as established by the joint powers agency. Any and all challenges to any financial plan or financing costs adopted or calculated pursuant to this Section shall be governed by Government Code Section 66484.3(k).
Chapter 16.22. Taxes and Assessments

Sections:

16.22.010 Certificate from Tax Collector – Treasurer.
16.22.030 Apportionment.

16.22.010 Certificate from Tax Collector – Treasurer.

Prior to the filing of a final tract map or final parcel map with the Council, the subdivider shall file with the Orange County Surveyor a certificate from the Orange County Tax Collector Treasurer stating that, according to the records of such office, there are no liens against the subdivision or any part of the subdivision for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. As to taxes or special assessments collected as taxes which are a lien but not yet payable, the subdivider shall file with the Orange County Surveyor a certificate by the Orange County Tax Collector Treasurer giving his/her estimate of the amount of taxes and special assessments collected as taxes and special assessments collected as taxes which are a lien but not yet payable.


Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Orange County Surveyor security conditioned upon the payment of all state, county, municipal, and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable.

16.22.030 Apportionment.

The apportionment of security and delinquencies shall be handled in accordance with the provisions of the Subdivision Map Act.

Sections:

16.24.010  Content and Form.
16.24.020  Final Parcel Map Required.
16.24.030  Signatures Required.
16.24.050  Filing with the County Recorder and County Surveyor.

16.24.010  Content and Form.

The content and form of parcel maps shall be governed by the provisions of the Subdivision Map Act. The Planning Commission or Council may require additional information to be filed or recorded simultaneously with the map. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the map and contain a statement that the additional information is for informational purposes. The additional information may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.

16.24.020  Final Parcel Map Required.

A. When a subdivision is proposed to be created through the tentative parcel map process, a final parcel map shall be filed for record with the County Recorder and the County Surveyor pursuant to Government Code Section 66466. No proposed subdivision shall be complete until such parcel map has been filed for record and with the County Surveyor unless a waiver has been approved. If a tentative parcel map is filed and approved, the final parcel map shall be approved by the Council in accordance with Government Code Sections 66457 and 66458.

B. A final parcel map for commercial or industrial zoned properties that identifies lease line or lines for tax purposes may be filed for recording with the County Recorder without being required to comply with the tentative parcel map requirements of this Title. Each parcel on the final parcel map shall be identified by letter and shall not be considered to be a separate building site. No transfers of fee title may be made in connection with the final parcel map. Identification shall be shown on the face of the final parcel map as to its purpose, provided that it does not create building sites and that it does not permit transfer of fee title interest.

16.24.030  Signatures Required.

A. When dedications or offers of dedications are made on the final parcel map, all parties having any record title or interest in the real property being subdivided shall consent to the preparation and recordation of the final parcel map by signing the required certificate. The certificate shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements, or other interests which cannot ripen into a fee, provided that:

1. The Planning Commission determines that division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

2. The map contains a statement that the Planning Commission has determined that the division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and
3. The public entity or utility has been given the opportunity to object to the determination in accordance with the provisions of the Subdivision Map Act.

B. When dedications or offers of dedications are not being made, no owners’ or subdividers’ signature shall be required on the final parcel map.


A. Final Parcel Map. The final parcel map shall be submitted to the Director and the City Engineer, who shall examine the map within 20 days of receipt of the final parcel map. If the City Engineer is satisfied that the map is technically correct and conforms with the approved tentative parcel map and any conditions imposed on the tentative parcel map, he/she shall execute the certificate required by the Subdivision Map Act. The Council shall then review and approve, conditionally approve, or deny the final parcel map.

B. Agreements and Security. Whenever, as a condition of an approved tentative parcel map, agreements and/or security are required for installation of certain improvements, the agreements and security shall be approved by the Council prior to recordation of the final parcel map.

16.24.050 Filing with the County Recorder and County Surveyor.

The City Engineer shall transmit the approved final parcel map to the County Recorder for recordation within 20 days from the time that the parcel map is submitted for approval, unless the City Engineer or subdivider requests an alternate time schedule for recordation. It shall be the obligation of the subdivider to cause a copy of the approved final parcel map to be filed with the County Surveyor in accordance with Government Code Section 66466.
Chapter 16.26. Final Maps - Requirements and Procedures

Sections:

16.26.010  Content and Form.


16.26.060  Filing with the County Recorder and County Surveyor.

16.26.010  Content and Form.

The content and form of final tract maps shall be governed by the provisions of the Subdivision Map Act. The Council may require additional information to be filed or recorded simultaneously with the final tract map. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the map and contain a statement that the additional information is for informational purposes. The additional information may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.


When a subdivision is proposed to be created through the tentative tract map process, a final tract map shall be filed for recording with the County Recorder and the County Surveyor pursuant to Government Code Section 66466. No proposed subdivision shall be complete until the final tract map has been filed for recording.


All parties having any record title interest in the real property being subdivided shall consent to the preparation and recording of the final tract map by signing the required certificate. The signatures shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements, or other interests which cannot ripen into a fee, provided that:

A. Division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

B. The map contains a statement that the Council has determined that the division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and

C. The public entity or utility has been given an opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.


A. Final tract maps, together with any required improvement agreements and security, shall be submitted to the Director and the City Engineer for review and preliminary determination as to:

1. Compliance with any conditions imposed on the approval of the tentative tract map; and
2. Substantial conformance with the approved tentative tract map and any approved alterations of the tentative tract map.

B. Following the determination of the City Engineer and Director that the subdivision is either in compliance with, in substantial conformance with, or does not conform to the tentative tract map, the City Engineer and Director shall forward the final map to the City Council for acceptance or non-acceptance. The Council shall make an advisory ruling to the City Engineer and Director.

C. Based on direction provided by the Council, within 20 days (or more if requested by the subdivider) after the Council issues its advisory to the City Engineer and Director regarding whether all conditions precedent to the approval of the final tract map have been satisfied and any required improvement agreements and security are in order, the City Engineer shall execute the certificate required by the Subdivision Map Act.


After the City Engineer executes the certificate, then he/she shall transmit the final tract map to the City Clerk. The City Clerk shall present the map and any required agreements, securities, and approvals to the Council for their approval and execution of the certificate by the City Clerk.

16.26.060 Filing with the County Recorder and County Surveyor.

The City Engineer shall transmit the approved final tract map to the County Recorder for recordation, unless the City Engineer or subdivider requests an alternate time schedule for recordation. It shall be the obligation of the subdivider to cause a copy of the approved final tract map to be filed with the County Surveyor in accordance with Government Code Section 66466.
Chapter 16.28. Waivers and Exceptions

Sections:

16.28.010 Waivers and Exceptions Permitted.
16.28.020 Types of Subdivisions Eligible.
16.28.030 Waiver Procedure.
16.28.040 Waiver Does Not Establish Lots.
16.28.050 Time to Record a Certificate of Compliance.

16.28.010 Waivers and Exceptions Permitted.

When requested by the subdivider or by a governmental agency, waivers from the requirement for recording a final parcel map and exceptions to the tentative parcel map process may be approved by the Planning Commission in compliance with the provisions of this Chapter. When any such waiver request is approved a certificate of compliance may be recorded in lieu of a parcel map. The requirement for recording a final parcel map shall not be waived when the City Engineer finds that a survey and/or monumentation is necessary.

16.28.020 Types of Subdivisions Eligible.

A. Only the following types of subdivisions are eligible to receive a waiver from the requirement for recording a final parcel map:

1. Subdivisions containing four or fewer parcels, each of which is a minimum of five acres in area and is proposed for further subdivision;

2. Subdivisions wherein each parcel will have a gross area of 20 acres or more and a right of vehicular access for a continuous width of not less than 40 feet to a maintained public street or highway having a right-of-way width of not less than 40 feet;

3. Subdivisions wherein each parcel will have a gross area of not less than 40 acres;

4. Subdivisions in accordance with Government Code Section 66428.1 wherein at least two-thirds of the owners of mobile homes who are tenants in the mobile home park sign a petition indicating their intent to purchase the mobile home park for purposes of converting it to tenant-owned, condominium ownership interest and further, a field survey is performed, the requirement for a parcel map as a tentative and final map specified by Government Code Section 66426 shall be waived unless any of the following exist:

   a. There are significant design or improvement requirements necessitated by health or safety concerns;

   b. Subsequent to recordation of the existing final parcel or final tract map, there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map;

   c. The existing lot or lots were not created by a recorded parcel or final tract map;

   d. The conversion would result in the creation of additional parcels; or,

   e. The text of the petition to be signed by the tenants shall follow the form as identified in Government Code Section 66428(c).
B. If pursuant to Government Code Section 66428, the City imposes requirements on the applicant to mitigate health or safety conditions, no improvement bonds or other security device, except an unsecured improvement agreement, may be required.

16.28.030 Waiver Procedure.

A waiver from the requirement for recording a parcel map may be approved in compliance with the following procedure:

A. A tentative parcel map, accurately describing the existing legally created lot and each proposed lot shall be submitted. Such tentative parcel map shall be processed in compliance with the tentative parcel map procedure except that it need not be prepared by a licensed land surveyor or civil engineer and need include only such information that the City Engineer and the Planning Commission find to be necessary to make the required determinations.

B. A waiver request shall accompany the tentative parcel map. The exception to the tentative parcel map requirements specified in subsection (A) of this Section is permitted only when a tentative parcel map proposes one of the subdivisions specified by Section 16.28.020 (Types of Subdivisions Eligible) and when such map is accompanied by a waiver request.

C. Prior to any action by the Planning Commission to approve a waiver, the City Engineer shall examine the map and shall identify each proposed lot as a building site or a nonbuilding site.

D. Prior to any action to approve a waiver, the Planning Commission shall find that the subdivision:

1. Will comply with City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection;

2. Will satisfy any other requirements pertaining to the subdivision of land as specified in the Subdivision Map Act, this Title, and any other applicable City ordinance; and

3. Will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.

16.28.040 Waiver Does Not Establish Lots.

The approval of a waiver of the requirement to record a parcel map does not create a subdivision or satisfy the requirements applicable to the division of a lot of land. Any lots shown on a tentative map for which a parcel map has been waived shall not be considered to be legally established until a certificate of compliance for the lots has been filed in the office of the County Recorder of the County of Orange.

16.28.050 Time to Record a Certificate of Compliance.

A waiver of the requirement to record a parcel map is valid only for the time as the subject tentative map is valid, and a waiver approval shall expire concurrently with the expiration of the tentative map approval. After a waiver has been approved and within the period of validity of a tentative map, and when the Director has determined that all conditions and requirements of the tentative map have been satisfied, the Director shall cause a certificate of compliance to be recorded in compliance with the provisions of Chapter 16.32 (Certificate of Compliance). In the event any required conditions have not been satisfied, a conditional certificate of compliance may be recorded within the specified time
period. The conditional certificate of compliance shall contain a notice of the conditions that are required to be satisfied prior to the recordation of a certificate of compliance.
Chapter 16.30. Reversions to Acreage

Sections:

16.30.010 Reversion Authorized.

16.30.010 Reversion Authorized.

All subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act (Government Code 66410 et seq.)
Chapter 16.32. Certificate of Compliance

Sections:

16.32.010 Approval.
16.32.020 Procedure.
16.32.030 Appeal to Planning Commission.

16.32.010 Approval.

Certificates of compliance and conditional certificates of compliance shall be approved by the Director.

16.32.020 Procedure.

Requests for a certificate of compliance and conditional certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures identified in Government Code Sections 66412.6 and 66499.35. No certificate of compliance or conditional certificate of compliance shall be valid until it has been recorded in the office of the County Recorder.

16.32.030 Appeal to Planning Commission.

Any interested person may appeal any action of the Director on a certificate of compliance or conditional certificate of compliance to the Planning Commission. The appeal shall be made in writing within 10 days of the final action of the Director and shall be addressed to the secretary of the Planning Commission.
Chapter 16.34. Lot Line Adjustments

Sections:

16.34.010 Application – Approval.
16.34.020 Parcel Map Optional.
16.34.030 Appeal.

16.34.010 Application – Approval.

A. For the purposes of this Chapter, a lot line adjustment is any division of land not requiring a subdivision tract map, as specified by the Subdivision Map Act, Government Code Section 66411 et seq., where adjustment is sought between two or more existing adjacent lots, and where the land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existed is not created, provided the lot line adjustment is approved by the Director as the advisory agency for purposes of the Subdivision Map Act.

B. The Director shall initially review the application for a lot line adjustment to determine if the application is complete. Thereafter, the Director shall limit his/her review and approval to a determination of whether or not the lots resulting from the lot line adjustment will conform to the Zoning Regulations and building codes. The Director in reviewing lot line adjustments proposals shall not impose conditions or exactions on the approval of a lot line adjustment except to conform to the Zoning Regulations and building codes to facilitate the relocation of existing utilities, infrastructure, or easements, and to require the prepayment of real property taxes prior to the approval of the lot line adjustment.

C. No tentative map, final parcel map, or final tract map shall be required as a condition to the approval of a lot line adjustment.

D. Any lot line adjustment approved shall be reflected in a deed which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Business and Professions Code Section 8762.

E. The decision to approve or deny a lot line adjustment by the Director, acting as the advisory agency, shall be in writing and sent by mail to the applicant within 50 days from the date the application was complete.

16.34.020 Parcel Map Optional.

Nothing in this Chapter shall prohibit an applicant for a lot line adjustment from submitting a tentative parcel map in lieu of the procedure outlined in this Chapter.

16.34.030 Appeal.

Any person adversely affected by a decision to approve or deny a lot line adjustment may appeal that decision to the Council. The appeal shall be made in writing within 10 days of the final action of the Director and shall be addressed to the City Clerk.
Chapter 16.36. Merger of Lots

Sections:

16.36.010 Authority to Merge Lots.
16.36.020 Recordation of Notice.
16.36.030 Notice of Intent to Determine Status.
16.36.040 Request for Hearing on Determination of Status.
16.36.050 Hearing – Time, Date, and Place.
16.36.070 Failure to Request Hearing – Determination of Merger.
16.36.090 Failure to Comply with this Chapter.

16.36.010 Authority to Merge Lots.

A. The Director is authorized to accept applications for the merger of two contiguous lots or units of land with a contiguous lot, or units of land held by the same owner if any one of the contiguous lots or units of land held by the same owner does not conform to the standards for minimum lot size under the Zoning Regulations applicable to the lots or units of land if all of the following requirements are satisfied:

1. At least one of the affected lots is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot or unit;

2. With respect to any affected lot, one or more of the following conditions exists:
   a. The lot comprises less than 5,000 square feet in area at the time of the determination of merger;
   b. The lot was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
   c. The lot does not meet current standards for sewage disposal and domestic water supply;
   d. The lot does not meet slope stability standards;
   e. The lot has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
   f. The lot development would create health or safety hazards; or
   g. The lot is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

B. For purposes of determining whether contiguous lots are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded as provided by Section 16.36.030 (Notice of Intent to Determine Status).
C. The provisions of this Chapter shall not apply if any one of the following conditions exist:

1. On or before July 1, 1981, one or more of the contiguous lots or units of land is enforceably restricted open space land pursuant to a contract, agreement, scenic restriction, or open space easement, as defined and identified in Revenue and Taxation Code Section 421;

2. On July 1, 1981, one or more of the contiguous lots or units of land is timberland as defined in Government Code Section 51104, or is land devoted to an agricultural use as defined in Government Code Section 51201;

3. On July 1, 1981, one or more of the contiguous lots or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the City;

4. On July 1, 1981, one or more of the contiguous lots or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the City.

D. For purposes of subsections (C)(3) and (C)(4) of this Section, “mineral resource extraction” means gas, oil, hydrocarbon, gravel or sand extraction, geothermal wells, or other similar commercial mining activity.

16.36.020 Recordation of Notice.

A merger of lots becomes effective when the City causes to be filed for record with the Orange County Recorder a notice of merger specifying the names of the record owners and particularly describing the real property.

16.36.030 Notice of Intent to Determine Status.

Prior to recording a notice of merger, the City shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected lots may be merged pursuant to the standards in this Chapter, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Orange County Recorder on the date that notice is mailed to the property owner.

16.36.040 Request for Hearing on Determination of Status.

At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the City a request for a hearing on determination of status.

16.36.050 Hearing – Time, Date and Place.

A. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section 16.36.040 (Request for Hearing on Determination of Status), the City shall fix a time, date, and place for a hearing to be conducted by the Council, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the City’s receipt of the property owner’s request for the hearing, but may be postponed or continued with the mutual consent of the City and its determination.

B. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 16.36.010 (Authority to Merge Lots). A determination of merger shall be recorded within 30
days after conclusion of the hearing, as provided for in Section 16.36.040 (Request for Hearing on Determination of Status).


A. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Chapter.

B. At the conclusion of the hearing, the Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 16.36.010 (Authority to Merge Lots). A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 16.36.040 (Request for Hearing on Determination of Status).

16.36.070 Failure to Request Hearing – Determination of Merger.

A. If, within the 30-day period specified in Section 16.36.040 (Request for Hearing on Determination of Status) the owner does not file a request for a hearing in accordance with Section 16.36.040 (Request for Hearing on Determination of Status), the City may, at any time thereafter, make a determination that the affected lots are to be merged or are not to be merged.

B. A determination of merger shall be recorded as provided for in Section 16.36.020 (Recordation of Notice) no later than 90 days following the mailing of notice required by Section 16.36.030 (Notice of Intent to Determine Status).


If, in accordance with Section 16.36.060 (Hearing – Evidence – Determination of Status) or 16.36.070 (Failure to Request Hearing – Determination of Merger), the City determines that the subject property shall not be merged, the City shall cause to be recorded in the manner specified in Section 16.36.020 (Recordation of Notice) a release of the notice of intention to determine status and shall mail a clearance letter to the then current owner of record.

16.36.090 Failure to Comply with this Chapter.

A. The failure of the City to comply with the requirements of this Chapter for the merger of contiguous lots or units of land held in common ownership shall render void and ineffective any resulting merger or recorded notice of merger, and no further proceedings under the provisions of this Chapter shall be required for the purpose of sale, lease, or financing of those contiguous lots or units, or any of them, until such time as the lots or units of land have been lawfully merged by subsequent proceedings initiated by the City which meet the requirements of this Chapter.

B. The failure of the City to comply with the requirements of any prior law establishing requirements for the merger of contiguous lots or units of land held in common ownership shall render voidable any resulting merger or recorded notice of merger. From and after the date the City determines that its actions did not comply with the prior law, or a court enters a judgment declaring that the actions of the City did not comply with the prior law, no further proceedings under the provisions of this Chapter shall be required for the purpose of sale, lease, or financing of such contiguous lots or units, or any of them, until such time as the lots or units of land have been lawfully merged by subsequent proceedings initiated by the City which meet the requirements of this Chapter.

Sections:

16.38.010 Exceptions for Lots Recorded Prior to 1963 or Dedicated for Cemetery Purposes.
This Title shall not apply to any lot not conforming to the provisions of this Title for which a deed is of record or for which a contract of sale was in full force and effect and recorded prior to the 1963-64 assessment roll of the City, nor to any land dedicated for cemetery purposes under the Health and Safety Code.

16.38.020 Compliance with Title Required.
No building shall be constructed nor shall a permit for the construction of a building be issued, nor shall any portion of any lot be used when not conforming to this Title.

Any offer to finance, lease, sell, or contract to sell, or any financing of a division of land, lease, or sale contrary to the provisions of this Title shall be a misdemeanor, and any person, upon conviction of the misdemeanor, shall be punishable by a fine of not more than $500.00 or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment; except that nothing contained in this Title shall be deemed to bar any legal, equitable, or summary remedy to which the City or other political subdivision or any person may otherwise be entitled, and the City or any other political subdivision or any person may file an action in the superior court of the state, in and for the County of Orange, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Title.

16.38.040 Noncomplying Transfer Voidable.
Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any lot of land without compliance with the terms of this Title shall be voidable at the option of the transferee in accordance with the provisions of Government Code Section 66499.32.

16.38.050 Environmental Impact.
No parcel or tentative map filed pursuant to the provisions of this Title shall be approved unless the parcel or tentative map complies with and is accompanied by appropriate environmental documents in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
Draft Subdivision & Zoning Codes

Distributed to Commissioners on June 12, 2019
Chapter 16.40. Notices of Violation

Sections:

16.40.010 Notice of Intention to Record Notice of Violation.
16.40.020 Receipt of Evidence.

16.40.010 Notice of Intention to Record Notice of Violation.
Whenever the Director or City Engineer has information indicating that real property has been divided in violation of the Subdivision Map Act or this Title, the Director or City Engineer shall mail by certified mail or other means providing proof of delivery to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners in violation, and stating that an opportunity will be given to the owner to present evidence on the issue whether the property has been divided in violation of the Subdivision Map Act or this Title. The notice shall specify a time, date, and place for a meeting at which the owner may present evidence to the Planning Commission why the notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under Government Code Section 66412.6.

16.40.020 Receipt of Evidence.
The meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing the notice of intention to record a notice of violation. If, within 15 days of receipt of the notice of intention to record a notice of violation the owner of the real property fails to inform the local agency of his or her objection to recording the notice of violation, the Planning Commission shall record the notice of violation with the Orange County Recorder.

A. If, after the owner has presented evidence, the Planning Commission determines that there has been no violation, the Director shall mail a clearance letter to the then current owner of record.
B. If, after the owner has presented evidence, the Planning Commission determines that there has been a violation the Director shall record the notice of violation with the Orange County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

A notice of violation may be released by a certificate of compliance pursuant to Chapter 16.32 (Certificate of Compliance).
ARTICLE 1: ENACTMENT, APPLICABILITY AND ENFORCEMENT

Chapter 17.00  Purpose and Applicability of the Los Alamitos Zoning Code
Chapter 17.02  Interpretation of Los Alamitos Zoning Code Provisions

Chapter 17.00 Purpose and Applicability of the Los Alamitos Zoning Code

Sections:
17.00.010  Title
17.00.020  Purpose and Authority
17.00.030  Prior Rights and Violations
17.00.040  Relationship to General Plan
17.00.050  Relationship to CEQA
17.00.060  Applicability
17.00.070  Severability

17.00.010  Title

Title 17 of the Los Alamitos Municipal Code shall be known and cited as the “Los Alamitos Zoning Code” or “Zoning Code.”

17.00.020  Purpose and Authority

The Los Alamitos Zoning Code is intended to regulate the use and development of land within the City consistent with the City of Los Alamitos General Plan. It is also the intent of this Zoning Code to promote orderly development; protect the public health, safety, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods and business districts; and ensure that new uses and development benefit the City.

This Zoning Code is enacted based on the authority vested in the City of Los Alamitos by the State of California, including, but not limited to, the State Constitution, the Planning and Zoning Law (Government Code Sections 65000 et seq.), the Subdivision Map Act (Government Code Sections 66410 et seq.), and the California Health and Safety Code.

17.00.030  Prior Rights and Violations

The enactment of this Zoning Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Zoning Code.

17.00.040  Relationship to General Plan

This Zoning Code and the Zoning Map are the primary tools used by the City of Los Alamitos to implement the goals, objectives, and strategies of the Los Alamitos General Plan, which is the overall policy document of the City, now referred to as the “General Plan.”
ARTICLE 1: ENACTMENT, APPLICABILITY AND ENFORCEMENT

17.00.050 Relationship to CEQA

When a project application subject to the provisions of this Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in compliance with the provisions of this Zoning Code, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

17.00.060 Applicability

A. Generally. This Zoning Code applies to land uses, structures, and development within the City of Los Alamitos, as provided by this Section.

B. New Land Uses or Structures, Changes to Land Uses or Structures. Compliance with the requirements of Section 17.06.020 (General Requirements for Development and New Land Uses) or, where applicable, Chapter 17.66 (Nonconformities), is necessary for a person or public agency to lawfully establish, construct, reconstruct, alter, or replace a use of land or structure.

C. Issuance of Building or Grading Permits. The Development Services Department may issue building, construction, or grading permits only when the proposed land use or structure satisfies the requirements of subsection B of this Section, and other applicable statutes, ordinances, and regulations.

D. Continuation of an Existing Land Use. An existing land use is lawful only when it was legally established in compliance with applicable regulations, and when it is operated and maintained in compliance with applicable provisions of this Zoning Code, including Chapter 17.66 (Nonconformities). Existing land uses that were in violation of this Zoning Code applicable before the effective date of Chapter 17.66 are in violation of this Zoning Code. These uses shall continue to be in violation unless they conform to the current provisions of this Zoning Code, except as otherwise provided herein.

E. Minimum Requirements. The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of an applicable review authority, that discretion may be exercised to impose more stringent requirements than identified herein as may be necessary to promote orderly land use development and the purposes of this Zoning Code.

F. Other Requirements May Still Apply. Nothing in this Zoning Code eliminates the need for obtaining a permit, approval, or entitlement required by other provisions of the Los Alamitos Municipal Code or complying with the regulations of a City department, or a county, regional, State, or Federal agency.

G. Conflicting requirements. Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Section 17.02.020(E) (Rules of Interpretation).

H. Uses that Contravene State or Federal Law. Notwithstanding any provision in this Zoning Code to the contrary, any use of land, operation, or business that cannot be, or is not, conducted or carried out without being in violation of State or Federal law shall be prohibited in all planning areas, districts, or zones within the City.

17.00.070 Severability

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this Zoning Code. The Council hereby declares that this Article and each chapter, section, subsection, paragraph,
subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.
Chapter 17.02 Interpretation of Los Alamitos Zoning Code Provisions

Sections:

17.02.010 Purpose and Intent
17.02.020 Rules of Interpretation
17.02.030 Procedures for Interpretation
17.02.040 Uses Not Classified
17.02.050 Illustrations
17.02.060 State Law Requirements

17.02.010 Purpose and Intent

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code and to ensure consistent interpretation and application of this Zoning Code.

17.02.020 Rules of Interpretation

A. Authority. The Director has the authority to interpret provisions of this Zoning Code according to Section 17.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of this Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Planning Commission for a determination.

B. Terminology. When used in this Zoning Code, the following rules apply to all provisions.

1. Language. The words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.

2. Tense. The present tense includes the past and future tense, and the future tense includes the present.

3. Number. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

4. Calculations

   a. Residential Density. When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. For projects eligible for a density bonus subject to Government Code Section 65915 or any successor statute, any fractional number of permitted density bonus units shall be rounded up to the next whole number.

   b. Other Calculations. For calculations required by this Zoning Code other than those described in subsections (4)(a) of this section, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.4 or more, and to the next lowest whole number when the fraction is less than 0.4.

5. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either…or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
6. **Local Reference.** “City” means the City of Los Alamitos, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.

7. **Definitions.** As defined in Article 07 (Definitions) and/or as determined/interpreted by the Director.

8. **Abbreviated Titles and Phrases.** For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel and decision-making bodies are shortened in this Zoning Code.
   a. The Development Services Director is referred to as the “Director.”
   b. The City Council is referred to as the “Council.”
   c. The State of California is referred to as the “State.”
   d. The City of Los Alamitos Municipal Code is referred to as the “Municipal Code.”
   e. The California Subdivision Map Act is referred to as the “Map Act.”

C. **Number of Days.** Whenever a number of days is specified in this Zoning Code, or in a permit, condition of approval, or notice issued or given as provided herein, the number of days shall be construed as calendar days, unless business days are specified. Time limits shall extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business, except as otherwise provided for by the Map Act.

D. **Minimum Requirements.** When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

E. **Conflicting Requirements.** Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows.

   1. **Zoning Code Provisions.** In the event of a conflict between the provisions of this Zoning Code, the most restrictive requirement shall apply.

   2. **Development Agreements or Specific Plans.** In the event of a conflict between the requirements of this Zoning Code and standards adopted as part of a Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

   3. **Municipal Code Provisions.** In the event of a conflict between requirements of this Zoning Code and other regulations of the City, the most restrictive shall apply.

   4. **Private Agreements.** It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate or annul an easement, covenant, or other agreement that existed when the ordinance codified in this Zoning Code became effective. This Zoning Code apply to land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of an agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement.

F. **Zoning Map Boundaries.** If there is uncertainty about the location of a zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty.
1. Where the Zoning Map shows a parcel or area within a particular zone, the zone shall extend to the centerline of an adjacent road, street, parkway, or highway.

2. Where the exact boundaries of a zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be included within the zone that is more restrictive.

3. The provisions of this Section shall not apply to acreage.

4. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the Director shall determine the location of the boundary by using the scale appearing on the Zoning Map.

5. Where a public street, alley, railroad, or other public right-of-way is officially vacated or abandoned, property that was within the former right-of-way shall be deemed to be included within the zone applicable to the property to which the abandoned right-of-way is being attached.

G. Measurement of Height and Area Requirements. When this Zoning Code requires that compliance to a standard is met by specific measurements and there is an ambiguity concerning the measurement, the Director shall decide as to the correct measurement.

17.02.030 Procedures for Interpretation

A. Authority of Director to Interpret; Referral to Commission. Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

B. Request for Interpretation. Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.

C. Findings, Basis for Interpretation. The issuance of an interpretation by the Director/Planning Commission shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

D. Record of Interpretation/Determinations. All interpretations and determinations by the Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.

1. Interpretations and determinations shall quote the provisions of the Zoning Code being interpreted, together with the applicability in the particular or general circumstances that caused the need for interpretations and the determination; and

2. A provision of this Zoning Code that is determined by the director to need refinement or revision shall be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Director shall maintain a record of official interpretations as an appendix to this Zoning Code and indexed by the number of the Chapter or Section that is the subject of the interpretation.
E. **Referral of Interpretation.** The Director has the option of forwarding an interpretation or determination of the meaning or applicability of a provision of this Zoning Code directly to the Planning Commission for consideration.

F. **Appeals.** Any interpretation of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 17.60 (Appeals).

### 17.02.040 Uses Not Classified

A. **Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.

B. **Director’s Determination.** Based on the authority granted in Section 17.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:

   1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;

   2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and

   3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan.

C. **Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

### 17.02.050 Illustrations

In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in the Municipal Code, the text shall control.

### 17.02.060 State Law Requirements

Where this Zoning Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

Chapter 17.04 Establishment of Zones, Adoption of Zoning Map

Sections:

17.04.010    Purpose
17.04.020    Zones Established
17.04.030    Zoning Map Adopted
17.04.040    Zoning of Annexed Areas and Undesignated Properties

17.04.010    Purpose

This Chapter establishes the zones applied to properties within the City, sets forth how the zones are applied on the zoning map, establishes the general permit requirements for development and land uses citywide.

17.04.020    Zones Established

The City shall be divided into zones that implement the General Plan land use designations. The zones into which the City is divided are defined in Table 2-01 (Zones and General Plan Designations).

17.04.030    Zoning Map Adopted

The designations, locations, and boundaries of the zones established are delineated upon the map entitled “Zoning Map of the City of Los Alamitos, California.” Materials, references, data, and other information shown on the zoning map and as amended from time to time are made a part of this Title 17 by reference. The Director shall be responsible for the custody and maintenance of and amendments to the zoning map.

17.04.040    Zoning of Annexed Areas and Undesignated Properties

A. Annexed/Unincorporated Areas. Where adjoining unincorporated land has been prezoned in compliance with the methods provided by this Zoning Code for zoning within the City, the zone applied by the prezoning action shall become effective when lands are annexed to the City.

B. Undesignated Land. Land now or later included within the City boundaries that is not a public right-of-way or prezoned in compliance with subsection A of this section or is designated on the zoning map as being included in a zone shall be designated as R-1 (Single-family Residential).
Table 2-01: Zones and General Plan Designations

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Zones Name</th>
<th>General Plan Land Use Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>Single Family Residential Zone</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>R-2</td>
<td>Limited Multi-Family Residential Zone</td>
<td>Limited Multi-Family Residential</td>
</tr>
<tr>
<td>R-3</td>
<td>Multi-Family Residential Zone</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td>M-H</td>
<td>Mobile Home Park Zone</td>
<td>Limited Multi-Family Residential</td>
</tr>
<tr>
<td>Commercial and Industrial Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-O</td>
<td>Commercial/Professional Office Zone</td>
<td>Professional Office</td>
</tr>
<tr>
<td>C-G</td>
<td>General Commercial Zone</td>
<td>Retail Business</td>
</tr>
<tr>
<td>P-L-I</td>
<td>Planned Light Industrial Zone</td>
<td>Planned Industrial</td>
</tr>
<tr>
<td>Mixed Use Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCMU</td>
<td>Town Center Mixed Use Zone</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>Special Purpose Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-A</td>
<td>Open Area Zone</td>
<td>Open Area/Easement Overlay</td>
</tr>
<tr>
<td>C-F</td>
<td>Community Facilities Zone</td>
<td>Community &amp; Institutional and Community &amp; Institutional/JFTB</td>
</tr>
<tr>
<td>SP</td>
<td>Specific Plan</td>
<td>Specific Plan</td>
</tr>
<tr>
<td>Overlay Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOZ</td>
<td>Medical Overlay Zone</td>
<td>Medical Overlay</td>
</tr>
<tr>
<td>ROZ</td>
<td>Retail Overlay Zone</td>
<td>Retail Overlay</td>
</tr>
<tr>
<td>LWOZ</td>
<td>Live/Work Overlay Zone</td>
<td>Limited Multiple Family Residential; Mixed Use</td>
</tr>
</tbody>
</table>
Chapter 17.06 Land Use Permit Requirements

Sections:
17.06.010 Purpose
17.06.020 General Requirements for Development and New Land Uses
17.06.030 Exemptions from Land Use Permit Requirements
17.06.040 Additional Permits and Approvals May Be Required

17.06.010 Purpose

This Chapter establishes general requirements for the approval of proposed development and new land uses in the City. The land use permit requirements for specific land uses are established by Article 2 (Zones, Land Uses, and Zone-Specific Standards), and Article 3 (Site Planning and General Development Standards).

17.06.020 General Requirements for Development and New Land Uses

Uses of land and/or structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the following requirements.

A. Allowable Uses. The land uses for lots of land shall be identified by Chapter 17.08 (Residential Zones), Chapter 17.10 (Commercial/Industrial Zones), or Chapter 17.14 (Special Purpose and Overlay Zones). The Director may determine whether a land use is allowable in compliance with Section 17.02.020 (Rules of Interpretation).

B. Permit/Approval Requirements. Land use permits or other approvals required by Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones), Section 17.12.020 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones), and Section 17.14.020 (Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones) shall be obtained by the applicant before the proposed use is established, constructed, reconstructed, enlarged, altered, moved, or otherwise put into operation, unless the proposed use is exempt as provided in Section 17.06.030 (Exemptions from Land Use Permit Requirements).

C. Development Standards. The use of land and/or structure shall comply with applicable requirements of this Zoning Code, including the zone standards of this Article and the provisions of Article 3 (Site Planning and General Development Standards).

D. Conditions of Approval. The use of land and/or structure shall comply with applicable conditions imposed by a previously granted land use permit or other approval.

E. Legal Lot. The use of land and/or structure shall only be established on a lot of land that has been legally created in compliance with the Subdivision Map Act (Section 66410 et seq. of the California Government Code) and Title 16 (Subdivisions), as applicable at the time the lot was created.

17.06.030 Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Code shall not apply to the following activities, uses of land, and/or structures:

A. Governmental Facilities. Facilities of the City, State, Federal government, or special districts (e.g., school district, sanitation district) on land owned or leased by a governmental agency, for governmental operations, to the extent that the facilities are exempted by State or Federal law.
B. **Interior Remodeling.** Interior alterations that do not increase the number of rooms or the gross floor area within the structure or change the approved use of the structure.

C. **Repairs and Maintenance.** Ordinary repairs and routine maintenance that do not result in a change in the approved land use of the site or structure, addition to, or enlargement/expansion of the land use and/or structure.

**17.06.040 Additional Permits and Approvals May Be Required**

A. An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain City permits or approvals before the use is constructed or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain permits or approvals required by other Municipal Code provisions or applicable County, State, or Federal agency regulations.

B. Necessary permits shall be obtained before starting work or establishing a new use.
Chapter 17.08 Residential Zones

Sections:

17.08.010 Purpose of Zones
17.08.020 Allowed Uses and Permit Requirements for Residential Zones
17.08.030 Development Standards in Residential Zones
17.08.040 R-1 Zone Front Yard Landscaping Requirement
17.08.045 Design Standards for Multi-Family Housing
17.08.050 Laundry Facilities for Multi-Family Housing
17.08.060 Mobile Home Park and Subdivision Standards
17.08.070 Exceptions to Development Standards in Residential Zones
17.08.080 Other Applicable Regulations in Residential Zones

17.08.010 Purpose of Zones

A. Generally. The purpose of the residential zones is to:

1. Provide for a full range of housing types and densities consistent with the General Plan;
2. Preserve, protect, and enhance the character of Los Alamitos’ residential neighborhoods and the quality of life of City residents;
3. Ensure adequate light, air, privacy, and open space for each dwelling; and
4. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

B. Individual Zones. The purposes of the individual residential zones and the manners in which they are applied are as follows:

1. Single-Family Residential Zone (R-1). The R-1 zone identifies lots designed to accommodate single-family dwellings on individual lots and planned-unit developments consisting exclusively of detached single-family dwellings. The maximum permitted density is six dwelling units per net acre. The R-1 zone implements the General Plan Single-Family Residential land use designation.

2. Limited Multi-Family Residential Zone (R-2). The R-2 zone applies to lots providing low-density multi-family housing consisting of more than one detached individual dwelling unit on one lot or attached dwelling units consisting of no more than three units in one structure. The maximum permitted density is 20 dwelling units per net acre. The R-2 zone implements the General Plan Limited Multi-Family Residential land use designation.

3. Multi-Family Residential Zone (R-3). The R-3 zone applies to lots intended to provide multi-family housing. Housing types permitted include those permitted in the R-1 and R-2 zones, as well as structures containing four or more dwelling units. The maximum permitted density is 25 dwelling units per net acre. The R-3 zone implements the General Plan Multi-Family Residential land use designation.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

4. **Mobile Home Residential Zone (M-H).** The M-H zone is established to accommodate and preserve mobile home park housing developments and subdivisions. The M-H zone implements the General Plan Limited Multi-Family Residential land use designation.

17.08.020 Allowed Uses and Permit Requirements for Residential Zones

A. **Use Regulations.** This Section, and Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones) in particular, identifies the uses of land that may be allowed within each of the zones established in Section 17.04.020 (Zones Established) and indicates whether any special permit is required for each allowable use.

B. **Permitted Uses, Use Permits, and Uses Not Allowed**

1. **Permitted Use (“P”).** A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. **Permitted as an Accessory Use (“A”).** Accessory uses are uses clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to the requirements of this Zoning Code, including Section 17.38.030 (Accessory Structures/Uses-Residential).

3. **Administrative Use Permit (“AUP”).** Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. **Conditional Use Permit (“CUP”).** Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. **Temporary Use Permit (“TUP”).** Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. **Uses Not Allowed (“—“).** Uses with an “—” indication in Table 2-02 are not allowed in the specified zone.

C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-02 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character, pursuant to Section 17.02.020 (Rules of Interpretation). Land uses not listed in Table 2-02 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.
Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td><strong>CANNABIS USES</strong></td>
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<tr>
<td>Cannabis Delivery</td>
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<tr>
<td>Commercial Cannabis Activities</td>
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<tr>
<td>Cultivation, even by Qualified Patients and Caregivers</td>
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<td></td>
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<tr>
<td><strong>RESIDENTIAL USES</strong></td>
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<td></td>
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<tr>
<td>Accessory Dwelling Unit</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Accessory Structures and Uses</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Boarding House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Home – 6 residents or fewer</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td></td>
<td></td>
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<tr>
<td>Mobile Home Parks</td>
<td></td>
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<tr>
<td>Multiple-Family Dwelling</td>
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<td>P</td>
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<tr>
<td>Resident Manager’s Unit</td>
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<td>AUP</td>
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<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
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<td>Senior Housing</td>
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<tr>
<td>Supportive Housing</td>
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<td>P</td>
</tr>
<tr>
<td>Transitional Housing</td>
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<td>Two-Unit Dwelling (Duplex)</td>
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</tr>
<tr>
<td><strong>PUBLIC ASSEMBLY AND RECREATION USES</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Article 2: Zones, Allowable Uses, and Development Regulations

#### Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Assembly Facilities</td>
<td></td>
<td>— CUP A Only associated with a mobile home park</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td></td>
<td>— CUP — Only associated with the primary permitted use and intended to serve the residents of the associated development</td>
</tr>
<tr>
<td>Recreation Facilities, Private – Indoor or Outdoor</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td>Schools, K-12 – Private</td>
<td></td>
<td>— CUP CUP —</td>
</tr>
</tbody>
</table>

**SERVICE AND CARE USES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Centers</td>
<td>— CUP CUP —</td>
<td>See Section 17.28.130 (Day Care, General)</td>
</tr>
<tr>
<td>Family Day Care Homes – Large</td>
<td>P P P —</td>
<td>See Section 17.28.140 (Day Care Home—Large Family (9-14 children))</td>
</tr>
<tr>
<td>Family Day Care Homes – Small</td>
<td>P P P</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities – 7 or more persons</td>
<td>— — CUP —</td>
<td></td>
</tr>
</tbody>
</table>

**OTHER USES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Charging Facilities</td>
<td>A A A A A</td>
<td>Only as accessory to a permitted use</td>
</tr>
<tr>
<td>Temporary Uses/Activities</td>
<td>TUP TUP TUP TUP</td>
<td>See Chapter 17.46 (Temporary Use Permits)</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities with On-site Staff</td>
<td>CUP CUP CUP CUP</td>
<td>Ground-mounted equipment in residential zones shall be screened by landscaping to the satisfaction of the Director.</td>
</tr>
<tr>
<td>Facilities with No On-site Staff</td>
<td>AUP AUP AUP AUP</td>
<td></td>
</tr>
<tr>
<td>Wireless Communication – Major</td>
<td>— — — —</td>
<td>Except as may be pre-empted by Federal law. 17.28.270(K) (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Communication Facilities – Minor</td>
<td>— — — —</td>
<td>Except as may be pre-empted by Federal law. 17.28.270(L) (Wireless Communications Facilities)</td>
</tr>
</tbody>
</table>
Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>P</td>
<td>Subject to size limitations per 17.28.270 (Wireless Communications Facilities) and as otherwise regulated by this Section</td>
</tr>
</tbody>
</table>


**ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS**

### 17.08.030 Development Standards in Residential Zones

A. The general property development standards for the R-1, R-2, R-3, and MH zones shall be as set forth in Table 2-03: Development Standards for Residential Zones.

B. In the R-2 zone, where a lot has been subdivided for the purpose of establishing one single-family residential unit per lot, the standards for the R-1 zone shall apply, except the minimum lot size shall be 5,000 square feet and the minimum lot width shall be 50 feet.

C. In addition to the standards set forth in Table 2-03, Section 17.08.045 (Design Standards for Multi-Family Housing) shall apply.

#### Table 2-03: Development Standards in Residential Zones

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>M-H</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>6 du/ac; 1 du per lot</td>
<td>20 du/ac</td>
<td>25 du/ac</td>
<td>10 du/ac</td>
<td>In MH zone, minimum lot or space size for individual mobile home is 2,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 sq. ft.</td>
<td>9,000 sq. ft.</td>
<td>7,200 sq. ft.</td>
<td>5 acres</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lot</td>
<td>60 ft</td>
<td>60 ft</td>
<td>60 ft</td>
<td>---</td>
<td>See also Title 16 (Subdivisions) regarding dimensions for cul-de-sac and other unusual lots.</td>
</tr>
<tr>
<td>Reversed Corner Lot</td>
<td>60 ft</td>
<td>70 ft</td>
<td>70 ft</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 ft</td>
<td>135 ft</td>
<td>100 ft</td>
<td>---</td>
<td>Excludes swimming pools and any open-sided patio structure.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
<td>60%</td>
<td>50%</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Dwelling Area</td>
<td>Gross floor area</td>
<td></td>
<td></td>
<td></td>
<td>Excludes garage area</td>
</tr>
<tr>
<td>Studio</td>
<td>No minimum for R-1 zone</td>
<td>800 sq. ft.</td>
<td>450 sq. ft.</td>
<td>---</td>
<td>See Section 17.16.040 (Height Measurement and Exceptions)</td>
</tr>
<tr>
<td>1 bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Excludes garage area</td>
</tr>
<tr>
<td>2+ bedrooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>---</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
<td>---</td>
</tr>
<tr>
<td>Main</td>
<td>30 ft</td>
<td>35 ft</td>
<td>35 ft</td>
<td>20 ft</td>
<td>1) Along an interior side yard lot line, any structure taller than 25 feet shall be set back an additional five feet minimum (relative to minimum</td>
</tr>
</tbody>
</table>
CITY OF LOS ALAMITOS
TITLE 17 – ZONING REGULATIONS

Public Hearing Draft
April 2019

<table>
<thead>
<tr>
<th>Minimum Setbacks</th>
<th>See subsection D below regarding setback exceptions.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessory</strong></td>
<td>15 ft 15 ft 15 ft 15 ft</td>
</tr>
<tr>
<td>Accessory dwellings shall conform to the setback requirements for the main structure.</td>
<td></td>
</tr>
<tr>
<td><strong>Front Yard</strong></td>
<td>20 ft 20 ft 20 ft</td>
</tr>
<tr>
<td><strong>Turn-around end of a cul-de-sac</strong></td>
<td>10 ft 10 ft 10 ft</td>
</tr>
<tr>
<td><strong>Side Yard - Interior</strong></td>
<td>5 ft 5 ft 5 ft</td>
</tr>
<tr>
<td><strong>Side Yard - Corner Lot</strong></td>
<td>10 ft 10 ft 10 ft</td>
</tr>
<tr>
<td><strong>Rear Yard</strong></td>
<td>10 ft 10 ft 10 ft</td>
</tr>
<tr>
<td><strong>Garage Setback</strong></td>
<td>Applies to garages associated with individual dwelling units</td>
</tr>
<tr>
<td><strong>Street (Front)</strong></td>
<td>20 ft 20 ft 20 ft</td>
</tr>
<tr>
<td><strong>Alleyway</strong></td>
<td>10 ft 10 ft 10 ft</td>
</tr>
<tr>
<td><strong>Street (side yard) (corner lot)</strong></td>
<td>20 ft 20 ft 20 ft</td>
</tr>
<tr>
<td><strong>Maximum Rear Yard Coverage by Patio or Accessory Structure</strong></td>
<td>30% --- --- ---</td>
</tr>
<tr>
<td>Applies to all rear yard area, not just required rear setback area.</td>
<td></td>
</tr>
<tr>
<td><strong>Distance (minimum) between structures on one lot</strong></td>
<td>--- 10 ft 10 ft N/A</td>
</tr>
<tr>
<td>A minimum of 10 feet between structures shall be free of any eaves or other projections.</td>
<td></td>
</tr>
<tr>
<td><strong>When main structures face across a court</strong></td>
<td>--- 15 ft 15 ft</td>
</tr>
<tr>
<td><strong>Storage Space in a Garage or Carport (minimum)</strong></td>
<td>N/A 200 cubic ft/unit N/A</td>
</tr>
<tr>
<td>Storage space shall be required for new developments only.</td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Living Space</strong></td>
<td>--- 400 sq. ft. per unit, with a minimum of 100 sq. ft. of 200 sq. ft. per unit of common area, with a minimum of 60 200 sq. ft. per unit of private open space adjacent to 1) For developments with five or more units, at least one common open space area with minimum dimensions of 20 feet by 20 feet shall be</td>
</tr>
</tbody>
</table>
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

17.08.040  R-1 Zone Front Yard Landscaping Requirement

A. A minimum of 50 percent of the required front yard setback shall be landscaped with plant materials.

B. The required front yard landscaped area shall include landscaping (plant materials) along each side property line with minimum dimensions of four feet wide by 16 feet in length (see Figure 2-01). This requirement shall only apply to the development of a new residential use or renovation of an existing residential use which includes modifications to the existing garage or front yard that occurs after April 15, 2014.

Figure 2-01: Required Front Yard Landscaping
C. The Director shall have the authority, through the Minor Modifications process pursuant to Chapter 17.40 (Minor Modifications) to allow an exception to the requirements of subsections A and B, above, if necessary to provide safe and adequate property ingress and egress.

D. A Site Development Permit – Minor pursuant to Chapter 17.44 (Site Development Permit – Major and Minor) shall be required to deviate from the requirements of subsections A and B, above, for any purpose—including to allow access to a parking pad in a side or rear setback—other than providing for safe and adequate property ingress and egress.

17.08.045 Design Standards for Multi-Family Housing

A. Building Design.

1. For buildings higher than two stories, the third story shall step back a minimum of five feet from the story below to minimize building bulk and create façade articulation.

2. Building facades shall incorporate details such as window trim, window recesses, cornices, changes in material, color, or other design elements in an integrated composition.

3. Roofs shall be designed to drain away from neighboring properties.

4. On multi-story buildings, windows shall be placed to provide privacy for adjacent properties, such as avoiding having windows directly facing each other across lot lines.

5. Carport roofs visible from the public right-of-way or on-site buildings shall incorporate roof slopes and materials to match adjacent buildings.

B. Pedestrian Access.

1. Clearly marked pedestrian walkways shall be provided from parking areas to building entryways and shall be designed to minimize pedestrian/vehicle conflicts.

2. Interior and exterior pedestrian walkways with access within and to the residential or mixed-use projects shall be defined by landscaping and lighting that are consistent with the scale and architecture of the buildings they serve.

C. Other Design Standards.

1. Transformers shall not be located within any required private open space area.

2. Transformers, other on-site utility equipment, and on-site fire department connections shall be screened from view from public rights-of-way by landscaping or ground-mounted structures/fencing of materials and colors that match on-site architecture.

3. Stormwater retention ponds, where provided, shall be designed as a landscape feature.
17.08.050 Laundry Facilities for Multi-Family Housing

If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. Such common laundry area shall be centrally located to the units to be served.

17.08.060 Mobile Home Park and Subdivision Standards

A. Use.

1. No mobile home shall be used for any purpose other than a dwelling.

2. Each mobile home shall be located on an approved mobile home site, and all mobile home sites shall be designed to accommodate independent mobile homes. No home site shall be used as the location for more than one mobile home or trailer.

B. Property Boundary Setback. Mobile homes and other structures shall not be located closer than five feet from any property line of the mobile home park or subdivision.

C. Space Boundary Setback. Mobile homes shall not be located closer than three feet from their space boundary line.

D. Compliance with State Law. All mobile home parks shall comply with the regulations contained in the California Code of Regulations, Title 25, Article I, Chapter 2.

17.08.070 Exceptions to Development Standards in Residential Zones

A. Setbacks - Exceptions

1. Front Yard Setback in R-2 and R-3 Zones. When a lot in an R-2 or R-3 zone is approved for single-family residential use by means of a subdivision or lot split and a resulting lot has an area of less than 9000 square feet, the lot may have a minimum front yard setback of 15 feet.

2. Front Yard Setback in R-3 Zone. In the R-3 zone, front yard setbacks may vary provided an average building setback of 20 feet is maintained along an entire block face, with no setback less than 15 feet.

Figure 2-02: Front Yard Setback in R-3 Zone
3. **Side Yard Setback in R-2 and R-3 Zones.** Where a dwelling or dwellings have entry from an interior side yard, the entry must open onto an outdoor court. The minimum length of the outer court wall which parallels the side lot line shall be 15 feet and that minimum wall length shall be located directly across from the entry to provide screening. The wall shall have a minimum height of four feet and a maximum height of six feet. The dwelling entry shall be set back a minimum of 15 feet from such side lot line.

![Figure 2-03: Side Yard Setback for R-2 and R-3 Zones with Interior Side Entry](image)

C. **Heights of Institutional Facilities.** Private schools, places of religious assembly, and utility facilities may include structures up to 50 feet high. Such additional height above the maximum height requirement for the applicable zone shall be granted through a Conditional Use Permit. Any structure taller than 25 feet shall be set back an additional five feet minimum (relative to minimum required setback) for any portion of the building taller than 25 feet.

**17.08.080 Other Applicable Regulations in Residential Zones**

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
Chapter 17.10 Commercial and Industrial Zones

Sections:

17.10.010 Purpose of Zones
The purposes of the commercial and industrial zones are as follows:

A. Commercial-Professional Office Zone (C-O). The C-O zone is established to accommodate administrative and professional offices, retail commercial uses, restaurants and other food service uses, and other complementary uses and facilities. The C-O zone implements the General Plan Professional Office land use designation.

B. General Commercial Zone (C-G). The C-G zone is established to accommodate a wide range of retail sales, business, dining, personal, and professional services, as well as entertainment and lodging. The land uses allowed in this zone will generally serve the entire community and the region. The C-G zone implements the General Plan Retail Business land use designation.

C. Planned Light Industrial Zone (P-L-I). The P-L-I zone is established to accommodate manufacturing, research and development, product assembly, equipment repair, and other light manufacturing businesses that have limited environmental impact in terms of noise, traffic, odors, hazardous materials use/production, and vibration. Other allowed uses include indoor commercial recreation uses such as fitness studios, sports courts/fields, and sports instructional facilities, provided such uses can be found compatible with and not detrimental to the operations of the primary permitted light industrial uses. The regulation of uses and standards of development identified for the P-L-I zone are those deemed necessary to provide the proper environment for industrial businesses, and to provide the proper safeguards to protect nearby residential, commercial, and public uses. The P-L-I zone implements the General Plan Planned Industrial land use designation.

17.10.020 Allowed Uses and Permit Requirements for Commercial and Industrial Zones
A. Use Regulations. This Section, and Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) in particular, identifies the uses of land that may be allowed within each of the zones established in Section 17.04.020 (Zones Established) and indicates whether any special permit is required for each allowable use.

B. Permitted Uses, Use Permits, and Uses Not Allowed

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. Permitted as an Accessory Use (“A”). Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).
3. **Administrative Use Permit (“AUP”).** Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. **Conditional Use Permit (“CUP”).** Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. **Temporary Use Permit (“TUP”).** Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. **Uses Not Allowed (“—”).** Uses with an “—” indication in Table 2-04 are not allowed in the specified zone.

C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-04 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 07 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-04 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. **Prohibited Uses.** The following uses are specifically prohibited in all commercial and industrial zones:

1. All Cannabis Activities, including Cannabis Deliveries, Commercial Cannabis Activities, and Commercial Cultivation, even by Qualified Patients and Caregivers

2. Donation Boxes

3. Freight and/or Truck Terminals

4. Gun and Ammunition Stores

5. Manufacturing – Heavy

6. Recycling, Large Collection

7. Recycling, Processing Facility

8. Salvage Yard

9. Secondhand Stores

10. Swap Meets – Indoor or Outdoor

11. Tobacco and Vape Stores
## Article 2: Zones, Allowable Uses, and Development Regulations

### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture – Commercial Indoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Community Gardens</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td><strong>Business, Financial, and Professional Office</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs) - Drive up</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Business Support Services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Check Cashing and/or Payday Loans</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Financial Institutions and Related Services (without drive-through facilities)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office, Business and Professional (not including Medical and Dental Office)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

1) In the C-G zone in **multi-story** structures, offices may occupy up to 100 percent of the gross floor area in the second and higher stories, and up to 15 percent of the ground floor upon verification of the square footage by the Director. In no case shall any single office space on the ground floor exceed 3,000 square feet total.

2) In the C-G zone, in **single-story** structures located in shopping centers, up to 15 percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the Director. In no case shall any single office space exceed 3,000 square feet total.

Office, Medical and Dental Office See Medical-Related and Care Uses

Office, Public Utility Commercial P P/CUP P In the C-G zone, permitted on properties with non-arterial street frontage. CUP required for ground-floor tenant spaces on properties with arterial street frontage.

### Cannabis Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>C-O</th>
<th>C-G</th>
<th>P-L-I</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis Deliveries</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>See Section 17.28.090 (Cannabis Uses)</td>
</tr>
<tr>
<td>Commercial Cannabis Activities</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>See Section 17.28.090 (Cannabis Uses)</td>
</tr>
<tr>
<td>Commercial Cultivation, Even by Qualified Patients and Caregivers</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
</tbody>
</table>
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td><strong>EATING AND DRINKING ESTABLISHMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars, Lounges, Nightclubs, and Tasting Rooms</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Food Preparation/Catering (no on-site sales or service)</td>
<td>—</td>
<td>AUP</td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service, Serving Alcohol</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Restaurant – Full or Limited Service, No Alcohol Sales</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant – Accessory Outside Seating Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>300 sf or less</td>
<td>AUP/CUP</td>
<td>AUP/CUP</td>
</tr>
<tr>
<td>301 sf or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant with Drive-through Facilities</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Snack Bar</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING AND PROCESSING, AND WAREHOUSING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brewery, Winery, or Distillery</td>
<td>—</td>
<td>AUP</td>
</tr>
<tr>
<td>Data Centers</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Hazardous Waste Facilities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Food Processing</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale sales only)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Laboratory – Medical, Analytical, Research, Testing</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td>Laundries and Dry-Cleaning Plants</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Manufacturing – Heavy</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Manufacturing - Light</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Recycling, Small Collection Facility</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Research and Development</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

**Notes:**
- P: Permitted Use
- A: Permitted as an Accessory Use
- AUP: Administrative Use Permit
- CUP: Conditional Use Permit
- —: Use not allowed
- TUP: Temporary Use Permit

- **Specific Use Regulations**:
  - In C-G zone, only as microbrewery, winery, or distillery with associated retail sales or restaurant use.
  - In C-G zone, CUP required on ground-floor tenant spaces of properties with arterial street frontage.
  - Pottery manufacturing and underground bulk storage of petroleum or gas require CUPs.
  - See also Municipal Code Chapter 8.12 (Integrated Waste Management).
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse Vending Machine</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Storage - Outdoor</td>
<td>—</td>
<td>A</td>
</tr>
<tr>
<td>Warehouse, Wholesaling and Distribution</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Homeless Shelters—up to 20 beds</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Homeless Shelters—more than 20 beds</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>MEDICAL-RELATED AND CARE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Fleet</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Clinic and Urgent Care</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Health Facilities, Therapy and Rehabilitation</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td>Hospital</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Office, Medical and Dental Office</td>
<td>P</td>
<td>P/CUP</td>
</tr>
</tbody>
</table>

**Specific Use Regulations**

1. In C-G, CUP required on properties with arterial street frontage.
2. In P-L-I zone, allowed only as incidental to an allowed industrial use.

17.28.130 (Day Care, General)

In P-L-I zone, day care limited to use by employees of the primary use.

In C-G zone, CUP required on properties with arterial street frontage.

1) In the C-G zone, CUP required on ground-floor tenant spaces on properties with arterial street frontage.
2) In the CG zone, in multi-story structures, offices may occupy up to 100 percent of the gross floor area in the second and higher stories, and up to 15 percent of the ground floor upon verification of the square footage by the Director. In no case shall any single office space on the ground floor exceed 3,000 square feet total. These standards shall apply to all office uses, including Professional. Such determination/verification shall occur through the Zoning Permit process.
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td><strong>P: Permitted Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A: Permitted as an Accessory Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUP: Administrative Use Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC AND ASSEMBLY USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Schools, Private</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Trade and Vocational Schools</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>AUP</td>
<td>P</td>
</tr>
<tr>
<td><strong>RECREATION AND ENTERTAINMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Commercial Recreation - Indoors</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Commercial Recreation - Outdoors</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Entertainment, Indoor¹</td>
<td>CUP²</td>
<td>CUP²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health/Fitness Facilities</td>
<td>CUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Health/Fitness Facilities – Small</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Health/Fitness Facilities - Large</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>RETAIL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Beverage Sales</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Alcohol Sales, for Off-Site Consumption</td>
<td>—</td>
<td>CUP</td>
</tr>
</tbody>
</table>

1. CUP: Conditional Use Permit
2. AUP: Administrative Use Permit
3. TUP: Temporary Use Permit
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Alcohol Beverage Sales, for on-site or off-site consumption, in conjunction with an allowed use</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Building Materials and Services, Indoor</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Building Materials and Services, Outdoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Farmers’ Market</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Temporary and/or Seasonal Sales</td>
<td>TUP</td>
<td>TUP</td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Sales – General</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Sales – Restricted</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

**SERVICE USES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Care, Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Boarding/Kennels, Grooming</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Veterinary Services, Large Animal</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Veterinary Services, Small Animal</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Funeral Parlors and Internment Services</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Maintenance and Repair Services - Indoor</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
</table>
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Moving Companies, Storage Allowed</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Personal Services, General</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal Services, Restricted</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Recording Studio</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Storage - Personal</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Storage – Outdoor Recreational Vehicle Storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle Repair and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service/Fueling Station</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Washing/Detailing</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Service, Major</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Service, Minor</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Car Sharing – Parking</td>
<td>AUP</td>
<td>AUP</td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATION, AND INFRASTRUCTURE USES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Sharing – Parking</td>
<td>AUP</td>
<td>AUP</td>
</tr>
</tbody>
</table>

**Note:**
- **P:** Permitted Use
- **A:** Permitted as an Accessory Use
- **CUP:** Conditional Use Permit
- **—:** Use not allowed
- **AUP:** Administrative Use Permit
- **TUP:** Temporary Use Permit
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Parking Facility - Temporary</td>
<td>TUP</td>
<td>TUP</td>
</tr>
<tr>
<td>Utility Facilities - Staffed</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Utility Facility - Unstaffed</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Vehicle Charging Stations - Commercial</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Wireless Communication Facilities - Minor</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Wireless Communication Facilities - Major</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

#### OTHER USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caretaker Quarters</td>
<td>—</td>
<td>AUP</td>
</tr>
<tr>
<td>Donation Boxes - Outdoors</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Drive-Through or Drive-Up Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Vending Machine</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

- Permitted only when used exclusively by a caretaker or superintendent incidental to an allowed primary use.
- Allowed indoors only as accessory to a permitted use.
17.10.030 Development Standards for Commercial and Industrial Zones

The general property development standards for the C-O, C-G, and P-L-I zones shall be as set forth in Table 2-05: General Development Standards for Commercial and Industrial Zones. Exceptions to these standards are set forth in Section 17.10.040 (Exceptions to Development Standards in Commercial and Industrial Zones).

Table 2-05: General Development Standards for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Lot size</td>
<td>Minimum area, width, and depth for newly created lots</td>
<td></td>
</tr>
<tr>
<td>Lot area</td>
<td>No requirement</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Lot width</td>
<td>No requirement</td>
<td>60 ft</td>
</tr>
<tr>
<td>Lot depth</td>
<td>No requirement</td>
<td>100 ft</td>
</tr>
<tr>
<td>Floor-Area Ratio (FAR)</td>
<td>1.50 FAR</td>
<td>1.00 FAR</td>
</tr>
<tr>
<td>Height limit – Main structures</td>
<td>3 stories or 40 ft</td>
<td>3 stories or 40 ft</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Minimum setbacks required. Also see Section 17.16.130 (Sight Safety Triangle).</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>15 ft</td>
<td>None required</td>
</tr>
<tr>
<td>Sides</td>
<td>Not required unless abutting a residential zone, then 10 ft.</td>
<td>Not required unless abutting a residential zone, then 15 ft.</td>
</tr>
<tr>
<td>Street side yard (Corner lot)</td>
<td>10 ft</td>
<td>None required</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft; where rear lot abuts a C-G or P-L-I zone, no setback is required.</td>
<td>Not required unless abutting a residential zone, then 15 ft.</td>
</tr>
</tbody>
</table>
17.10.040 Exceptions to Development Standards in Commercial and Industrial Zones

A. Height of Public Facilities Structures. Structures at schools, religious institutions, hospitals, and other permitted institutional uses may have a maximum height of 50 feet. For any structure that exceeds the height limit for the zone in which it is located, the front, rear, and side setbacks shall be increased one foot for each one foot by which each structure exceeds the height limit established for the zone.

B. Additional Height via CUP. For all other uses, a maximum height of five stories/60 feet may be allowed upon approval of a Conditional Use Permit. Factors to be considered by the Planning Commission in whether to grant the additional height are as follows:

1. A structure with increased height shall be located at least 100 feet from a residential zone.
2. The Planning Commission may require that vision into adjacent residences be limited from a structure with increased height.
3. Open space shall constitute 10 percent of the total site area, in addition to any amount required to be landscaped.
4. The structure shall have no more gross floor area than could have been achieved if the structure were 40 feet or less in height. In computation of gross floor area, floor area devoted to parking shall be disregarded.

C. C-O Height Restrictions Adjacent to Residential Zone. When adjacent to a residential zone, in the C-O zone height limits shall be:

1. 25 feet/one story within 25 feet of a residential zone
2. 35 feet/two stories within 25 to 75 feet of a residential zone
3. 50 feet/three stories within 76 to 150 feet of a residential zone

D. Front Setbacks within C-O Zone. Front setbacks within the C-O zone shall extend across the full width of the lot (except for access drives, walks, fences, and minor ornamental structures). The Planning Commission may allow staggering of setbacks as part of a total development plan, but in no case shall a setback of less than 10 feet be allowed.

E. Metal Structures Setbacks in P-L-I Zone.

1. Metal structures may be located closer than 100 feet to the street if the following conditions prevail:
   a. The sheet metal comprises 25 percent or less of the exterior wall area of the structure; or
   b. The sheet metal consists of panels with baked enamel or similar finish; or
   c. The structure is concealed from view from the public street by walls, fences, landscaping, or other structures.

2. Metal structures shall be set back a minimum of 150 feet from any property line along a freeway or major/secondary highway, and 100 feet from the property line along any other street.
17.10.050 Other Applicable Regulations

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
Chapter 17.12 Town Center Mixed-Use Zone

Sections:

17.12.010 Purpose of Zone
17.12.020 Land Uses and Permit Requirements
17.12.030 Commercial Uses Required along Street Frontages
17.12.040 Development Standards for Town Center Mixed-Use Zone
17.12.050 Design Standards
17.12.060 Live/Work Standards
17.12.070 Open Space Requirements for Residential Uses
17.12.080 Mixed-Use Lot Consolidation Incentive Program
17.12.090 Other Applicable Regulations

17.12.010 Purpose of Zone

The Town Center Mixed Use (TCMU) zone is established to provide opportunities for commercial and residential mixed-use development that takes advantage of easy access to transit and proximity to commerce, and that encourages pedestrian activity. A wide range of integrated commercial and residential uses are appropriate. The Town Center Mixed Use zone requires the inclusion of a ground-floor, street-frontage commercial components for all projects. Exclusive residential structures are not allowed. This zone implements the General Plan Mixed Use land use designation.

17.12.020 Land Uses and Permit Requirements

A. Use Regulations. This Section, and Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone) in particular, identifies the uses of land that may be allowed within the TCMU zone and indicates whether any special permit is required for each allowable use.

B. Permitted Uses, Use Permits, and Uses Not Allowed

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. Permitted as an Accessory Use (“A”). Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).

3. Administrative Use Permit (“AUP”). Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. Conditional Use Permit (“CUP”). Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. Temporary Use Permit (“TUP”). Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. Uses Not Allowed (“—”). Uses with an “—” indication in Table 2-06 are not allowed in the specified zone.
C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-06 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-06 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. **Prohibited Uses.** The following uses are specifically prohibited in the TCMU zone:

1. All Cannabis Activities, including Cannabis Deliveries, Commercial Cannabis Activities, and Commercial Cultivation, even by Qualified Patients and Caregivers
2. Donation Boxes
3. Freight and/or Truck Terminals
4. Gun and Ammunition Stores
5. Manufacturing – Heavy
6. Recycling, Large Collection
7. Recycling, Processing Facility
8. Salvage Yard
9. Secondhand Stores
10. Swap Meets – Indoor or Outdoor
11. Tobacco and Vape Stores

**17.12.030 Commercial Uses Required along Street Frontages**

To maintain an active pedestrian environment in the TCMU zone, commercial uses shall be the predominant along street frontages. At least 75 percent of the ground floor frontage along a public street shall be occupied by commercial uses.
**ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS**

Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUSINESS, FINANCIAL, AND PROFESSIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs) - Drive up</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Business Support Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Check Cashing and/or Payday Loans</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions and Related Services (without drive-through</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>facilities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices - Business, and Professional (but not including Medical and</td>
<td>P</td>
<td>1) In multi-story</td>
</tr>
<tr>
<td>Dental Office)</td>
<td></td>
<td>structures, offices may</td>
</tr>
<tr>
<td></td>
<td></td>
<td>occupy up to 100 percent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the gross floor area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>in the second and higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>stories, and up to 15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>percent of the ground</td>
</tr>
<tr>
<td></td>
<td></td>
<td>floor upon verification</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the square footage by</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Director. In no case</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shall any single office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>space on the ground floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>exceed 3,000 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>total.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) In single-story</td>
</tr>
<tr>
<td></td>
<td></td>
<td>structures located in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shopping centers, up to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15 percent of the gross</td>
</tr>
<tr>
<td></td>
<td></td>
<td>floor area of the center</td>
</tr>
<tr>
<td></td>
<td></td>
<td>is allowed for office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>uses upon verification</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the square footage by</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Director. In no case</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shall any single office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>space exceed 3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>square feet total.</td>
</tr>
<tr>
<td><strong>CANNABIS USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis deliveries</td>
<td>—</td>
<td>See Section 17.28.090</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Cannabis Uses)</td>
</tr>
<tr>
<td>Commercial cannabis activities</td>
<td>—</td>
<td>See Section 17.28.090</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Cannabis Uses)</td>
</tr>
<tr>
<td>Commercial cultivation, even by qualified patients and caregivers</td>
<td>—</td>
<td>See Section 17.28.090</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Cannabis Uses)</td>
</tr>
<tr>
<td><strong>EATING AND DRINKING ESTABLISHMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars, Lounges, Nightclubs, and Tasting Rooms</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Restaurant – No Alcohol Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurant – Accessory Outside Seating Areas</td>
<td>AUP</td>
<td>See Section 17.28.200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Outdoor Dining) and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 17.32 (Administrative Use Permits and Conditional Use Permits)</td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service with late hours - open between</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>midnight and 6:00 AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service, Serving Alcohol</td>
<td>CUP</td>
<td>See Section 17.28.060</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Alcoholic Beverage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Retail Sales)</td>
</tr>
<tr>
<td>Restaurant with Drive-through Facilities</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td><strong>EDUCATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, Private</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>
Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and Vocational Schools</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelters—up to 20 beds</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelters—more than 20 beds</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td><strong>MEDICAL-RELATED AND CARE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Services</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Clinic and Urgent Care</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Day Care Center</td>
<td>CUP</td>
<td>17.28.130 (Day Care, General)</td>
</tr>
<tr>
<td>Health Facilities, Therapy and Rehabilitation</td>
<td>CUP</td>
<td>Prohibited on ground floor. No larger than 3,000 sq. ft.</td>
</tr>
<tr>
<td>Hospital</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Medical and Dental Office</td>
<td>P/CUP</td>
<td>1) CUP required on ground-floor tenant spaces on properties with arterial street frontage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) In <strong>multi-story</strong> structures, offices may occupy up to 100 percent of the gross floor area in the second and higher stories, and up to 15 percent of the ground floor upon verification of the square footage by the Director. In no case shall any single office space on the ground floor exceed 3,000 square feet total. These standards shall apply to all office uses, including Professional. Such determination/ verification shall occur through the Zoning Permit process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3) In <strong>single-story</strong> structures located in shopping centers, up to 15 percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the Director. In no case shall any single office space exceed 3,000 square feet total. These standards shall apply to all office uses, including Professional. Such determination/verification shall occur through the Zoning Permit process.</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>—</td>
<td></td>
</tr>
</tbody>
</table>
## Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECREATION AND ENTERTAINMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>CUP</td>
<td>See Section 17.28.070 (Arcades)</td>
</tr>
<tr>
<td>Commercial Recreation - Indoors</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation - Outdoors</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Entertainment, Indoor</td>
<td>CUP</td>
<td>Excludes uses that are regulated under Section 17.28.040 (Adult Businesses).</td>
</tr>
<tr>
<td>Health/Fitness Facilities, Small</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Health/Fitness Facilities, Large</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Dwelling</td>
<td>AUP</td>
<td>Required to be integrated into a project as either horizontal or vertical mixed use, but not permitted as a stand-alone use.</td>
</tr>
<tr>
<td>Senior Residential Housing Projects</td>
<td>P</td>
<td>See Section 17.28.250 (Senior Citizen Housing)</td>
</tr>
<tr>
<td>Single-Family Dwelling</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Supportive Housing – Housing Type</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Transitional Housing – Housing Type</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td><strong>RETAIL SALES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Beverage Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Sales, for Off-Site Consumption</td>
<td>CUP</td>
<td>See Section 17.28.060 (Alcoholic Beverage Retail Sales)</td>
</tr>
<tr>
<td>Alcoholic beverage sales, for on-site or off-site consumption, in conjunction with an allowed use</td>
<td>CUP</td>
<td>See Section 17.28.060 (Alcoholic Beverage Retail Sales)</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Building Materials and Services, Indoor</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Building Materials and Services, Outdoor</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Farmers’ Market</td>
<td>TUP</td>
<td></td>
</tr>
<tr>
<td>Outdoor Temporary and/or Seasonal Sales</td>
<td>TUP</td>
<td></td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail - General</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail – Restricted</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>
Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Sales and Rental</td>
<td>P</td>
<td>Office only; no storage of cars on property.</td>
</tr>
<tr>
<td>Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental</td>
<td>—</td>
<td></td>
</tr>
</tbody>
</table>

### SERVICE USES

- Animal Boarding/Kennels, Grooming                        | —    |
- Cultural Institutions                                    | CUP  |
- Funeral Parlors and Internment Services                   | —    |
- Instructional Services                                    | P    |
- Maintenance and Repair Services - Indoor                  | —    |
- Personal Services, General                                | P    |
- Personal Services, Restricted                             | CUP  |
- Moving Companies, Storage Allowed                         | —    |
- Social Service Facilities                                 | —    |
- Vehicle Repair and Services                               | —    |
- Service/Fueling Station                                   | —    |
- Vehicle Washing/Detailing                                 | —    |
- Vehicle Service, Major                                    | —    |
- Veterinary Services, Large Animal                         | —    |
- Veterinary Services, Small Animal                         | CUP  | All operations must be conducted completely within a masonry structure. No overnight boarding permitted. |

### TRANSPORTATION, COMMUNICATIONS, AND INFRASTRUCTURE USES

- Car Sharing – Parking                                     | AUP  | Car sharing parking spaces may not occupy any space required for another use. |
- Freight/Truck Terminals                                   | —    |
- Vehicle Charging Stations                                 | A    |
- Utility Facilities                                        | CUP  |
- Vehicle Storage                                           | —    |
- Wireless Telecommunication Facilities – Minor             | AUP  | See Section 17.28.270 (Wireless Communications Facilities) |
- Wireless Telecommunication Facilities - Major             | CUP  | See Section 17.28.270 (K) (Wireless Communications Facilities) |
- Wireless Telecommunication Facilities, Satellite Dish Antenna | P    | See Section 17.28.270 (Wireless Communications Facilities) |
Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>P: Permitted Use</th>
<th>CUP: Conditional Use Permit</th>
<th>A: Permitted as an Accessory Use</th>
<th>—: Use not allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUP: Administrative Use Permit</td>
<td>TUP: Temporary Use Permit</td>
<td>UF: Permitted Only on Upper Floor(s)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>OTHER USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Drive-Through or Drive-Up Facilities</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Vending Machine</td>
<td>A</td>
<td>Allowed indoors only accessory to an allowable use</td>
</tr>
</tbody>
</table>

17.12.040 Development Standards for Town Center Mixed-Use Zone

A. General. The general property development standards for the TCMU zone shall be as set forth in Table 2-07: General Development Standards for Town Center Mixed-Use Zone.

B. Calculation of Density and Intensity

1. Horizontal Mixed Use. For residential and nonresidential uses on the same development site but separate legal lots, the residential density shall be calculated for the lot or lots dedicated solely to residential use. The FAR for the nonresidential use shall be calculated for the lot or lots dedicated solely to the nonresidential use.

2. Vertical Mixed Use. For a development project consisting of residential and nonresidential uses in the same building or group of buildings, the residential density and FAR shall be additive, meaning that the residential density shall be calculated for the residential component and the FAR for nonresidential component.

Table 2-07: General Development Standards for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (for new development)</td>
<td>10,000 sq. ft.</td>
<td>For new development.</td>
</tr>
<tr>
<td>Structure Form and Location Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density - Maximum</td>
<td>30 units/acre</td>
<td></td>
</tr>
<tr>
<td>FAR Maximum – Nonresidential Components</td>
<td>2.00</td>
<td></td>
</tr>
<tr>
<td>Storefront Width - Minimum</td>
<td>50% of street frontage lot width</td>
<td></td>
</tr>
<tr>
<td>Minimum Setback</td>
<td>0 ft minimum; 10 ft maximum</td>
<td></td>
</tr>
</tbody>
</table>
Table 2-07: General Development Standards for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side – Interior</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting nonresidential or mixed-use zone</td>
<td>0 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>10 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Side - Street side</td>
<td>10 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting nonresidential zone</td>
<td>0 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>15 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Height - Maximum</td>
<td>60 ft.</td>
<td></td>
</tr>
<tr>
<td>Open Space for Residential Uses</td>
<td>200 sq. ft. per unit combined common and private</td>
<td></td>
</tr>
</tbody>
</table>

C. Parking Restricted within Front and/or Street Side Setbacks. Parking shall only be allowed within required front and/or street side setbacks where the responsible review authority finds that no feasible alternative exists to design a project and further, where such parking can be well integrated into overall project design and can adequately screened.

D. Minimum Ground Floor Height. The minimum ground-floor height for structures with commercial uses on the ground floor shall be not less than 12 feet, six inches.

17.12.050 Design Standards

A. Generally. All new development shall be designed to achieve the following objectives:

1. Site and building design shall provide for internal compatibility among the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and similar operating characteristics.

2. Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

3. The design of any live/work or mixed-use project shall take into consideration potential impacts, including but not limited to noise, odors, and hours of operation, on adjacent properties. The design shall include specific design features to minimize potential impacts.

4. The design of the mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.

5. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, paseos, courtyards, and walkways, as well as pedestrian scale amenities and street furniture.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

7. Any mixed-use development in which two-thirds or more of the gross floor area is developed with residential uses, in addition to complying with the design standards set forth in this Section, shall comply with the provisions of Section 17.08.045 (Design Standards for Multi-Family Housing).

B. Building Orientation, Entrances, and Articulation

1. Orientation. The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses.

2. Ground Floor Transparency. At least 65 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.

3. Nonresidential Entrances. Entries shall include clearly defined features of front façades and be of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance while maintaining a pedestrian scale.

4. Transitional Space at Residential Entries. New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas fronting the primary street(s) and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.

5. Building Articulation. No street frontage wall may run in a continuous plane for more than 25 feet without building openings or offsets, or as approved by the Review Authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible Review Authority accepts as rendering this requirement infeasible. Offsets shall vary in depth and/or direction of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of similar depth.

6. Structured Parking. Structured parking facing public streets shall be fronted or wrapped with actively occupied spaces such as storefronts, live/work units, residential community amenities, and lobbies. Access to parking shall be designed so that it is not prominent and ties into the adjacent architectural style.

17.12.060 Live/Work Standards

All live/work units shall comply with the regulations established in Article 4, Section 17.28.180 (Live/Work Units) of this Title.

17.12.070 Open Space Requirements for Residential Uses

A. Type. Open space shall be in the form of private or common open space such as balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces. Open standards for the R-3 zone shall apply.

B. Minimum Dimension. Balconies that are 30 inches or less in width or depth shall not be counted as open space.

C. Encroachment. Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.
17.12.080 Mixed-Use Lot Consolidation Incentive Program

To encourage the assemblage of smaller lots into larger lots that can be developed more efficiently into a mixed-use project, the following incentives may be provided to a qualifying development at the Director’s discretion:

A. Reduction of planning permit application fees.

B. Priority in permit processing.

17.12.090 Other Applicable Regulations

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
Chapter 17.14 Special Purpose and Overlay Zones

Sections:

17.14.010 Purpose of Zones
17.14.020 Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

17.14.010 Purpose of Zones

A. Applicability. This Chapter establishes regulations applicable to development and new land uses in the special purpose zones established by Section 17.04.020 (Zones Established). The regulations for the overlay zones are supplemental to the standards of the primary zone. Overlay zones shall be indicated in parenthesis following the primary zone, for example R-2 (LW).

B. Purpose. The purposes of the individual special purpose or overlay zones and the manner in which they are applied are as follows:

1. Open Area Zone (O-A). The O-A zone is intended to provide regulations and standards for areas reserved for parks, recreation, open space, and governmental public uses, or in areas where a physical hazard to the public may exist. The O-A zone implements the General Plan Special Use land use designation. Development standards will be determined through the Conditional Use Permit and/or Site Plan approval process.

2. Community Facilities Zone (C-F). The C-F zone is intended to provide for the orderly establishment of public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies and for the orderly establishment of semi-public institutional uses. The C-F zone implements the General Plan Special Use land use designation. Development standards will be determined through the Conditional Use Permit and/or Site Development Permit approval process.

3. Medical Overlay Zone (M).
   a. Use Regulations. The (M) overlay zone is intended to encourage and permit medical businesses as primary uses on certain lots north of the Los Alamitos Medical Center campus, while still maintaining the underlying zone. The uses allowed in the (M) overlay zone shall be those uses listed under the category Medical-Related and Care Uses in Table 2-04 (Allowed Uses and Permit Requirements for Commercial/Industrial Zones) in the same manner that such uses are allowed or conditionally allowed in the Commercial Office (C-O) zone, as well as all uses allowed or conditionally allowed in the primary zone.
   b. Development Standards. The development standards for any medical service shall be the same as in the C-O zone. The development standards for any use allowed or conditionally allowed in the primary zone shall be as set forth in that zone.

4. Retail Overlay Zone (R).
   a. Purpose of Zone. The (R) overlay zone is intended to allow the development of retail businesses on certain lots, while still maintaining the primary zoning.
   b. Uses Allowed. The uses allowed in the (R) overlay zone shall be those uses allowed in the General Commercial (C-G) Zone as set forth in Table 2-04 (Allowed Uses and Permit Requirements for
Commercial/Industrial Zones) in the same manner that such uses are allowed or conditionally allowed in the C-G zone, as well as all uses allowed or conditionally allowed in the primary zone.

c. Development Standards. The development standards for the primary zone shall apply to the (R) overlay zone.

5. Live/Work Overlay Zone (LW)

a. Purpose of Zone. The (LW) overlay zone is intended to allow live/work development and uses on certain lots, while still maintaining the primary zoning.

b. Uses Allowed. In addition to the uses allowed in the primary zone, the following uses shall be allowed in the (LW) overlay zone as a matter of right:

1. Business and Professional Offices
2. Instructional Services
3. Personal Services – General

c. Development Standards. All live/work uses in the (LW) overlay zone shall comply with the development standards applicable to the primary zone and the supplemental standards established in Section 17.28.180 (Live/Work Standards).

17.14.020 Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

A. Use Regulations. This Section, and Table 2-08 (Allowed Uses and Permit Requirements for Special Purpose Zones) in particular, identifies the uses of land that may be allowed within the Special Purpose zones and indicates whether any special permit is required for each allowable use.

B. Permitted Uses, Use Permits, and Uses Not Allowed

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. Permitted as an Accessory Use (“A”). Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).

3. Administrative Use Permit (“AUP”). Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. Conditional Use Permit (“CUP”). Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. Temporary Use Permit (“TUP”). Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. Uses Not Allowed (“—”). Uses with an “—” indication in Table 2-08 are not allowed in the specified zone.
C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-08 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-08 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. **Uses Not Listed.** Land uses that are not listed in Table 2-08 or not shown in a zone are not allowed, except as otherwise provided by Section 17.02.020 (Rules of Interpretation) or Section 17.06.030 (Exemptions from Land Use Permit Requirements).

### Table 2-08: Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>O-A</td>
<td>C-F</td>
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<tr>
<td><strong>AGRICULTURE AND OPEN SPACE</strong></td>
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<tr>
<td>Agriculture</td>
<td>CUP</td>
<td>—</td>
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<tr>
<td>Facilities Necessary to Preserve Open Space, Including Public Facilities</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Parks and Playgrounds - Public</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parks and Playgrounds - Private</td>
<td>CUP</td>
<td>CUP</td>
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<tr>
<td><strong>CANNABIS USES</strong></td>
<td></td>
<td></td>
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<tr>
<td>Cannabis Delivery</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Commercial Cannabis Activities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Cultivation, even by Qualified Patients and Caregivers</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</strong></td>
<td></td>
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</tr>
<tr>
<td>Commercial Recreation Establishments, Outdoor</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Community/Cultural Centers</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Educational and Research Institutions</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Schools - Private</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Golf Courses/Country Clubs</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
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<tr>
<td></td>
<td>O-A</td>
<td>C-F</td>
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<tr>
<td>Religious Assembly Facilities</td>
<td></td>
<td>CUP</td>
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<td></td>
<td></td>
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<tr>
<td>Residential</td>
<td></td>
<td></td>
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<tr>
<td>Senior residential housing projects for low- and very low-income households</td>
<td></td>
<td>CUP</td>
</tr>
<tr>
<td>Service Uses</td>
<td></td>
<td></td>
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<tr>
<td>Animal Shelters</td>
<td></td>
<td>CUP</td>
</tr>
<tr>
<td>Cemeteries, crematories, columbaria, and related facilities</td>
<td></td>
<td>CUP</td>
</tr>
<tr>
<td>Hospitals</td>
<td></td>
<td>CUP</td>
</tr>
<tr>
<td>Transportation, Communications, and Infrastructure Uses</td>
<td></td>
<td></td>
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<tr>
<td>Utility Facilities - Staffed</td>
<td></td>
<td>CUP</td>
</tr>
<tr>
<td>Utility Facilities - Unstaffed</td>
<td></td>
<td>AUP</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities - Minor</td>
<td></td>
<td>AUP</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities - Major</td>
<td></td>
<td>CUP</td>
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<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td></td>
<td>P</td>
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<tr>
<td>Other Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory structures, incidental to allowed/conditional uses on the same lot</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Corporation Yards (City)</td>
<td></td>
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</tbody>
</table>
Table 2-08: Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

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<td></td>
<td>O-A</td>
<td>C-F</td>
</tr>
<tr>
<td>Flood Control Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Uses/Activities</td>
<td>TUP</td>
<td>TUP</td>
</tr>
</tbody>
</table>

Notes:
P: Permitted Use
A: Permitted as an Accessory Use
AUP: Administrative Use Permit
CUP: Conditional Use Permit
TUP: Temporary Use Permit
—: Use not allowed
P: Permitted

Chapter 17.46
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.16 General Development Standards
Chapter 17.18 Landscaping
Chapter 17.20 Noise
Chapter 17.22 Parking and Loading
Chapter 17.24 Performance Standards
Chapter 17.26 Signs

Chapter 17.16 General Development Standards

Sections:

17.16.010 Purpose
17.16.020 Fences, Hedges, and Walls
17.16.030 Floor Area Ratio and Density Calculations
17.16.040 Height Measurement and Exceptions
17.16.050 Lighting
17.16.060 Lot Coverage Calculation
17.16.070 Paving of Required Front Yard Setback – Residential Zones
17.16.080 Projections into Required Setbacks
17.16.090 Refuse and Recycling Storage Areas
17.16.100 Screening and Buffering
17.16.110 Setbacks – Measurement
17.16.120 Vehicular Access – Residential Zones
17.16.130 Sight Safety Triangle
17.16.140 Swimming Pools and Spas

17.16.010 Purpose

The purpose of this Article is to prescribe development and site regulations that apply, except where specifically stated, to development in all zones. These standards shall be used in conjunction with the standards for each zone established in Article 2 (Zones, Allowable Uses, and Development Regulations). In any case of conflict, the standards specific to the zone shall override these regulations.

17.16.020 Fences, Hedges, and Walls

A. Purpose and Application.

1. Purpose. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, and overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.

2. Application.

a. These regulations apply to any type of visible or tangible obstruction that has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to any type of artificially constructed barriers of wood, metal, or concrete posts.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

connected by boards, rails, panels, wire, or mesh, and any type of natural growth such as hedges and screen plantings.

b. The regulations in this Section shall not apply to fences required by other agencies.

c. In addition to the regulations identified in this Section, fences shall be constructed and maintained so that they do not constitute a hazard to traffic, persons, or property.

B. Residential Zones. Fences, hedges, and walls installed in residential zones shall be subject to the following requirements:

1. Fences, walls, and hedges are allowed but not required unless specifically stated to be required.

2. Fences, walls, and hedges shall not exceed seven feet in height above the interior finished grade immediately abutting the fence, wall, or hedge.

Figure 3-01: Fence, Wall, and Hedge Height

3. Fences or structures exceeding seven feet in height to enclose sports courts and fields, when such fences enclose the rear half of a parcel, may be installed subject to the granting of a Site Development Permit - Minor.

4. Where a solid fence, wall, or hedge is located in the required front yard setback or corner cut-off, the fence, wall, or hedge shall not exceed three feet in height; see Section 17.16.130 (Site Safety Triangle).

5. Open wrought iron fences (minimum 90 percent open) are allowed in any front, side, or rear yard to a maximum height of seven feet.

6. Chain link fences are not allowed in any front yard area.
7. The Director, through a Site Development Permit – Minor, may allow fences, walls, or hedges that exceed seven feet in height in the required front, side, or rear setback where the setback abuts a street or alley.

C. Non-Residential Zones.

1. Requirements. Fences, hedges, and walls installed in non-residential zones, including mixed-use zones, shall be subject to the following requirements:
   a. Fences, walls, and hedges are allowed but not required.
   b. Fences, walls, and hedges shall not exceed seven feet in height above the finished grade immediately abutting the fence, wall, or hedge.
   c. Fences or structures exceeding seven feet in height erected to enclose sports courts and fields may be installed subject to the granting of a Site Development Permit - Minor.
   d. Where a solid fence, wall, or hedge is located in the required front yard setback or corner cut-off, the fence, wall, or hedge shall not exceed three feet in height; see Section 17.16.130 (Site Safety Triangle).
   e. Open wrought iron fences (minimum 90 percent open) are allowed in any front, side, or rear yard to a maximum height of seven feet.
   f. The Director, through a Site Development Permit – Minor, may allow fences, walls, or hedges that exceed seven feet in height in the required front, side, or rear setback where the setback abuts a street or alley.
   g. Approval for walls that exceed the maximum height of seven feet shall be subject to Site Development Review – Minor.

2. Required Walls Abutting Residential Districts.
   a. Building sites abutting a residential zone or property used for residential purposes shall have a wall not exceeding eight feet in height along the lot line abutting the residential zone or use. Where a street or alley is located along the border or in between the residential district or property and the non-residential use, no wall shall be required unless determined through the site plan or use permit review process that such wall is necessary to guard against potentially adverse impacts on the residential zone or use.
   b. Required walls six feet or more in height shall be constructed of decorative masonry material.
   c. Required walls less than six feet in height may be constructed of other permanent material.

D. Prohibited Fencing Materials. The following fencing materials shall be prohibited: barbed or razor wire, electrified wire, chicken wire and similar small-gauge wire or mesh product, plastic, and chain-link fencing, unless such chain-link fencing is provided with wood, plastic, or other slats.

17.16.030 Floor Area Ratio and Density Calculations

A. Purpose and Applicability. This Section establishes a standard measurement of development intensity for commercial, industrial, and mixed-use developments.

B. Measurement – Floor Area Ratio. Building intensity, when expressed as the floor area ratio (FAR), shall exclude surface parking areas, below-grade parking areas, public rights-of-way, and any portion of a site dedicated for
public use. For mixed-use developments, the floor area of all portions of the building shall be included in the FAR calculation, and the residential portion shall also comply with any applicable density limits.

C. Density. Density limits, as applied to residential developments and the mixed-use portion of a mixed-use development, shall be calculated as net density, meaning that any public rights-of-way, public alleys, and any easements used for public circulation purposes shall not be included in the calculation of any lot area.

17.16.040 Height Measurement and Exceptions

A. Height Measurement. Maximum height shall be measured as the vertical distance from the top of the nearest curb to an imaginary plane located the allowed distance above and parallel to the top of the nearest curb.

B. Allowed Projections Above Height. The following building elements may exceed the allowed height of the zone in which they are located, up to an additional six feet above the maximum height limit in the zone:

a. Plumbing vents and chimneys
b. Fire and parapet walls
c. Roof structures for the housing of air conditioners, elevators, stairways, tanks, ventilating fans, and similar equipment
d. Skylights

17.16.050 Lighting

A. Purpose

1. These outdoor lighting regulations are intended to encourage lighting practices and systems that will:

a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambience of night;
b. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;

c. Help protect the natural environment from the damaging effects of night lighting;

2. Other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

B. **Applicability.** Unless specifically exempted, this Section applies to any exterior lighting that is not within a fully enclosed building or structure.

C. **Exemptions.** The following lighting fixtures are exempt from the requirements of this Section:

1. **Neon and Signage Lighting.** Neon and other low-intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through associated discretionary review processes.


3. **Emergency Aviation Lighting.** Emergency lighting operated by public agencies or for the purpose of aviation safety.

4. **Infrastructure Construction Lighting.** All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.

5. **Temporary and Seasonal Lighting.** Temporary lighting equipment and seasonal lighting equipment, provided that individual lamps are 10 watts or less. Temporary lighting that does not comply with the regulations contained in this Section is subject to review and approval through the applicable Temporary Use Permit. In granting a request for approval of temporary lighting that does not comply with these regulations, the Director shall make all the following findings:
   
a. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and

b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as feasible.

6. **Decorative Patio and Landscape Accent Lighting.** Low-level outdoor patio and landscape accent lighting, where individual lamps are 10 watts or less, used by commercial businesses to provide ambiance.

D. **General Standards for Exterior Lighting.**

1. Outdoor lighting shall be designed, installed, and maintained to minimize nighttime sky light pollution, and use energy efficiently by lighting only those areas or objects necessary for safety and security.

2. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.

3. The level of parking lot light projected onto any ground or wall surface shall not be less than two foot-candles nor more than five foot-candles at the base of the light fixture. The electrical plan or lighting plan shall demonstrate the dispersal of light on the ground surface and compliance with the requirements of this subsection. Building-mounted decorative lights shall not exceed five foot-candles measured five feet from the light source.
E. Prohibited Lighting.

1. **Flashing.** Outdoor lighting shall not blink, flash, or rotate, except as used in conjunction with a security alarm system.

2. **Projection above Horizontal Plane.** Outdoor flood light projection above the horizontal plane, as shown in Figure 3-03 (Outdoor Lighting Horizontal Plane) is prohibited, unless allowed by subsection F of this Section.

3. **Search Lights.** Search lights, laser source lights, or any similar high-intensity light are prohibited, unless allowed by subsection F of this Section.

4. **Light Interference.** Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

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\[\text{Figure 3-03: Outdoor Lighting Horizontal Plane}\]

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F. **New Development.** New development projects shall incorporate the following regulations to minimize glare and light trespass and facilitate better vision at night.

1. **Fully Shielded.** Outdoor lighting fixtures, including lighting for outdoor recreational facilities, shall be shielded with full cutoff or recessed fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture (see Figure 3-03: Outdoor Lighting Horizontal Plane). Cutoff fixtures shall be installed using a horizontal lamp position.

2. **Design.** Lighting fixtures should be of a design that complements building design and landscaping.

3. **Height, Intensity, and Scale.** Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving.
17.16.060 Lot Coverage Calculation

The following shall be excluded from the lot coverage calculation:

A. Uncovered decks, porches, landings, balconies, and stairways that are 30 inches or less in height, as measured from the adjacent existing grade.

B. Roof eaves which project 30 inches or less from the structure.

C. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

D. Up to two small, non-habitable accessory structures under 120 square feet and under seven feet in height. Any additional structures above the quantity of two shall be included in lot coverage.

17.16.070 Paving of Required Front Yard Setback – Residential Zones

A. Not more than 50 percent of the required front yard setback area shall be covered with paving and similar impervious surfaces.

B. Notwithstanding any other provision of this Title, this requirement only applies to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

C. The Director may allow an exception from the requirements set forth in subsections A and B, if necessary, to provide safe and adequate ingress and egress for the site. Any such request for an exception to this requirement shall require a Site Development Permit – Minor.

17.16.080 Projections into Required Setbacks

A. **Allowed Projections into Required Setback Areas.** The following features are allowed projections into required setback areas:

1. **Architectural Features.** Architectural features on the main structure (e.g., cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows that do not include usable floor space) may extend a maximum of 30 inches into a required side setback. Fireplaces, not exceeding eight feet in width, may extend up to 30 inches into a required side, front, or rear setback.

2. **Balconies, Porches, Stairways, and Decks.** Uncovered balconies, uncovered porches, outside stairways, and decks may extend not more than six feet into the required setback distance.

3. **Exits.** Fire escapes, exit stairs, or other required exits shall comply with setback standards established in the Building and Fire Codes.

4. **Utility and Mechanical Equipment.** Mechanical equipment shall comply with required setbacks, with the following exceptions:
   a. Tankless water heaters may encroach into the required side and rear setbacks up to 30 inches.
b. Filter and heating systems for pools, spas, jacuzzis, and hot tubs shall not be located closer than 15 feet to any dwelling other than the owner's. All such equipment shall be acoustically shielded as needed to comply with Chapter 17.20 (Noise).

c. All ground-mounted heating and air conditioning equipment may be placed in the side yard setback areas in the R-1 zone, provided that the equipment does not project more than 24 inches into a required side yard setback area, and in no case shall the equipment be placed closer than 36 inches to a side property line. The placement of the ground-mounted heating and air conditioning equipment shall also be located at least 12 feet from any window of a neighboring dwelling, as measured from the farthest projected edge of the equipment to the closest edge of window. The placement of ground-mounted heating and air conditioning equipment shall comply with the provisions set forth in Chapter 17.20 (Noise). Mitigations such as block wall enclosures may be required to mitigate sound impacts at the property line.

5. **Fences, Hedges, and Walls.** Fences, walls, and hedges may occupy setbacks to the extent provided in Section 17.16.020 (Fences, Hedges, and Walls).

6. **Unenclosed Parking Spaces in Side and Rear Setbacks.** Unenclosed parking spaces and parking aisles may be located within side and rear setbacks.

B. **Awnings.** Awnings are allowed to overhang on the public right-of-way in all zones, subject to the following provisions:

1. A building permit and any other applicable permit(s) shall be obtained before installing an awning within or over a public right-of-way.

2. Awnings shall be constructed with noncombustible frames and coverings. Every awning shall be collapsible, retractable, or capable of being folded against the face of the structure to which it is attached. When collapsed, retracted, or folded, the design of the awning shall not block any required exit.

3. Awnings may extend over public property not more than seven feet from the face of a supporting structure, but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the structure site.

4. Supporting elements of an awning shall be at least eight feet above a public walkway. A valance attached to an awning shall not extend more than 12 inches below the roof of the awning at the point of attachment, and in no case shall a portion of a valance be less than seven feet in height above a public walk-way.

5. Awnings shall be maintained in a clean and untattered condition.

17.16.090 **Refuse and Recycling Storage Areas**

A. **Purpose and Applicability.**

1. **Purpose.** This Section establishes standards for the location, development, and operations of refuse and recycling storage areas required by the Municipal Code or by State law to ensure that the storage of refuse (trash) and recyclable materials does not have significant adverse health and environmental consequences and minimizes adverse impacts on surrounding properties.
2. **Applicability.** This Section applies to all nonresidential, mixed-use, and multifamily residential developments with five or more dwelling units that are required by the Municipal Code or by State law to provide refuse and recycling storage areas and where such developments provide a common refuse collection area.

**B. Enclosure Required.** Enclosures are required for any common outdoor refuse and recycling storage areas.

1. **Multifamily and Mixed-Use Residential.** Multi-family development projects with five or more dwelling units shall provide at least one enclosure, as described in this Section, to contain all its required outdoor refuse and recycling storage areas. If a project contains 10 dwelling units or more, at least two enclosures or a larger enclosure shall be provided, the location and size of which shall be subject to the review and approval of the Director.

2. **Nonresidential.** All commercial development with more than one tenant, all industrial developments, and all other non-residential developments shall contain at least one outdoor refuse and recycling materials enclosure.

**C. Location.**

1. Outdoor refuse and recycling enclosures required under this Section shall not be located within any front or street-facing yard areas and shall conform to setback requirements.

2. No outdoor refuse and recycling enclosure shall be located within any required landscaped areas, required off-street parking spaces, public rights-of-way, or in any location where it would obstruct pedestrian walkways, obstruct vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety.

**D. Design of Enclosure Area.**

1. **Size.** The enclosure shall have a minimum width and minimum depth sufficient to enclose all required refuse and recycling containers with minimum clearance of one foot on all sides between the containers and the interior enclosure walls. Curbs or similar buffers shall be provided in the interior to protect the walls.

2. **Exterior.** All refuse and recycling enclosures shall have three sides consisting of minimum six-foot-high, fully grouted, decorative masonry walls, with the fourth side consisting of a solid metal gate with latch, painted a color compatible with the enclosure walls. The gate shall be located on one of the wide sides of the enclosure. The top one-foot of the gate shall be open work, with screening; the remaining section of the gates shall have solid metal backing. The exterior wall shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.

3. **Access.** The interior dimensions of the refuse and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and to minimize scavenging, while allowing authorized persons access for disposal and collection of materials.

4. **Roofs.** All trash enclosures shall have full roofs to reduce storm water pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with materials and colors of the enclosure and shall have adequate height clearance to enable ready access to any containers.

5. **Security.** The gate shall be equipped with latches that allow the gate to be locked.
E. Maintenance. Outdoor refuse and recyclables enclosures shall be maintained in the following manner:

1. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

2. Trash enclosure covers shall be closed when not in use.

3. Trash enclosures shall be easily accessible for garbage and recyclables collection.

4. Trash enclosures shall be regularly emptied of garbage.
17.16.100 Screening and Buffering

A. Purpose and Applicability. This Section establishes standards for the screening and separation of residential from adjoining nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

B. Mechanical Equipment, Loading Docks, and Refuse Areas.

1. Ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, and exhaust, etc.), loading docks, refuse storage areas, and utility facilities shall be screened from view from adjoining public rights-of-way and area(s) zoned for residential or open space uses by a minimum six-foot-high decorative masonry wall or structures.

2. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

3. Landscaping shall be installed adjacent to the walls, at the discretion of the Director, in compliance with Chapter 17.18 (Landscaping).

C. Drive-through Facilities. Queuing aisles that abut a public right-of-way shall be screened from view from the right-of-way with a minimum three-foot-high landscaped hedge or combination wall and landscape screening.

17.16.110 Setbacks – Measurement

A. Purpose. This Section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of the Zoning Code, are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Setback areas are further intended to help provide landscape beauty, air circulation, views, and exposure to sunlight for both natural illumination and use of solar energy.

B. Measurement of Setbacks

1. General. All setback distances shall be measured at right angles from the designated property line to the building or structure, and the setback line shall be drawn parallel to and at the specified distance from the corresponding front, side, or rear property line. Where the front property line is located beyond the curb (i.e., within a street or common driveway), the front setback is defined as the minimum distance between a structure and the edge of curb.

2. Flag Lots. For flag lots, the pole portion of the parcel shall not be used for defining setback lines.

17.16.120 Vehicular Access – Residential Zones

A. All Residential Zones.

1. Parcels shall have vehicular access from a dedicated street or alley or from a private street established by a subdivision map.

2. Driveway access to garages or carports shall be of permanent construction material, concrete or asphalt or other material approved by the Director.

3. Driveways shall be kept and maintained free and clear of inoperative vehicles, debris, waste, junk, litter, building materials, boxes, structures, and other items, equipment or matter which block or limit access.
B. **Multiple-Family Residential Zones.** Where a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be accessed from the alley. The responsible review authority shall have the ability to allow an alternative ingress and egress arrangement based on site-specific circumstances.

C. **Mobile Home Residential Zone.**

1. Dwelling units must be served by internal private streets within the mobile home park. There shall be no direct access from a mobile home unit to a public street or alley.

2. Internal public streets shall be of a permanent construction material such as concrete, asphalt, or other material approved by the Director.

3. Internal private streets shall be a minimum of 30 feet in length.

4. Accessways shall be kept free and clear of nonmobile vehicles, materials, and equipment.

17.16.130 **Sight Safety Triangle**

A. **Sight Safety Triangle.** All parcels shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways. The sight safety triangle area shall be described as a triangular shaped area on a corner parcel formed by measuring 15 feet from the intersection of the front and street side property lines, or an intersecting alley or driveway, and connecting the lines diagonally across the property making a 90-degree triangle, as shown in Figure 3-05 (Sight Safety Triangle Area) below.
B. Height of Obstructions. The maximum height cutback of any object (e.g. fence, landscaping, signs, walls, etc.) located in the sight safety triangle area shall be three feet, measured from the adjoining top of curb. The three-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.

17.16.140 Swimming Pools and Spas

A. Location.

1. Swimming pools in the R-1, R-2, and R-3 zones shall be constructed on the rear one-half of the parcel or 50 feet from the front property line, whichever is the less, or unless a different location is approved by the Director via an Administrative Use Permit. Swimming pools shall not be located closer than five feet from any rear, or side parcel line. On the street side of any corner parcel, where the rear parcel line abuts a side parcel line, the pool shall not be located closer than 10 feet from the side parcel line. The Director may reduce these requirements by 50 percent on approval of an Administrative Use Permit.

2. Filter and heating systems for swimming pools, spas, and hot tubs shall not be located closer than 15 feet to any dwelling other than the dwelling on the property on which the swimming pool, spa, or hot tub is located.

B. Parcel Coverage. Swimming pools, spas, and hot tubs collectively shall not occupy more than 40 percent of the required rear setback. Coverage by swimming pool, spa, or hot tub shall not be considered in measuring maximum parcel coverage.

C. Fencing Required. Swimming pools, spas, and hot tubs shall be completely enclosed by a fence at least five feet in height, and gates shall be self-closing and self-latching.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.18 Landscaping

Sections:

17.18.010 Purpose and Intent
17.18.020 Applicability
17.18.030 Landscape Area Requirements
17.18.040 Submittal of Plans Required
17.18.050 Water-Efficient Landscape Principles

17.18.010 Purpose and Intent

The City promotes the value and benefits of landscapes while recognizing the need to conserve water and other resources as efficiently as possible. This Section establishes minimum landscape standards for all uses in compliance with applicable State standards and guidelines and to promote sustainable development. The purpose of this Section is to establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects.

17.18.020 Applicability

A. General. This Section shall supplement the Water Efficient Landscaping Ordinance (Chapter 13.05) and shall be apply to all landscape projects listed in Section 13.05.020 (Applicability).

B. Exemptions. The provisions of this Section shall not apply to:

1. Registered local, State, or federal historical sites.
2. Ecological restoration projects that do not require a permanent irrigation system.
3. Single-family residential land uses with landscaped areas of less than 5,000 square feet that are not developer-installed.

17.18.030 Landscape Area Requirements

A. Nonresidential and Multiple-family Uses. Each land use, except single-family residential, shall provide and maintain a minimum of 15 percent of the site in landscaped areas. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use. Parking lot landscaping may be counted towards meeting this requirement.

B. New Residential Subdivisions. Setback areas visible from the public right-of-way shall be landscaped within six months of certificate of occupancy. Landscaping shall be provided as required in Section 17.08.040 (R-1 Zone Front Yard Landscaping Requirement).

C. Unused Areas. Any area of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

D. Landscape Techniques. The design and installation of all proposed landscape improvements subject to this Chapter shall be in compliance with the following general provisions:
1. Landscape design shall include a selection of plant materials based upon their adaptability to the climatic, geologic, and topographical conditions of the site. The protection, preservation, and enhancement of native species and natural areas are encouraged.

2. Landscape design shall provide for the grouping of plant materials having similar water demands so as to facilitate appropriate and efficient water applications.

3. Landscape design shall address the functional aspects of landscaping (e.g., grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade and reduction of glare, etc.).

4. Landscape design shall demonstrate a concern for solar access, including exposure and shading of window areas.

5. Landscape design shall address the retention of existing mature landscaping that is in good, healthful condition, incorporating the landscaping into the landscape plan where feasible.

6. Landscape design shall provide for the planting of all unpaved areas with an effective combination of trees, groundcover, live turf, shrubbery, and/or approved dry landscape materials. At the discretion of the Director, artificial turf may be used as a substitute for live turf.

7. Landscape design shall include provisions to protect plant materials from damage by the encroachment or overhang of motor vehicles.

17.18.040 Submittal of Plans Required

A. Both landscape and irrigation plans shall be submitted for plan check and approval by the City.

B. Landscape and irrigation plans shall include all materials specified in Section 13.05.030 (Implementation Procedures).

17.18.050 Water-Efficient Landscape Principles

A. Purpose. The use of water-efficient landscape principles is intended to reduce the consumption of water used in landscaped areas and to offer as much latitude as possible when designing required landscape and irrigation. These provisions are intended to encourage landscapes that can be maintained with low water use irrigation systems which will not overuse or waste the available water supply and that are consistent with the requirements of this Section.

B. Applicability of Water-efficient Landscape Principles. The requirements of this Section shall apply to new and rehabilitated landscaping for public agency and private development projects that require a permit, and to developer-installed landscaping in single-family and multiple-family projects. This Section shall not apply to:

1. Homeowner-provided landscaping at single-family and multiple-family projects;

2. Existing commercial and industrial developments, unless landscaping is rehabilitated; and

3. A project with an aggregate landscaped area requiring less than 2,500 square feet.

C. Criteria. Landscape and irrigation plans shall be reviewed for compliance with the criteria in Chapter 13.05 (Water Efficient Landscaping) the City’s landscape guidelines.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.20 Noise

Sections:

17.20.010 Purpose
17.20.020 Exemptions
17.20.030 Noise Level Measurement Criteria
17.20.040 Designated Noise Districts
17.20.050 Exterior Noise Standards
17.20.060 Interior Noise Standards
17.20.070 Special Provisions – Schools, Hospitals, and Places of Public Assembly
17.20.080 Manner of Enforcement
17.20.090 Relief from Standards – Application Procedure

17.20.010 Purpose

A. The City establishes the noise regulations in this Chapter to control unnecessary, excessive, and annoying sounds emanating from all properties and land uses in the City. It is the declared policy of the City to prohibit these sounds generated from all sources, as specified in this Chapter.

B. The City recognizes and declares, based on published scientific and health data, that certain noise levels are detrimental to the public health, welfare, and general safety and contrary to public interest. Therefore, the Council does ordain and declare that creating, maintaining, causing, or allowing to create, maintain, or cause any noise in a manner prohibited by, or not in conformity with the provisions of this Chapter, is a public nuisance and shall be abated and when such abated is not achieved, to be punishable as a public nuisance pursuant to Section 17.20.080 (Manner of Enforcement) of this Title.

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this Chapter.

A. School bands, school athletic events, and school entertainment events, provided these events are conducted on school property or authorized by special permit from the City;

B. Activities lawfully conducted in public parks, public playgrounds, and public or private school grounds;

C. A mechanical device, apparatus, or equipment used, related to, or connected with emergency machinery, vehicle, or work;

D. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided a permit has been obtained from the City, and further provided the activities do not take place between the hours of 8:00 PM and 7:00 AM on weekdays and on Saturdays, or at any time on Sundays or federal holidays;

E. Noise sources associated with the maintenance of real property, provided the activities take place between the hours of 8:00 AM and 8:00 PM on weekdays and on Saturdays, or between the hours of 9:00 AM and 6:00 PM on Sunday or a federal holiday;

F. An activity or equipment to the extent that design regulation of it has been preempted by State or Federal laws.
17.20.030 Noise Level Measurement Criteria

Noise level measurements made in compliance with the provisions of this Chapter shall be performed using a sound level meter as defined in Article 7 (Definitions). The location selected for measuring exterior noise levels shall be at any point on the property line of the offender or anywhere on the affected property. Interior noise measurements shall be made within the affected building. The measurement shall be made at a point in the affected building at least four feet from the wall, ceiling, or floor nearest the noise source.

17.20.040 Designated Noise Districts

A. Noise Districts. For the purposes of controlling noise and its impacts, the City shall be divided into noise districts defined as follows:

1. Noise District 1: All properties zoned R-1, R-2, R-3, and MH
2. Noise District 2: All properties zoned C-O, C-F, and O-A, and with an MOZ overlay
3. Noise District 3: All properties zoned C-G and TCMU, and with the ROZ overlay
4. Noise District 4: All properties zoned P-L-I

B. Unclassified. For any property or group of properties zoned SP, the Director shall assign an applicable noise district based upon the prevailing land uses within the specific plan area.

17.20.050 Exterior Noise Standards

A. Baseline. The following noise standards, unless otherwise specifically indicated, shall apply to properties within the identified noise districts. No person shall cause any noise to occur that exceeds these standards except as authorized in subsection B, below.

<table>
<thead>
<tr>
<th>Noise District</th>
<th>Maximum Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Daytime</td>
<td>55 dB(A)</td>
<td>7:00 AM to 10:00 PM</td>
</tr>
<tr>
<td>1 – Nighttime</td>
<td>50 dB(A)</td>
<td>10:00 PM to 7:00 AM</td>
</tr>
<tr>
<td>2</td>
<td>55 dB(A)</td>
<td>Anytime</td>
</tr>
<tr>
<td>3</td>
<td>60 dB(A)</td>
<td>Anytime</td>
</tr>
<tr>
<td>4</td>
<td>70 dB(A)</td>
<td>Anytime</td>
</tr>
</tbody>
</table>

B. Temporary Exceedances. It is unlawful for any person to create noise, or to allow the creation of noise, on property owned, leased, occupied, or otherwise controlled by a person, that causes the baseline noise levels established in subsection A, either within or outside of the City, to exceed the applicable noise standard as follows:

1. For a cumulative period of more than 30 minutes in any hour;
2. Plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
3. Plus 10 dB(A) for a cumulative period of more than five minutes in any hour;
4. Plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
5. Plus 20 dB(A) for any period of time.

C. **Maximum Allowable Noise Levels.** In the event the ambient noise level exceeds the noise limit categories described in subsections (B)(1) through (5) of this section above, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under that category shall be increased to reflect the maximum ambient noise level.

### 17.20.060 Interior Noise Standards

A. **Baseline.** Interior noise standards established by the State Health and Safety Code (California Code of Regulations, Title 24, Part 2) shall apply to all multi-family residential construction and uses. For all other uses, the following interior noise standards shall apply.

<table>
<thead>
<tr>
<th>Noise District</th>
<th>Maximum Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Daytime</td>
<td>55 dB(A)</td>
<td>7:00 AM to 10:00 PM</td>
</tr>
<tr>
<td>1 – Nighttime</td>
<td>45 dB(A)</td>
<td>10:00 PM to 7:00 AM</td>
</tr>
<tr>
<td>2, 3, 4</td>
<td>55 dB(A)</td>
<td>Anytime</td>
</tr>
</tbody>
</table>

B. **Temporary Exceedances.** It is unlawful for any person to create noise, or to allow the creation of noise, on property owned, leased, occupied, or otherwise controlled by a person, that causes the noise level, when measured within structures in the applicable noise district, to exceed:

1. The noise standard for a cumulative period of more than five minutes in an hour;
2. The noise standard plus five dB(A) for a cumulative period of more than one minute in an hour; or
3. The noise standard plus ten 10 dB(A) for any period of time.

C. **Maximum Allowable Noise Levels.** In the event the ambient noise level exceeds either of the first two noise limit categories described in subsections (B)(1) and (2) of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under that category shall be increased to reflect the maximum ambient noise level.

D. **Different Noise Districts.** In the event that the noise source and the affected property are within different noise districts, the noise standards of the affected property shall apply.

### 17.20.070 Special Provisions – Schools, Hospitals, and Places of Public Assembly

It is unlawful for a person to create noise that causes the noise level at a school, hospital, or place of public assembly—while the facility is in use—to exceed the noise limits specified for exterior noise in this Chapter, or which noise level unreasonably interferes with the use of the facility or which unreasonably disturbs or annoys patients in a hospital, provided conspicuous signs are displayed in three separate locations within one-tenth of a mile of the school, hospital, or place of public assembly indicating the presence of such school, hospital, or place of public assembly.
17.20.080 Manner of Enforcement

A. The Director and his/her duly authorized representatives are directed to enforce the provisions of this Chapter. The Police Chief and his/her duly authorized representatives are authorized in compliance with Penal Code Section 836.5 to arrest any person without a warrant when they have reasonable cause to believe that a person has committed a misdemeanor in their presence.

B. Persons shall not interfere with, oppose, or resist an authorized person charged with enforcement of this Chapter while any person is engaged in the performance of his/her duty.

17.20.090 Relief from Standards – Application Procedure

A. Application Requirements. The owner or operator of a noise source that violates any of the provisions of this Chapter may file an application with the Director for relief from the provisions, and the owner or operator shall detail all actions taken to comply with the provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee as established by resolution of the Council.

B. Separate Applications. A separate application shall be filed for each noise source. However, in the circumstance that several mobile sources are under common ownership, or several fixed sources occur on a single property, such request for relief may be combined into one application. Upon receipt of the application and fee, the Director shall refer it with his/her recommendation in compliance with the provisions of this Chapter.

C. Compliance Required Until Relief Granted. An applicant for relief shall remain subject to prosecution under the terms of this Title until such relief is granted.

D. Review Authority. The Planning Commission shall evaluate all applications for relief from the requirements of this Chapter and may grant relief with respect to time for compliance subject to the terms, conditions, and requirements as it may deem reasonable to achieve maximum compliance with the provisions of this Chapter. These terms, conditions, and requirements may include, but shall not be limited to, limitations on noise levels and operating hours. Each relief application granted shall identify in detail the approved method of achieving maximum compliance and a time schedule for its accomplishment.

E. Factors to be Considered. In its determinations, the Planning Commission shall consider the magnitude of nuisance caused by the offensive noise; the uses of property within the area of impingement by the noise; the time factors related to study, design, financing and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare.

F. Violations. Any relief granted shall be by resolution and shall be transmitted to the Director for enforcement. A violation of the terms of the relief is unlawful.
Chapter 17.22 Parking and Loading

Sections:

17.22.010 Purpose and Applicability
17.22.020 General Parking Regulations
17.22.030 Required Parking Spaces
17.22.040 Parking for Electric Vehicles
17.22.050 Bicycle Parking Standards
17.22.060 Motorcycle Parking Standards
17.22.070 Nonconforming Parking
17.22.080 Joint Use or Shared Parking
17.22.090 Residential Parking and Storage Standards
17.22.100 Residential Condominium Conversion Parking Standards
17.22.110 Development Standards for Exterior Residential Parking Spaces
17.22.120 Development Standards for Exterior Parking Spaces in Non-Residential and Mixed-Use Zones
17.22.130 Location of Spaces
17.22.140 Loading Requirements

17.22.010 Purpose and Applicability

A. **Purpose.** The purposes of this Chapter are to:

1. Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts;

2. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

3. Where possible, consolidate parking and minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities;

4. Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with onsite and surrounding land uses;

5. Ensure that adequate off-street bicycle parking facilities are provided;

6. Promote parking lot designs that offer safe and attractive pedestrian routes; and

7. Encourage bicycling, transit use, walking, carpooling, and other modes of transportation (other than by motor vehicle).

B. **Applicability.** The standards for off-street parking shall apply to new structures, alterations of existing structures, and when new or intensified uses of existing structures or parcels of land occur.
17.22.020 General Parking Regulations

A. Requirements by Type of Use.
   
   1. Except as otherwise provided in this Zoning Code, for every structure erected or enlarged and for any land or structure devoted to a new use requiring more spaces according to the schedule set out in this Chapter, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided. The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers. In no case shall required parking spaces for a use be rented or leased to off-site uses or used for other purposes, unless specifically allowed by this Chapter.

   2. Additional parking or alternative parking development standards may be required as a condition of permit approval.

B. Uses Not Listed. The Director shall determine the parking requirement for uses that are not listed in Table 3-04: Parking Requirements by Use. The Director’s determination shall be based on similarity to listed uses. The decision of the Director may be appealed to the Planning Commission.

C. Parking Calculations.

   1. Floor Area. Where parking requirements are based on floor area, the parking requirement calculation shall be based on the gross floor area of the entire use, unless stated otherwise.

   2. Sites with Multiple Uses. If more than one use is located on a site (including a mix of uses or a mixed-use development), the number of required onsite parking spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.22.030.B (Alternative Parking Standards).

17.22.030 Required Parking Spaces

A. Minimum Number of Spaces Required. Each land use shall be provided with at least the number of onsite parking spaces stated in this Section and Table 3-05 (Parking Requirements by Use).

B. Alternative Parking Standards. As an alternative to providing the required parking spaces specified in Table 3-05 (Parking Requirements by Use), an applicant may prepare an independent parking study identifying alternative parking demand for the uses proposed. Such study shall be prepared by a licensed traffic engineer or other qualified professional, as determined by the Director. Where no discretionary approval is required for the proposed use, the Director shall have the authority to review the parking study and determine whether alternative parking standards can be applied. Where a Conditional Use Permit or other discretionary action of the Planning Commission is required for the proposed use, the Commission shall have the authority to review the parking study.

Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE</td>
<td></td>
</tr>
<tr>
<td>Agriculture – Commercial Indoor</td>
<td>1 space/2,000 sf of floor or greenhouse area</td>
</tr>
<tr>
<td>Community Garden</td>
<td>No spaces required when on-street parking is available immediately adjacent to the garden. If no on-street parking is available, then a minimum of eight spaces.</td>
</tr>
</tbody>
</table>
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUSINESS, FINANCIAL, AND PROFESSIONAL OFFICE</strong></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs)</td>
<td>No requirement</td>
</tr>
<tr>
<td>Banks and Credit Unions</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Business Support Services</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Check Cashing Shops/Payday Loans</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Office, Business and Professional</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Office, Medical and Dental Office</td>
<td>See Medical and Care Uses</td>
</tr>
<tr>
<td>Office, Public Utility Commercial</td>
<td>See Office, Business and Professional</td>
</tr>
<tr>
<td><strong>EATING AND DRINKING ESTABLISHMENTS</strong></td>
<td></td>
</tr>
<tr>
<td>Bars, Lounges, and Nightclubs</td>
<td>1 space/75 sf of public area</td>
</tr>
<tr>
<td>Food Preparation/Catering (no on-site sales or service)</td>
<td>1 space/1,500 sf of use area plus 1 space/300 sf of office area</td>
</tr>
</tbody>
</table>
| Restaurant with Drive-through Facilities        | A. 1 space/100 sf of gross area of the structure up to 5,000 sf plus 1 space/150 sf of gross structure area in excess of 5,000 sf  
B. Outdoor dining areas:  
1) For outdoor dining areas ancillary to indoor dining areas, no parking shall be required for outdoor dining areas 300 sf or less in size. For any outdoor dining area in excess of 300 sf, parking for the outdoor area shall be provided at a ratio of 1 space/150 sf of outdoor dining area.  
2) For uses with no indoor dining area, parking for the outdoor dining area shall be provided as indicated in A above. |
| Restaurant - Full or Limited Service            | A. 1 space/75 sf of customer seating area                     |
|                                                | B. Outdoor dining areas:  
1) For outdoor dining areas ancillary to indoor dining areas, no parking shall be required for outdoor dining areas 300 sf or less in size. For any outdoor dining area in excess of 300 sf, parking for the outdoor area shall be provided at a ratio of 1 space/150 sf of outdoor dining area.  
2) For uses with no indoor dining area, parking for the outdoor dining area shall be provided as indicated in A above. |
| Take-out Restaurant with no seating on site     | 1 space/300 sf of GFA of structure                            |
| **INDUSTRY, MANUFACTURING AND PROCESSING, AND WAREHOUSING USES** |                                                             |
| Brewery, Winery, or Distillery                  | 1 space/1,000 sf of production space, plus any additional required for associated office, dining, and customer service space |
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data Centers</td>
<td>See Warehouse, Wholesaling and Distribution</td>
</tr>
<tr>
<td>Hazardous Waste Facilities</td>
<td>See Manufacturing - Light</td>
</tr>
<tr>
<td>Food Processing</td>
<td>1 space/1,000 sf of production space, plus any required spaces for dedicated office area</td>
</tr>
<tr>
<td>Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops (wholesale only)</td>
<td>1 space/1,000 sf of production space, plus any required spaces for dedicated office area</td>
</tr>
<tr>
<td>Laboratory - Medical, Analytical, Research, Testing</td>
<td>1 space/1,000 sf of combined laboratory and office space</td>
</tr>
<tr>
<td>Laundries and Dry-Cleaning Plants</td>
<td>1 space/1,000 sf of plant space, plus any additional required for associated office and customer service space</td>
</tr>
<tr>
<td>Manufacturing – Light</td>
<td>1 space/500 sf</td>
</tr>
<tr>
<td>Recycling, Processing Facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Recycling, Collection Facility</td>
<td>None required</td>
</tr>
<tr>
<td>Research and Development</td>
<td>1 space/1,000 sf of combined assembly/fabrication space (indoor and outdoor) and office space</td>
</tr>
<tr>
<td>Storage - Outdoor</td>
<td>As required for primary permitted use</td>
</tr>
<tr>
<td>Storage - Personal</td>
<td>1 space/6,000 sf of combined storage space and business/sales office</td>
</tr>
<tr>
<td>Warehouse, Wholesaling and Distribution</td>
<td>1 space/1,000 sf</td>
</tr>
</tbody>
</table>

### LODGING

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless Shelter</td>
<td>2 spaces for the facility plus 1 space for each six occupants at maximum allowed occupancy</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1 space/guest room, plus any spaces required for conference/meeting facilities and restaurants open to the public</td>
</tr>
</tbody>
</table>

### MEDICAL AND CARE USES

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Fleet Services</td>
<td>1 space/1,000 sf of indoor space, plus any required spaces for dedicated office area and 1 space for each fleet vehicle</td>
</tr>
<tr>
<td>Day Care Homes – Large</td>
<td>2 on-site parking spaces in addition to any spaces required for the primary residential use</td>
</tr>
<tr>
<td>Hospital</td>
<td>1.75 spaces/patient bed Adam Conners, 123 Main St.</td>
</tr>
<tr>
<td>Health Facilities, Therapy and Rehabilitation</td>
<td>1 space/400 sf</td>
</tr>
<tr>
<td>Office - Medical, and Dental</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>0.25 space to 1.5 spaces per unit or room, to be determined by the Planning Commission based on the age of residents, type of transportation facilities provided, and on-site amenities to be provided. The applicant shall submit a study</td>
</tr>
</tbody>
</table>

**Note**: All parking requirements are subject to review and approval by the Planning Commission.
Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>prepared by a City-approved independent consultant that provides justification for the parking proposed.</td>
</tr>
<tr>
<td>Urgent Care/Clinic</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td><strong>MIXED-USE CLASSIFICATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use Development</td>
<td>As required for each separate use in the mixed-use development</td>
</tr>
<tr>
<td><strong>PUBLIC AND ASSEMBLY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>Live Theater: 1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats</td>
</tr>
<tr>
<td></td>
<td>All other uses: 1 space/400 sf of public assembly area</td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats</td>
</tr>
<tr>
<td>Places of Religious Assembly</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats, plus any additional required for ancillary uses such as classrooms</td>
</tr>
<tr>
<td>Schools, Private</td>
<td>1 space/5 seats, but not less than 1 space/30 sf</td>
</tr>
<tr>
<td>Trade and Vocational Schools</td>
<td>0.75 spaces/employee plus 0.75 spaces/student at maximum enrollment</td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>1 space/200 sf of public or instruction area</td>
</tr>
<tr>
<td><strong>RECREATION AND ENTERTAINMENT</strong></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Commercial Recreation – Indoor and Outdoor</td>
<td>1 space/200 sf of indoor space, plus 1 space/500 sf of outdoor space</td>
</tr>
<tr>
<td>Entertainment, Indoor</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Health/Fitness Facilities</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1 space (see Section 17.28.020(F) regarding parking for ADUs)</td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>2 covered spaces per unit, plus one customer space, which can be in a driveway</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>2 covered tandem parking spaces/dwelling unit, plus 0.5 space/dwelling unit for guest parking</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>In addition:</td>
</tr>
<tr>
<td>Studio</td>
<td>1.5 spaces/unit</td>
</tr>
<tr>
<td>One-Bedroom Unit</td>
<td>2 spaces/unit</td>
</tr>
</tbody>
</table>
Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-Bedroom Unit</td>
<td>2.75 spaces/unit</td>
</tr>
<tr>
<td>Three-Bedroom Unit</td>
<td>3.5 spaces/unit</td>
</tr>
<tr>
<td>Four-Bedroom Unit and Larger</td>
<td>4 spaces/unit for 4-bedroom unit</td>
</tr>
<tr>
<td></td>
<td>0.5 additional parking spaces for each additional bedroom in excess of the first 4 beds</td>
</tr>
<tr>
<td>Affordable Housing Developments (Moderate Income and Below)</td>
<td>1 space for each studio</td>
</tr>
<tr>
<td></td>
<td>1 space for each affordable 1-bedroom unit</td>
</tr>
<tr>
<td></td>
<td>2 spaces for each affordable dwelling unit with 2+ bedrooms, regardless of the number of bedrooms</td>
</tr>
<tr>
<td>Senior Residential Housing Projects</td>
<td>1.1 spaces/unit</td>
</tr>
<tr>
<td>Single-family Dwelling</td>
<td>2 covered spaces for each dwelling unit for units with up to 4 bedrooms. For units with 5 or more bedrooms, 3 covered spaces.</td>
</tr>
</tbody>
</table>

**RETAIL USES**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Sales, Off-Sale</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Building Materials and Services - Indoor</td>
<td>1 space/1,000 sf of indoor space</td>
</tr>
<tr>
<td>Building Materials and Services - Outdoor</td>
<td>1 space/1,500 sf of outdoor space</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Nurseries and Garden Centers – Indoor Sales Only</td>
<td>1 space/500 sf of floor area</td>
</tr>
<tr>
<td>Nurseries and Garden Centers – Indoor and Outdoor Sales</td>
<td>1 space/500 sf of floor area, plus 1 space per 2,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>1 space 300 sf gross floor area</td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>See Retail Sales - General</td>
</tr>
<tr>
<td>Retail Sales - General (including shopping centers and grocery stores) and Restricted</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Secondhand Stores</td>
<td>See Retail Sales – General and Restricted</td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>1 space/300 sf of office area, plus 1 space/500 sf of parts/sales/service area, plus 1 space/2,000 sf of outdoor sales area</td>
</tr>
</tbody>
</table>

- Project with 4 or fewer units: A minimum of 1 unassigned, designated guest space
- Project with 5 or more units: A minimum of 0.33 unassigned designated guest spaces per unit
- Plus, where a common recreation room is provided, 2 spaces

The total number of parking spaces required is determined by the aggregate number of units within the project as a whole.
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SERVICES USES</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Care and Services</td>
<td></td>
</tr>
<tr>
<td>Animal Boarding/Kennels</td>
<td>1 space/1,000 sf of indoor area</td>
</tr>
<tr>
<td>Animal Grooming</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Veterinary Services, Large Animal</td>
<td>1 space/500 sf of indoor area</td>
</tr>
<tr>
<td>Veterinary Services, Small Animal</td>
<td>1 space/300 sf of indoor area</td>
</tr>
<tr>
<td>Funeral Parlors and Internment Services</td>
<td>1 space/3 fixed seats in assembly areas or for every 20 sf of seating area where there are no fixed seats, plus 1 space/400 sf of floor area outside the assembly area</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Maintenance and Repair Services - Indoor</td>
<td>1 space/600 sf, plus 1 space for each fleet vehicle</td>
</tr>
<tr>
<td>Personal Services - General and Restricted</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Moving Companies, Storage Allowed</td>
<td>1 space/1,000 sf</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>See Office, Business and Professional</td>
</tr>
<tr>
<td>Vehicle Repair and Services</td>
<td></td>
</tr>
<tr>
<td>Service Station</td>
<td>4 spaces/service bay, if service bays are included on site</td>
</tr>
<tr>
<td></td>
<td>1 space/250 sf of any retail on site</td>
</tr>
<tr>
<td>Vehicle Washing/Detailing</td>
<td>1 space/250 sf of any indoor sales, office, or lounge areas</td>
</tr>
<tr>
<td>Vehicle Service, Major and Minor</td>
<td>1 space plus 4 spaces/service bay, plus 1 space/250 sf of any retail or office on site</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATIONS, AND UTILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Light Fleet Services</td>
<td>1 space/1,000 sf of indoor space, plus any required spaces for dedicated office area, plus 1 space/fleet vehicle</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>1 space/500 sf</td>
</tr>
<tr>
<td>Utilities Facilities</td>
<td></td>
</tr>
<tr>
<td>Facilities with on-site staff</td>
<td>1 space/1,500 sf of indoor area</td>
</tr>
<tr>
<td>Facilities with no on-site staff (no staff)</td>
<td>No requirement</td>
</tr>
</tbody>
</table>
17.22.040 Parking for Electric Vehicles

A. Parking spaces for electric vehicles shall be provided for all uses in accordance with the requirements of the California Green Building Standards Code and any local amendments thereto.

B. All EV-ready spaces, as defined in this Title, shall be equipped with full electric vehicle charging equipment, including an electric vehicle charging station, the use of which the property owner or operator may require payment, at his/her discretion. All EV capable spaces, as defined in this Title, shall be served by an empty raceway to supply power for future EV charging stations at any given time.

C. Any charging or similar equipment shall not be placed within the required parking space dimensions and shall not obstruct any pedestrian path of travel.

D. EV-ready and EV-capable spaces and the associated electric vehicle charging equipment shall be provided for all new developments and whenever a substantial addition to an existing development is proposed. For the purposes of this subsection, a substantial addition shall be defined as building area of more that 2,500 square feet (gross) of new construction.

E. Where an existing legal, nonconforming parking condition exists, the EV spaces requirement shall be based on the existing number of parking spaces, not the required number of parking spaces.

17.22.050 Bicycle Parking Standards

A. Applicability

1. The provisions of this Section shall apply to:
   a. New multi-family residential developments, non-residential developments, and community and institutional facilities.
   b. Existing nonresidential developments that involve a change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
   c. Existing multi-family residential and nonresidential developments that involve expansion, intensification, addition, or any other changes to the site requiring a Site Development Permit – Major.

2. The provisions of this Section shall not apply to:
   a. Single-family residential dwellings or accessory dwelling units.
   b. Any site where there is less than 2,500 square feet of gross building area.

B. Required Bicycle Spaces. Parking for bicycles shall be provided in accordance with the requirements of the California Green Building Standards Code and any local amendments thereto.

C. Required Bicycle Parking Location and Standards. All bicycle parking spaces shall be provided on the same parcel as the building or use to which such spaces are required, unless the City has established programs allowing for shared parking arrangements at bicycle corrals. All short-term bicycle spaces shall be located at the ground-floor level and near or within visual site distance of building entrances.
17.22.060 Motorcycle Parking Standards

Each use or development that requires 20 or more motor vehicle parking spaces shall provide facilities for parking motorcycles at the rate of one space for each 20 car spaces.

17.22.070 Nonconforming Parking

For additions or changes in use for existing uses or structures that do not meet current parking standards, the following standards shall apply.

A. Nonresidential Additions and Reconstruction. When expansion of floor area creates an increase of 10 percent or more in the number of required onsite parking spaces in an existing nonresidential building, additional onsite parking shall be provided for such addition and not for the entire building or site. Additional parking spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

B. Residential Additions. At least one legally conforming space shall be provided for each existing unit, in addition to all parking required for the addition itself, unless otherwise exempted for an approved Accessory Dwelling Unit.

C. Use Changes. Changes in use that increase the total parking demand from existing legal uses that are nonconforming because they do not meet current parking requirements may be allowed so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use. The existing parking shall be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

17.22.080 Joint Use or Shared Parking

Joint or shared use of required off-street parking facilities may be allowed, provided a Conditional Use Permit is first obtained in compliance with Chapter 17.32 (Administrative Use Permits and Conditional Use Permits) and the following requirements:

A. Parking Management Plan. The Conditional Use Permit application shall be accompanied by a parking management plan that contains requirements listed below and shall be the basis for issuance of the Conditional Use Permit.

1. A comprehensive list of uses by type and area (gross floor area);

2. An analysis of parking demands by uses for morning, midday and evening periods for each 24-hour period, seven days a week;

3. A peak demand calculation by adding the various components together to determine the parking demand. The highest figure represents the minimum number of spaces to be provided;

4. Private parking agreements or easements encumbering required parking.

B. Findings. In addition to the findings required for a Conditional Use Permit, the Planning Commission shall make the following findings to approve joint use parking:
1. Adequate parking will be available at all times for employees and customers of the uses affected by the joint use parking plan;

2. Surrounding property owners, residents, and businesses shall not be adversely affected by the joint-use parking plan.

C. **Review of Permit.** A Conditional Use Permit issued in compliance with this Section shall be subject to review, modification, or revocation if any of the following events occur:

1. A substantial change in any of the participating uses occurs; and/or

2. Additional or other users commence legal use of the jointly used facilities or which changes substantially the factors described in the parking management plan which are the basis for the permit.

D. **Off-Site Parking.** The Planning Commission may, by approving a Conditional Use Permit Chapter 17.32 (Administrative Use Permits and Conditional Use Permits), allow some or all required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed, or within an office, commercial or manufacturing zone. It shall be within 300 feet of the use served and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased, or otherwise controlled by the party controlling the use.

E. **Deed Restriction.** A Conditional Use Permit issued in compliance with this Section shall require a recorded deed restriction in the office of the County Recorder. The deed restriction shall include the terms and restrictions of the Conditional Use Permit.

17.22.090 **Residential Parking and Storage Standards**

A. **Carports and Garages.** Garages and/or carports shall be provided for required parking spaces in residential zones as follows:

1. **Single-family Dwellings.** For single-family dwellings, required parking spaces for each dwelling unit shall be located in an enclosed garage. The exception shall be in the case of a garage having been legally converted to an Accessory Dwelling Unit, in which case the required replacement parking may be provided as either enclosed spaces, in a carport, or as open spaces at approved on-site locations.

2. **Multiple-Family Dwellings.** For multiple-family dwellings, the following parking standards apply:
   a. For condominiums, two of the required parking spaces shall be located in a fully enclosed garage space equipped with a functional, automatic garage door opener.
   b. For all other multiple-family dwellings, one of the required parking spaces shall be located in a fully enclosed garage space equipped with a functional, automatic garage door opener.

3. Carports or open space parking spaces are allowed for required guest spaces for dwelling units.

4. Any carport constructed as part of a new development shall include an enclosed personal storage space that does not encroach into the required parking space(s). The dimensions of this space may be included to comply with the outdoor storage requirements for R-2 and R-3 zones.
5. Covered parking spaces (garages or carports) shall have a minimum interior measurement of 10 feet by 20 feet, clear of any encroachments such as laundry facilities and water heaters, except for tankless water heaters which are mounted a minimum of four feet above a finished floor.

B. Vehicles and Recreational Vehicles. Vehicles and recreational vehicles, which includes empty tow trailers, shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or parcel used for residential purposes, except in compliance with the following standards:

1. Vehicle as Residence. Vehicles and recreational vehicles shall not be used either temporarily or permanently for sleeping or living purposes.

2. Location. Vehicles—including recreational vehicles, recreational items, trailers, or utility trailers—shall not project into any public right-of-way or be parked on a parcel in any manner that adversely affects traffic or pedestrian safety by obstructing vision or movement.

3. Front Setback Area and Driveway
   a. In a front setback area, all vehicles—including recreational vehicles, recreational items, trailers, and utility trailers—shall be parked or left standing only on a paved driveway and shall not be parked or left standing on another part of the front setback area. See Figure 3-06 (Parking Diagram for Vehicles).

   b. In the area between the front setback line and the dwelling unit, including the dwelling’s related garage and other accessory structures, vehicle—including recreational vehicles, recreational items, trailers, and utility trailers—shall be parked or left standing only on a driveway unless completely screened from view from the public right-of-way and adjacent property. See Figure 3-06 (Parking Diagram for Vehicles).

   c. Vehicles, recreational vehicles, recreational items, trailers, or utility trailers shall not be parked or left standing within five feet of an adjacent property line in a front setback area, except that operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any front setback area. See Figure 3-06 (Parking Diagram for Vehicles).
d. Detached parts (e.g., camper shells or bodies, racks or jacks, and similar items) shall not be stored on any portion of a front setback area or driveway. These parts may be stored in a front yard behind the front setback line and in the side setback area if screened from view.

e. Driveways shall lead to a garage or carport and shall not exceed the width of the garage or carport or 50 percent of the parcel width at the street, whichever is less. A minimum driveway width of 12 feet is required.

f. A minimum straight, unobstructed, perpendicular backup distance of 24 feet is required behind all 90-degree parking spaces.

g. Only one curb cut, driveway, and driveway apron shall be allowed for each residential parcel unless a Site Development Permit-Minor is approved in accordance with Chapter 17.44 (Site Development Permit – Major and Minor). Notwithstanding any other provision of this Code, this requirement only applies to...
development of a new residential use or renovation of an existing residential use which includes modifications to the existing garage or front yard that occurs after April 15, 2014.

4. **Side and Rear Setbacks.** Recreational vehicles, recreational items, trailers, or utility trailers not exceeding a total of two in any combination may be parked or left standing on any portion of a side or rear setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage and other accessory structures, provided that the view to a recreational vehicle, recreational item, trailer, or utility trailer from an observer standing at ground level on an adjoining right-of-way or adjoining property is totally obscured by a wall or similar durable screen not exceeding seven feet in height. Any recreational vehicle, recreational item, trailer, or utility trailer that cannot be totally obscured from view from an adjoining right-of-way or adjoining property in this manner shall also be located a minimum of five feet from all property lines.

Operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any rear or side setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage or other accessory structures.

5. **Operational Status.** Motor and recreational vehicles on driveways and in front setback areas shall be operational and currently registered (if required).

C. **Commercial Vehicles and Equipment.** Commercial vehicles and equipment shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or residentially used parcel, except in compliance with the following standards:

1. Commercial vehicles not more than 22 feet in length nor more than 5,500 pounds unladen weight may be parked on residential properties subject to the same limitations for vehicles including recreational vehicles, trailers, utility trailers, and recreational items contained in this Chapter.

2. Commercial vehicles exceeding 22 feet in length or 5,500 pounds unladen weight shall not be parked upon any portion of a property used or zoned for residential purposes except while delivering or picking up materials used in conjunction with construction on the property for which a City building permit has been obtained or while delivering or picking up merchandise, goods, or wares necessary or incidental to the residential use. Vehicle length shall be the gross distance between the forward edge of the front bumper and the rear edge of the rear bumper.

3. Construction or maintenance equipment used in the conduct of a business or trade (e.g., concrete mixers, insulation blowers, asphalt mixers, and similar equipment) shall not be stored on any unenclosed portion of a property used or zoned for residential purposes. Equipment may be allowed on property used or zoned for residential purposes when used in conjunction with construction or improvements on a property.

17.22.100 **Residential Condominium Conversion Parking Standards**

A. Buildings converted to condominiums may utilize the parking spaces that exist prior to the conversion only and need not provide additional parking, even if the spaces are not in compliance with the parking requirements and standards established for newly constructed multi-family residential structures in the R-2 and R-3 zones, unless additional or alternative parking spaces exist as determined by City staff.

B. In all other respects, off-street parking requirements and standards shall be governed by the provisions of this Chapter.
17.22.110 Development Standards for Exterior Residential Parking Spaces

A. Parking Space Area. Each off-street parking space shall consist of an area, together with drives, aisles, turning and maneuvering areas, and have direct or indirect access at all times to a public street or alley. Every parking space shall be designed and established to allow motorists to maneuver easily into the space. The minimum dimensions of parking spaces and aisles shall be provided in compliance with this Section and the Table 3-06 (Parking Dimensions).

Table 3-06: Parking Dimensions

<table>
<thead>
<tr>
<th>Angle</th>
<th>Space Width</th>
<th>Space Length</th>
<th>Space Depth</th>
<th>Aisle Width</th>
<th>Total Module Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One-way Aisle</td>
<td>Two-way Aisle</td>
</tr>
<tr>
<td>0°</td>
<td>8'</td>
<td>21'</td>
<td>9'</td>
<td>12'</td>
<td>24'</td>
</tr>
<tr>
<td>30°</td>
<td>9'</td>
<td>19'</td>
<td>17' - 5&quot;</td>
<td>13'</td>
<td>24'</td>
</tr>
<tr>
<td>45°</td>
<td>9'</td>
<td>19'</td>
<td>20'</td>
<td>15'</td>
<td>24'</td>
</tr>
<tr>
<td>60°</td>
<td>9'</td>
<td>19'</td>
<td>21'</td>
<td>18'</td>
<td>24'</td>
</tr>
<tr>
<td>90°</td>
<td>9'</td>
<td>19'</td>
<td>19'</td>
<td>24'</td>
<td>24'</td>
</tr>
</tbody>
</table>

* Other angle/dimensions may be considered where it can be shown to accommodate aisle width and circulation.

B. Parking Area Development. Off-street parking areas shall be constructed and maintained in accordance with the following:

1. Grading and drainage shall be constructed to the specifications of the City engineering staff.

2. All striping and identification of parking spaces shall be provided in accordance with specifications established by the City Engineer and kept on file in the Development Services Department.

3. Lighting shall be provided in the parking area. Such lighting shall be arranged or shielded so that direct rays do not shine or reflect onto adjacent property or into public rights-of-way (See Figure 3-07 Parking Area Development).
4. New and reconstructed parking areas and driveways shall be permanently surfaced with cement concrete or other permeable surface over compacted native soil. The required pavement section shall be subject to approval by the City Engineer as appropriate to on-site soil conditions.

C. Compact Spaces. Compact car parking spaces shall not be allowed for required parking.

D. Tandem Parking Spaces. Tandem parking spaces shall not be allowed except as provided for Accessory Dwelling Units or in a mobile home park for individual mobile home sites.

17.22.120 Development Standards for Exterior Parking Spaces in Non-residential and Mixed-Use Zones

A. Parking Space Area. Each off-street parking space shall consist of an area together with drives, aisles, turning and maneuvering areas, and shall have access at all time to a public street or alley or private street. The minimum dimensions of parking spaces and aisles in parking lots shall comply with specifications established by the City Engineer and kept on file in the Development Services Department.

B. Landscaping. Each off-street parking area shall provide an area, or areas, landscaped equivalent to 20 square feet for each parking space. Landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material. At least one minimum-sized 15-gallon tree shall be provided for every five parking spaces. In addition, one minimum-sized 15-gallon tree minimum shall be provided in the interior portions of the parking area for each 1,500 square feet of parking area. This landscaped area may be included as part of the overall required landscape coverage for a development.

C. Unused Areas. Unused areas resulting from the layout of the parking area shall be landscaped.

D. Irrigation Required. Required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.
E. Plans Required. Landscape and irrigation plans, including the type and location of plant materials to be used, shall be subject to the approval of the City Engineer.

F. Parking Area Development. Off-street parking areas shall be constructed and maintained to provide the following:

1. Grading and drainage shall be constructed to the specifications of the City Engineer.

2. Parking spaces in the commercial and industrial districts shall be delineated in accordance with specifications established by the City Engineer and kept on file in the Development Services Department.

3. Wheel stops and/or six-inch concrete curbs shall be required for parking stalls, installed in a manner to prevent vehicles from overhanging into any adjacent landscaped areas.

4. Lighting shall be provided in the parking area and shall be arranged or shielded so that direct rays do not shine or reflect onto adjacent property or into public rights-of-way.

5. New and reconstructed parking areas and driveways shall be permanently surfaced with asphalt concrete, Portland cement, or other acceptable material over compacted native soil. The required pavement section shall be subject to approval by the City Engineer as appropriate to on-site soil conditions.

6. Curbs, where provided, shall be installed at a minimum of two and one-half feet from face of buildings, walls, fences, or other structures, and landscaping.

7. There shall be a minimum of 10 feet from the first parking space at any driveway leading to a public right-of-way.

G. Compact Spaces. Compact car parking spaces shall not be allowed for required spaces.

H. Tandem Parking Spaces. Tandem parking spaces shall not be allowed for required spaces.

17.22.130 Location of Spaces

Off-street parking facilities shall be located as required in this Section. Where a distance is specified, the distance shall be measured from the nearest point of the parking facility to the nearest point of the structure or use served by this parking.

A. Single-family and multiple-family unit dwellings and hotel/motel parking shall be located on the parcel occupied by the structure or use to be served.

B. Parking facilities for all uses not specified above shall be located not more than 300 feet from the structure or use served, unless a shared parking agreement is approved pursuant to this Chapter.

C. Mechanical Parking Lifts. In commercial zones, industrial zones, and mixed-use and multi-family developments, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements.

1. Up to 25 percent of the required minimum amount of spaces may be required to be provided as non-mechanical parking for lift systems unable to accommodate a range of vehicles, including trucks, vans, SUVs, and large sedans.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

2. Application submittals shall include any information deemed necessary by the Director to determine that parking can adequately and feasibly be provided and that the following performance standards can be met and the following findings for approval can be made:

a. The use of mechanical lift parking results in superior design and implementation of City goals and policies.

b. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements and parking and driveway standards, except for minimum parking stall sizes, which shall be established by lift specifications.

c. Mechanical parking systems shall be safely operated and maintained in continual operation except for limited periods of maintenance.

3. For proposed mechanical lift systems to be located in an unenclosed space (not in a structure or not in an underground garage), such system shall be screened and shall be subject to review via the Site Development Permit-Minor process where no other discretionary permit is required.

17.22.140 Loading Requirements

A. Required Loading Spaces in Certain Zones. In the C-O, C-G, P-L-I, M, and TCMU zones, every new building and every building enlarged by more than 5,000 square feet of gross floor area that is to be occupied by a manufacturing—light establishment; warehousing, storage, and distribution facility; retail sales; eating and drinking establishment; general market; hotel; hospital; funeral parlor and internment service; or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise, shall provide off-street loading and unloading areas as follows:

Table 3-07: Loading Spaces Required by Gross Floor Area

<table>
<thead>
<tr>
<th>Gross Floor Area of Building</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000 sf or less</td>
<td>None</td>
</tr>
<tr>
<td>3,001 to 15,000 sf</td>
<td>1</td>
</tr>
<tr>
<td>15,001 to 40,000 sf</td>
<td>2</td>
</tr>
<tr>
<td>40,001 sf and over</td>
<td>3</td>
</tr>
</tbody>
</table>

B. Reduction in Number of Loading Spaces Required. The loading space requirement may be waived by a Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such loading space will not be needed.

C. Additional Loading Spaces Required. The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which the onsite loading spaces are required.

D. Loading Space Location. All required loading berths shall be located on the same site as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential zone unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not
less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.

E. **Minimum Size.** Each onsite loading space required by this Section shall not be less than 12 feet wide, 20 feet long, and 15 feet high, exclusive of driveways for ingress and egress, maneuvering areas, and setbacks. The minimum size requirement may be modified by Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such size will not be needed.

F. **Driveways for Ingress and Egress and Maneuvering Areas.** Each onsite loading space required by this Section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for onsite parking spaces. Truck maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified by Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that sufficient space is provided so that truck maneuvering areas will not interfere with traffic and pedestrian circulation.
Chapter 17.24 Performance Standards

Sections:

17.24.010 Purpose and Applicability
17.24.020 Fire and Explosive Hazards
17.24.030 Hazardous Materials
17.24.040 Light and Glare
17.24.050 Liquid or Solid Wastes
17.24.060 Odor
17.24.070 Property Maintenance
17.24.080 Radioactive or Electrical Disturbances
17.24.090 Vibration
17.24.100 Smoke

17.24.010 Purpose and Applicability

A. Purpose. This Chapter provides uniform performance standards designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses.

B. Applicability. The standards in this Chapter shall apply to all uses in all zones, unless a contrary standard is specifically stated in this Chapter.

17.24.020 Fire and Explosive Hazards

Activities involving, and storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and device standards in industry and as approved by the fire department. Incineration is prohibited throughout the City.

17.24.030 Hazardous Materials

No existing or proposed use, activity, or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.

17.24.040 Light and Glare

A. Shielding of Light Source. Where the light source is visible from outside the project boundary, shielding shall be required to reduce glare so that neither the light source nor its image from a reflective surface shall be directly visible from a point five feet or more beyond the property line. The requirement shall not apply to traffic safety lighting or public street lighting.

B. Mechanical or Chemical Processes. Light, heat, or glare from mechanical or chemical processes, or from reflective materials used or stored on a site, shall be shielded or modified to prevent emission of light or glare beyond the property line.

C. Sky-Reflected Glare. Sky-reflected glare shall be controlled. Glare will not inconvenience or annoy persons or interfere with the use and enjoyment of nearby property.
17.24.050 Liquid or Solid Wastes

Discharge into a public sewer, private sewage disposal system, or stream or into the ground, of materials of a nature or temperature as can contaminate a water supply, interfere with bacterial processes in offensive elements, is not allowed, except in accord with standards approved by the State Department of Public Health or another governmental agency as shall have jurisdiction of these activities.

17.24.060 Odor

No use or activity shall create noxious odors in any manner so as to be readily detectable beyond the boundaries of the site.

17.24.070 Property Maintenance

A. Public Nuisance.

1. Public Nuisance Defined. Structures, and the land upon which the structures are located, and vacant land in the City maintained in a condition that results in the following, shall be deemed to be a public nuisance and a violation of this zoning code. A public nuisance:

   a. Is detrimental to the property of others;

   b. Is a hazardous, inappropriate, and/or unsightly condition; and/or

   c. Causes a reduction in the enjoyment, benefit, or use of adjoining properties.

2. Nuisances Prohibited. A person who owns, maintains, or possesses a structure or land in a condition identified in subsection (A)(1) of this Section shall not allow the nuisance condition to exist.

B. Prohibited Conditions Applicable to All Structures and Properties. Prohibited conditions applicable to all structures and properties shall include:

1. Neglected or improperly maintained landscaping (e.g., grass, groundcovers, hedges, shrubs, and trees) in conflict with the provisions of Chapter 17.18 (Landscaping). This shall include dead, overgrown in excess of 12 inches in height or weed-infested vegetation; vegetation dying likely to harbor rodents, vermin, insects, or other nuisances; vegetation which overhangs, impedes or obstructs vehicular traffic on a sidewalk, street, or other public right-of-way; and required landscaping removed without proper City approval; and

2. Damaged, dilapidated, and inadequately or improperly maintained signs or other identification or advertising devices or signs related to uses no longer conducted on the subject parcel, except for those identified in subsection(E)(2) (Vacant Nonresidential Structures or Properties), of this Section.

C. Prohibited Conditions Applicable to Residential Structures and Properties. Prohibited conditions applicable to residential structures and properties shall include:

1. Debris, junk, trash, or salvaged materials readily visible from a public street, alley, or adjoining property;

2. Garbage, trash, or refuse bins, boxes, cans, or other containers stored for more than 24 hours on the public right-of-way or within the required front or street side setbacks;
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

3. Abandoned, discarded, or unused cabinets, freezers, furniture, refrigerators, sinks, stoves, toilets, or other household fixtures or equipment that are visible at ground level from a public street, alley, or adjoining property;

4. Construction equipment or machinery parked or stored on a residential property when the equipment is visible to the general public, except while construction, demolition, or excavation operations covered by an active building permit are in effect on the subject, or immediately adjoining property;

5. Other conditions related to fences, structures, or walls that are in need of correction, repair, or adequate and proper maintenance, including the existence of broken windows, graffiti, physical damage or general dilapidation, and surface(s) in need of paint, stain, varnish, or similar coating; and

6. Clothing, laundry, linens, rugs, towels, and other similar materials hung on balconies, fences, open windows, railings, shrubbery, trees, or walks in the front or side yard or visible from the public right-of-way; and

7. Accumulation of animal waste.

D. Prohibited Conditions Applicable to Occupied Nonresidential Structures or Properties. Prohibited conditions applicable to occupied nonresidential structures of properties shall include:

1. Construction, debris, junk, trash, salvaged materials, or waste materials located anywhere on the property, except in approved solid waste storage or pickup areas;

2. Damaged, dilapidated, and inadequately or improperly maintained structures left in a state of partial completion and not covered by an active building permit;

3. Garbage, trash, or refuse bins, boxes, cans, or other containers stored for more than 24 hours before pickup or after pickup on the right-of-way or within the required front or street side setbacks;

4. Business activities, including manufacturing and the sale and storage of merchandise or materials, not conducted entirely within a totally enclosed structure, except as allowed by Section 17.28.220 (Outdoor Storage);

5. Other conditions related to fences, structures, or walls that are in need of correction, repair, or adequate and proper maintenance, including the existence of broken windows, graffiti, physical damage or general dilapidation, and surfaces in need of paint, stain, varnish, or similar coating.

E. Prohibited Conditions Applicable to Vacant Nonresidential Structures or Properties. Prohibited conditions applicable to vacant nonresidential structures or properties shall include:

1. Property maintenance requirements for vacant nonresidential structures or premises shall be the same as for occupied nonresidential structures or properties described in subsection D of this Section, where applicable, along with additional requirements described in subsection (E)(2) of this Section.

2. Damaged, dilapidated, or inadequately or improperly maintained signs or other identification or advertising devices or signs related to uses no longer conducted on the subject parcel.

3. Discarded lumber, junk, trash, construction debris, salvaged materials, or waste materials located anywhere on the vacant property;
4. Vehicles, including automobiles, boats, camper shells, construction equipment, mobile homes, motor homes, trailers, and trucks, regardless of condition or capability of self-powered movement, parked or stored on vacant private property, except as allowed by other provisions of this subsection or the City’s building code; or

5. Abandoned, discarded, stored, or unused business, household, or industrial equipment, fixtures, furniture, or materials located anywhere on the vacant property.


17.24.080 Radioactive or Electrical Disturbances

Devices that radiate radio-frequency energy shall be operated so as not to cause interference with an activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation shall be emitted in quantities that are dangerous to humans.

17.24.090 Vibration

Vibration that causes a noticeable tremor, measurable without instruments at the parcel line shall not be allowed.

17.24.100 Smoke

No existing or proposed use, activity, or process or portion thereof shall from any source whatsoever discharge smoke or other particulate matter into the atmosphere, except as may be allowed by the South Coast Air Quality Management District.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.26 Signs

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 Permit Requirements
17.26.040 Exempt Signs
17.26.050 Prohibited Signs
17.26.060 General Requirements for All Signs
17.26.070 Rules for Sign Measurement
17.26.080 Digital Sign Standards
17.26.090 Regulations for Permitted Signs by Zone
17.26.100 Transit Advertising Shelters within a Public Right-of-Way
17.26.110 Planned Sign Program
17.26.120 Temporary Signs
17.26.130 Signs of Special Significance
17.26.140 Nonconforming Signs
17.26.150 Abatement of Unsafe and Unauthorized Signs

17.26.010 Purpose

A. This Chapter provides a reasonable system for the regulation of the location, size, type, illumination, and number of signs, with the goal of enhancing the quality of the City’s visual appearance.

B. The intent of this Chapter is to:

1. Recognize that the primary purpose of signage is to identify, locate, and encourage businesses and events;

2. Provide a balance between the City’s economic needs and protecting the visual appearance of the community’s character;

3. Eliminate potential traffic and safety hazards to motorists and pedestrians;

4. Preserve and maintain the attractiveness of the community and enhance the character of the City as a desirable place to live, work, play, and visit;

5. Promote the public health, safety, and general welfare of the residents and business community of the City;

6. Protect public and private investments in structures and open spaces; and

7. Provide clear and unambiguous sign standards that enable fair and consistent enforcement.
17.26.020 Applicability

The requirements and development standards in this Chapter shall apply to all zones in the City. Only signs authorized by this Chapter shall be allowed in that zone unless otherwise expressly provided in this Chapter.

17.26.030 Permit Requirements

A. Permits Required.

1. Except as otherwise specifically provided in this Chapter, signs shall not be erected, re-erected, constructed, or altered until a sign permit for it has been issued by the Development Services Department, or until a Conditional Use Permit has been granted by the Planning Commission in instances in which a Conditional Use Permit is required.

2. A separate permit shall be required for each sign or group of signs in one location. In addition to the requirements identified in this Section, applicable building and electrical permits shall be obtained in compliance with the Uniform Building Code and the Uniform Electrical Code.

B. Permit Application. Applications for sign permits shall be made in writing upon forms provided by the Department. The application shall be signed by the owner of the property or property manager where the sign is to be located. The sign permit application shall include all information specified on the application form. A sign permit and plan check fee for each sign permit shall be paid before the issuance of a sign permit. Permit fees shall be established by a resolution of the council.

C. Issuance of Sign Permit. The Director or designee shall determine whether the proposed sign and related discretionary approvals with respect to sign area, construction, location, color, and materials conform to applicable City regulations and the provisions of this Chapter. In considering a sign permit application, the factors noted below shall be used in determining whether a submitted sign proposal furthers the intent and purpose established by this Chapter and may or may not be allowed:

1. The proposed sign will be legible under normal viewing conditions, based on its location and the design of its visual content;

2. The proposed sign will not obscure from view or detract from existing signs based on its location, shape, height, color, placement, and the proximity of the proposed sign to adjacent properties and surroundings;

3. The proposed structure, sign, or display will be constructed so that it will not constitute a hazard to the public.

17.26.040 Exempt Signs

A. Sign permits shall not be required for exempt signs. The provisions and regulations of this Chapter shall not apply to the following exempt signs, nor shall the area of these signs be counted toward the maximum allowable sign area for any premises or use. However, if a building permit is required in compliance with the Building Regulations of the City of Los Alamitos, appropriate building permits shall be secured before the construction of any such exempt sign.

1. Nameplates, directional, or informational signs, (e.g., “no trespassing,” “no parking”) and other warning signs, or signs intended for public convenience, provided that any such individual sign does not exceed three square feet in area, is no taller than six feet, is intended solely for directional or informational purposes, and is located entirely on the residential or business premises.
2. Interior signs located in a manner so that they are not to be visible (meaning capable of being seen, regardless of actually being read) outside the building or structure where the sign is located.

3. Window signs not exceeding 25 percent of the aggregate window area on which they are affixed or viewed from.

4. Signs exclusively regulated by the State; traffic, directional, warning, or informational signs required by any public body; signs required by law; railroad crossing signs; legal notices; and emergency or danger notices.

5. Signs used for the sole purpose of advertising a property for sale, lease, or rental, provided that:
   a. The signs are posted on the subject private property only.
   b. Signs shall not be permanent in nature and shall only be allowed for the time the subject property or structure is available for sale, lease, or rent.
   c. Property with residential units for sale, lease, or rent may have one sign per street frontage erected solely for the purpose of advertising that property for sale, rent, or lease. The sign area shall not exceed the following dimensions:
      i. Single-family residential use: six square feet in area and five feet in height
      ii. Multiple-family residential use: 32 square feet in area and eight feet in height
   d. Developed or undeveloped land for sale in nonresidential zones may have one such sign per street frontage. More than one sign may be allowed for parcels with street frontages greater than 250 linear feet. Minimum distances between signs shall be 250 linear feet. These signs are limited to 32 square feet in area and eight feet in height.
   e. Signs shall be maintained in a clean, orderly fashion and shall be removed upon the close of escrow or when the rental or lease has been accomplished, whichever occurs first.

6. The flag of the United States of America, State of California, the City, or corporate flag, provided that not more than three flags are displayed on any one site. Flags shall be maintained and displayed in a state of good repair and in compliance with appropriate protocol.

7. Memorial signs on tablets or plaques, including names of structures or sites, and dates of erection when cut into or attached to the surface or the facade of the building and which the Director deems to be a memorial sign.

8. Holiday decorations commonly associated with national or religious holidays, provided such decorations are displayed for a period not exceeding 30 consecutive calendar days and a maximum of 60 cumulative days per calendar year. Decorations shall be displayed in compliance with City fire and other safety codes.

9. Signs erected on private property for the purpose of announcing a garage sale. Such signs shall be removed on the final day of the sale. The maximum number of days such signs may be posted is three days every calendar year.

10. On a site for which an active building permit has been issued, one sign may be erected for the purpose of displaying information about the project under construction. In the R-1 zone, the sign shall not exceed six
square feet in area and five feet in height. In all other zones, the sign shall not exceed 32 square feet in area and six feet in height.

11. Temporary signs displaying noncommercial messages shall not require a Temporary Sign Permit, provided such signs comply with the following:

   a. No individual such sign shall exceed an area of 24 square feet and a height of eight feet.

   b. No such sign shall be placed within or on, nor extend over, any public right-of-way, public property, public easement, or public utility pole. The City shall have the authority to assess a charge against the identified responsible party for the cost incurred in the removal pursuant to subparagraph e, below.

   c. Permission of the property owner shall be required for placing such signs on private property.

   d. For any such sign associated with a specific event, such sign shall be erected no more than 60 days prior to the event and shall be removed within seven calendar days of the conclusion of the event.

   e. If the Director finds that any temporary noncommercial message sign has been posted or is being maintained in violation of the provisions of this subsection, or has not been removed as required following the conclusion of an event, the person(s) responsible for the sign(s) shall be given notice to remove the sign(s) within 24 hours from the time of the notice. The notice shall include a brief statement of the reasons for requiring removal. If the person receiving the notification fails to correct the violation or remove the sign(s), the Director may cause the sign(s) to be removed without further notice. If the owner of the sign cannot in good faith be located within a reasonable time, the sign shall be deemed abandoned. The Director may cause the abandoned signs and signs which constitute an immediate peril to persons or property to be removed summarily and without prior notice. The City shall have the authority to assess a charge against the identified responsible party posting or placing signs in violation of this subsection for the cost incurred in the removal.

B. Sign permits shall not be required in the following situations:

1. The changing of advertising copy or messages on announcement or bulletin boards and similar signs erected in conformance with this Chapter, specifically designed for the use of replaceable or changeable copy, unless electrical alterations are made.

2. Repainting with existing colors and cleaning of a sign or advertising structure, unless a change in structure size, height, location, or paint color is made.

17.26.050 Prohibited Signs

Signs that are not expressly allowed in this Chapter shall be expressly prohibited, including those listed below.

A. Signs not Specifically Allowed or Illegally Erected. A sign, sign structure, or advertising device that is not specifically allowed by the zone regulations in which the sign is located, or which may have been erected in violation of the laws in effect at time of erection, is prohibited.

B. Signs Constituting a Traffic Hazard. Persons shall not install or maintain or cause to be installed or maintained a sign which simulates or imitates a traffic sign or signal, or which makes use of the words “stop, look, danger,” or other words, phrases, symbols or characters that interfere with, mislead, or confuse vehicular or pedestrian traffic.
C. Signs on or Projection over a Public Property or Right-of-Way. Signs on a public property or anywhere on a public right-of-way are prohibited. Projecting signs shall not extend over or into a public right-of-way, except as may otherwise be permitted in this Chapter.

D. Signs on Doors, Windows, or Fire Escapes. Signs shall not be installed, relocated, or maintained in any manner that prevents free ingress to or egress from any door, window, or fire escape. Signs of any kind shall not be attached to a standpipe or fire escape, except those signs as required by other adopted codes.

E. Animated or Moving Signs. Signs consisting of any moving, swinging, rotating, flashing, blinking, indexing, scintillating, fluctuating, or otherwise animated light are prohibited, except for time and temperature displays and permitted LED signs.

F. Offsite Outdoor Advertising Signs (Billboards). Installed for the purpose of advertising a project, event, person, or subject not related to the premises upon which the sign is located is prohibited.

G. Vehicle Signs. Signs located on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify, or provide direction to a use or activity not related to or being used for the bona fide deliveries or sales of merchandise or rendering of services from vehicles are prohibited.

H. Signs Blocking the Visibility of Other Signs. Signs shall not be placed that obscure visibility of signs on adjacent properties.

I. Inflatable Devices. Persons shall not anchor, tie, or secure an inflatable device to or on the ground or a structure and cause the inflatable device to fly, float, or remain suspended in the airspace over business premises or a part of the City as a sign or for the purpose of attracting or drawing the public to the property for commercial purposes. For the purposes of this subsection, other shapes capable of being inflated with air, helium, or other gaseous matter are prohibited.

J. Portable Signs. Portable signs including, but not limited to, animals, human beings, A-frames, and those of a similar nature.

K. Pennants and Banners. Temporary or permanent pennants and banners attached to poles or structures or on a pole stuck into the ground.

L. Roof signs. Any sign wholly mounted on a roof above the roof eave line shall be prohibited unless approved as part of a planned sign program.

M. Audible Signs. Any sign which emits audible sounds shall be prohibited.

17.26.060 General Requirements for All Signs

A. Content Neutrality. It is the City’s policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Chapter, a content-neutral regulation is a so-called “time, place, or manner” regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.

B. Sign Removal or Replacement. When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed, and any electrical components shall be removed and/or capped, and any resulting holes filled. Affected building surfaces shall be restored to match the adjacent portion of the building.
C. Materials and Mounting Required.

1. **Materials.** Signs shall be made of sturdy, durable materials capable of withstanding weathering over the life of the sign with reasonable maintenance. Paper, fabric, cardboard, plywood, and other materials subject to rapid deterioration may only be used for temporary signs or as permitted awning signs.

2. **Mounting Required.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

3. **Quality Design.** All permanent signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs), or others who, in the opinion of the Director based on presented evidence, are capable of producing professional results.

4. **Quality Construction.** All permanent signs shall be constructed by persons whose principal business is building construction or a related trade, including sign manufacturing and installation businesses or others who, in the opinion of the Director based on presented evidence, are capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability to reduce maintenance costs and prevent dilapidation.

D. **Sign illumination:** The following standards shall apply to all illuminated signs:

1. **Shielding.** Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.

2. **Illumination.** Signs may be internally or externally illuminated.

3. **Residential Properties in Direct Line of Sight.** The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in direct line of sight to the sign.

4. **Colored Lights.** Colored lights shall not be used at a location or in a manner to be confused or construed as traffic control devices.

5. **Bulb Face Exposure.** Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property, unless approved by the Director. This provision does not apply to light-emitting diode (LED) signs.

6. **Energy Efficiency.** Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

7. **No Flashing.** Lights illuminating signs shall not flash, blink, flutter, include intermittent or chasing lights, or provide any illumination that is in motion or appears to be in motion. With regard to digital signs, see Section 17.26.080 (Digital Sign Standards).

E. **Sign Maintenance.** All signs and associated supporting structures shall be maintained in good condition, without rips, tears, and similar damage.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

F. **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, missing or has inoperative lights, or is in an otherwise dilapidated condition shall be promptly repaired, to the satisfaction of the Director, or removed.

G. **Maintenance Standards.** All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure, shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

17.26.070 **Rules for Sign Measurement**

A. **Measuring Sign Height.** The height of a sign shall be measured from the highest part of the sign, including any decorative features, to the height of the adjoining grade directly beneath the sign.

B. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. **Measuring Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

D. **Calculating Sign Area: General.** Supporting structures such as sign bases and columns are not included in the sign area, provided that they contain no lettering or graphics except for addresses or required tags. See Figure 3-08.

**Figure 3-08: Calculation of Freestanding Sign Area**

E. **Calculating Sign Area: Single-Faced Signs (Four Sides or Fewer).** For sign faces with four or fewer sides, sign area shall include the entire area within a single continuous perimeter composed of one triangle, square, or rectangle (consisting of no more than four corners) that enclose the extreme limits of all sign elements, including but not limited to sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 3-09 (Calculation of Sign Area on Single-Faced Signs (Four Sides or Fewer)).
F. Calculating Sign Area: Single-Faced Signs (Five Sides or More). For sign faces with five or more sides, sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 3-10 (Calculation of Sign Area on Single-Faced Signs (Five Sides or More)).

G. Calculating Sign Area: Double-Faced Signs. Only one face of a double-faced sign shall be counted in computing the permitted area of the sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure and the distance between each sign face does not exceed two feet at any point. Where two faces of a double-faced sign are located more than two feet from one another at any point, both sign faces shall be counted toward sign area. Where the two faces are not equal in size, the larger sign face shall be used.

H. Calculating Sign Area: Multi-Faced Signs. On a three-faced sign, the combined sum of the area of two faces (the largest and smallest face) shall be counted in computing the permitted area of the sign.

I. Calculating Sign Area: Three-Dimensional Signs. On spherical, free-form, sculptural, or other non-planar signs, sign area equivalent to 50 percent of the sum of the areas using only the four vertical sides of the smallest cube that will encompass the sign structure, as shown in Figure 3-11 (Calculation of Sign Area on Three-Dimensional Signs), shall be counted in computing the permitted area of the sign.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Figure 3-11: Calculation of Sign Area on Three-Dimensional Signs

\[ \text{Total Sign Area} = \frac{1}{2} \times \text{sum of the areas comprising the vertical sides of the smallest cube that will encompass the sign structure.} \]

17.26.080 Digital Sign Standards

Digital signs shall be allowed as freestanding permanent signs and as window signs in the C-O, C-G, and TCMU zones subject to the following standards:

A. **No Flashing.** Digital signs shall not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).

B. **Display Change.** Digital signs may display changing messages, provided that each message is displayed for no fewer than eight consecutive seconds. The transition or blank screen time between one display message and the next shall not exceed one second.

C. **Night-time Brightness.**

   1. Night-time brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message off, and again with the electronic message displaying a white image for a full color-capable electronic message or a solid message for a single-color electronic message.

   2. All measurements shall be taken perpendicular to the face of the electronic message at the following distance:

   \[ \text{Measurement Distance} = \sqrt{\frac{\text{Area of Sign}}{\text{Sq. Ft.} \times 100}} \]

   The difference between the off and solid message measurements shall not exceed 0.3 foot-candles at night.

D. **Ambient Light Sensor.** Digital signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3 foot-candle requirement.

E. **Turn Off.** Digital signs located within 500 feet and in a direct line of sight of a residentially zoned property shall be turned off daily at the close of business, or at such a time as specified by the Development Services Director, and in no case shall be permitted to be turned on between the hours of 2:00 AM and 6:00 AM.
F. **Sign Types.** Awning, canopy, and driveway/onsite directional signs shall not include digital copy.

G. **Certification of Compliance.** The owner of any digital sign shall arrange for certification by an independent contractor showing compliance with brightness standards.

### 17.26.090 Regulations for Permitted Signs by Zone

Tables 3-08 through 3-12, inclusive, identify the signs allowed in each zone. In addition to the regulations set forth in the tables, signs shall comply with other provisions of this Chapter, except for those signs specifically addressed in Section 17.26.040 (Exempt Signs) and approved Planned Sign Programs. Where a contradiction in regulations exists, the more restrictive standard shall apply. In addition to the listed requirements, each sign shall comply with the requirements detailed in each specific zone and other applicable City standards and ordinances.

#### TABLE 3-08: SIGNS ALLOWED IN R-1, R-2, R-3, AND MH ZONES

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Single Family Residential Subdivision Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Monument or Wall</td>
<td>1 per street frontage or 1 on each side of main neighborhood entrance</td>
<td>1 square foot per linear foot of street frontage; maximum 50 square feet</td>
<td>6 ft</td>
<td>External illumination only</td>
<td>Permitted only at major entrances to projects or neighborhoods. Maintenance responsibility shall be assigned to community association. Digital signs not permitted.</td>
</tr>
<tr>
<td><strong>2. Institutional and Places of Assembly Uses in Residential Zones</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Monument</td>
<td>1 per front entrance</td>
<td>30 sf per sign</td>
<td>6 ft</td>
<td>Permitted</td>
<td>Changeable copy sign permitted</td>
</tr>
<tr>
<td>b. Wall</td>
<td>1 per street frontage</td>
<td>24 sf per sign</td>
<td>Must be below eave line</td>
<td>Permitted</td>
<td></td>
</tr>
<tr>
<td><strong>3. Multiple Family and Mobile Home Developments in R-2, R-3, and M-H Zones</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Wall</td>
<td>1 per street frontage or 1 on each side of main entrance</td>
<td>Aggregate sign area: 1 square foot per linear foot of street frontage, not to exceed 32 square feet total</td>
<td>Must be below eave line</td>
<td>Permitted</td>
<td>Only a wall sign or a monument sign shall be permitted.</td>
</tr>
<tr>
<td>b. Monument</td>
<td>1 per street frontage or 1 on each side of main entrance</td>
<td>Aggregate sign area: 1 square foot per linear foot of street frontage, not to exceed 32 square feet total</td>
<td></td>
<td>Permitted</td>
<td>Only a wall sign or a monument sign shall be permitted.</td>
</tr>
<tr>
<td>c. Sign Provided for Sole Purpose of Identifying Tenants</td>
<td>1 sign total</td>
<td>10 square feet</td>
<td>N/A</td>
<td>Permitted</td>
<td>Sign must be located near main building entrance and oriented to pedestrians.</td>
</tr>
</tbody>
</table>
## ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

### TABLE 3-09: CO, CG, P-L-I, AND TCMU ZONES – KATELLA AVENUE AND LOS ALAMITOS AVENUE

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Single Tenant Sites</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Freestanding</td>
<td>1 per parcel or street frontage</td>
<td>1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet</td>
<td>C-O: 8 feet</td>
<td>Permitted</td>
<td>a. Signs shall be placed within a landscaped planter or private parkway. b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet.</td>
</tr>
<tr>
<td>b. Wall, Canopy, Under Canopy, Projecting</td>
<td>Multiple signs are permitted but shall not exceed the aggregate maximum area permitted for wall signs based on linear building feet.</td>
<td>1 square foot of sign area per linear foot of building on a public right-of-way</td>
<td>Shall be located below the eave line</td>
<td>Permitted</td>
<td>Signs shall be affixed to a permanent wall.</td>
</tr>
<tr>
<td>c. Awning</td>
<td>1 per awning</td>
<td>1/2 square foot of sign area per linear foot of building on a public right-of-way</td>
<td>Shall be located only on the front of the awning and shall be wholly contained within the awning face</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>d. Menu Board (for permitted drive-through businesses only)</td>
<td>2 per business or as approved as part of a Planned Sign Program</td>
<td>48 square feet aggregated for all menu boards</td>
<td>6 feet</td>
<td>Permitted</td>
<td>a. Menu board signs shall be approved as part of a Planned Sign Program. b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way. c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise).</td>
</tr>
<tr>
<td>Allowed Sign Types</td>
<td>Maximum Number</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign Height</td>
<td>Illumination Allowed?</td>
<td>Additional Regulations</td>
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<tr>
<td>2. Multiple Tenant Sites</td>
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<tr>
<td>a. Freestanding (Center Identification Sign)</td>
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<td></td>
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<tr>
<td>1 per parcel or street frontage</td>
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<td></td>
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<tr>
<td>1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet total</td>
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<tr>
<td>C-O: 8 feet</td>
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<tr>
<td>C-G: Pylon – 20 feet</td>
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<tr>
<td>Monument - 8 feet</td>
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<td>P-L-I: 15 feet</td>
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<tr>
<td>Permitted</td>
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<tr>
<td>a. Signs shall be placed within a landscaped planter or private parkway.</td>
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</tr>
<tr>
<td>b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet.</td>
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<tr>
<td>b. Wall, Canopy, Under Canopy, Projecting</td>
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<tr>
<td>Multiple signs are permitted but shall not exceed the aggregate area permitted for wall signs.</td>
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<tr>
<td>1 square foot of sign area per linear foot of building on a public right-of-way, not to exceed 24 square feet per tenant</td>
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<tr>
<td>In the P-L-I zone, for industrial buildings over 50,000 square feet in size, up to 48 square feet total sign area is permitted.</td>
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<tr>
<td>Below the eave line</td>
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<tr>
<td>Permitted</td>
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<tr>
<td>a. Signs shall be affixed to a permanent wall.</td>
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<tr>
<td>b. Aggregate area shall not exceed 1/2 square foot of area per linear frontage of the buildings or tenant lease, whichever is less.</td>
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<tr>
<td>c. Awning</td>
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<td></td>
</tr>
<tr>
<td>1 per awning</td>
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<tr>
<td>1/2 square foot of sign area on an awning per linear foot of building on a public right-of-way</td>
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<tr>
<td>Shall be located only on the front of the awning and shall be wholly contained within the awning face</td>
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<tr>
<td>No</td>
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<tr>
<td>d. Menu Board (for permitted drive-through businesses only)</td>
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<tr>
<td>2 per business or as approved as part of a Planned Sign Program</td>
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<tr>
<td>48 square feet aggregated for all menu boards</td>
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<tr>
<td>6 feet</td>
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<tr>
<td>Permitted</td>
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</tr>
<tr>
<td>a. Menu board signs shall be approved as part of a Planned Sign Program.</td>
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</tr>
<tr>
<td>b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.</td>
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<tr>
<td>c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise).</td>
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<tr>
<td>e. Business Directory for Multiple Tenants</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1 per site</td>
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<tr>
<td>24 square feet</td>
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<tr>
<td>Freestanding – 6 feet</td>
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</tr>
<tr>
<td>Wall – Below the eave line</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.</td>
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</tbody>
</table>
### TABLE 3-10: CO, CG, P-L-I, AND TCMU ZONES – NON-ARTERIAL ROADWAYS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Single Tenant Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Freestanding</td>
<td>1 per parcel or street frontage</td>
<td>1 square foot per linear foot of parcel street frontage, not to exceed 32 square feet</td>
<td>C-O: 8 feet</td>
<td>C-G: 8 feet</td>
<td>P-L-I: 8 feet</td>
</tr>
<tr>
<td><strong>b. Wall, Canopy, Under Canopy, Projecting</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple signs are permitted but shall not exceed the aggregate area permitted for wall signs.</td>
<td>1 square foot of sign area per linear foot of building on a public right-of-way, not to exceed 24 square feet</td>
<td>Shall be located below the eave line</td>
<td>Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>c. Menu Board (for permitted drive-through businesses only)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 per business or as approved as part of a Planned Sign Program</td>
<td>48 square feet aggregated for all menu boards</td>
<td>6 feet</td>
<td>Permitted</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- a. Signs shall be placed within a landscaped planter or private parkway.
- b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet.
- Signs shall be affixed to a permanent wall.
- a. Menu board signs shall be approved as part of a Planned Sign Program.
- b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.
- c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise).
### TABLE 3-10: CO, CG, P-L-I, AND TCMU ZONES – NON-ARTERIAL ROADWAYS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Multiple Tenant Sites</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| a. Freestanding (Center Identification Sign) | 1 per parcel or street frontage | 1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet total | C-O: 8 feet | Permitted | a. Signs shall be placed within a landscaped planter or private parkway.  
b. Where a parcel has more than 1 street frontage and more than 1 sign is proposed, signs shall be separated by 100 or more linear feet. |
| | | | C-G: 8 feet | | |
| | | | P-L-I: 8 feet | | |
| b. Wall, Canopy, Under Canopy, Projecting | | 1 square foot of sign area per linear foot of building on a public right-of-way, not to exceed 24 square feet per tenant | Below the eave line | Permitted | a. Signs shall be affixed to a permanent wall.  
b. Where individual buildings are located in a row perpendicular to a front property line, each building or tenant space to the rear of the building frontage may have wall signs affixed to the building side closest to the street. Aggregate area shall not exceed 1/2 square foot of area per linear frontage of the buildings or tenant lease, whichever is less. |
| | | | | | |
| c. Menu Board (for permitted drive-through businesses only) | 2 per business or as approved as part of a Planned Sign Program | 48 square feet aggregated for all menu boards | 6 feet | Permitted | a. Menu board signs shall be approved as part of a Planned Sign Program.  
b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.  
c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise). |
| d. Business Directory for Multiple Tenants | 1 per site | 24 square feet | Freestanding – 6 feet Wall – Below the eave line | Permitted | Signs shall be oriented and located in a manner that limits visibility from a public right-of-way. |
### TABLE 3-11: CF AND OA ZONES

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| a. Freestanding   | 1 per parcel or street frontage | 1 per linear foot of street frontage, not to exceed 50 square feet per street frontage | 10 feet | Permitted | a. Signs shall be placed within a landscaped planter.  
b. Additional signage may be permitted subject to a Planned Sign Program (i.e., booster signs for sports fields).  
c. Freestanding signs shall be of a monument type.  
d. If more than 2 of any kind of signs are proposed, a Planned Sign Program shall be required. |
| b. Wall           | 1 per use or building frontage | 1 square foot per linear foot of building frontage, not to exceed 24 square feet total | Below eave line | Permitted | If more than 2 of any kind of signs are proposed, a Planned Sign Program shall be required. |

### TABLE 3-12: SERVICE STATION PERMANENT SIGNS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| a. Freestanding – Monument only | 1 per parcel | 24 square feet if the sign only contains identification and no changeable copy panels for pricing. If price information required by law is incorporated into the identification signs, the total square footage may be 32 square feet. | 8 feet | Permitted | a. A Planned Sign Program shall be required for all new service stations.  
b. Service stations with an associated convenience store shall be limited to 24 square feet for an identification sign.  
c. Signs shall be of a monument type and shall be located within a planter  
d. The total square footage of all permanent signs shall not exceed 100 square feet in area cumulatively. |
| b. Wall or Canopy | 1 per street frontage | 1 square foot per 3 linear feet of building frontage | Wall – below the eave line  
Canopy – confined to canopy fascia | Permitted | a. No other signs shall be permitted on the canopy or columns.  
b. Signs encompassed within a fuel pump or required by State or |
TABLE 3-12: SERVICE STATION PERMANENT SIGNS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Safety Sign Provided for Purpose of Providing Operation Instructions</td>
<td>1 per canopy column</td>
<td>2 square feet per sign</td>
<td>Below the canopy roof line</td>
<td>Permitted</td>
<td>Federal governments shall not be regulated by this ordinance.</td>
</tr>
</tbody>
</table>

17.26.100 Transit Advertising Shelters within a Public Right-of-Way

Notwithstanding the prohibition on offsite advertising signs (billboards) established in Section 17.26.050 (Prohibited Signs), offsite advertising signs shall be permitted on transit shelters and benches for transit operated by a public transit agency, subject to the following regulations.

A. All such signs shall be permanently attached to the transit shelter or bench.

B. A maximum of two signs per shelter/bench are permitted.

C. The aggregate area of all such signs shall not exceed 40 square feet.

D. The signage shall be wholly contained on the shelter structure or bench.

E. Transit advertising shelters and benches may be allowed within the public right-of-way or other location subject to the approval of the Director of Public Services/City Engineer.

F. All plans and specifications shall be approved by the Orange County Transit Authority and shall be maintained in accordance with the Authority’s requirements.

G. Before the erection of any shelter or display, the applicant shall enter into a license and maintenance agreement with the City, which shall be subject to review and approval by the City Council.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

17.26.110 Planned Sign Program

A. Purpose. The purpose of the Planned Sign Program is to provide flexibility from strict application of this Chapter while encouraging good sign design, sign variety, and better visibility for multi-tenant developments that may not be visible from a right-of-way.

B. Applicability.

1. Mandatory Sign Program Required. A Planned Sign Program shall be required whenever a parcel will have permanent signs that exceed either five signs or an aggregate area of 200 square feet.

2. Optional Sign Program Allowed. Application under the provisions of a Planned Sign Program shall be at the option of the applicant whenever the application is not mandatory under this Section and the site meets any of the following conditions:
   a. The site to be considered consists of five or more separate business activities;
   b. The area to be included for consideration consists of a parcel, a series of parcels, or parcels combined, which total a minimum of two acres;
   c. The site to be considered consists of a parcel, or a series of parcels, or parcels combined, as provided below, which front on two or more publicly dedicated street rights-of-way;
   d. Signs for the site to be considered consist of three or more signs for a single tenant.

C. Permit Application. Permit application requirements shall comply with Chapter 17.26 (Applications, Processing, and Fees), and shall include a letter of justification identifying how the proposed sign program is consistent with the findings for approval and the intent of this Chapter.

D. Review Procedures. The Director shall review the Planned Sign Program and shall make a recommendation to the Planning Commission to approve, approve with modifications, or disapprove the application.

E. Findings Required. Before approval of a Planned Sign Program, the Commission shall make the following findings:
   1. The proposed signs complement and are in harmony with the design of the building; incorporate several common design elements (e.g., materials, letter style, colors, illumination, sign-type or sign shape); and incorporate materials, colors, or design motifs included in the structure or structures being identified;
   2. The approval of a Planned Sign Program will not adversely affect surrounding land uses or obscure adjacent conforming signs.

F. Amendment of a Previously Approved Planned Sign Program. Application for the addition, modification, or replacement of signs requiring permits, within the boundaries of an area having a previously approved Planned Sign Program, shall be made in the following manner and shall be approved by the Director.

   1. Whenever the total number of signs to be added, modified, or replaced total less than 25 percent of the number of allowed signs presently on the site, application shall be made under the provisions of a standard sign application.
2. When the total number of signs to be added, modified, or replaced total 25 percent or more of the number of allowed signs presently on the site, application shall be made under the provisions of a Planned Sign Program.

17.26.120 Temporary Signs

A. Applicability. All temporary signs shall comply with the standards provided in this Section. A Temporary Sign Permit shall be obtained from the Development Services Director prior to the display of temporary signs, unless specified in Section 17.26.040 (Exempt Signs).

B. Purpose. In addition to the purpose of this Chapter set forth in Section 17.28.010, the purpose of this Section is to ensure that temporary signs do not create a distraction to the traveling public by limiting the proliferation of temporary signs. Further, the purposes of this Section include eliminating aesthetic blight and litter in Los Alamitos that is detrimental to public health, safety, and general welfare.

C. General Standards for All Temporary Signs.

1. Number. The maximum number of temporary signs that may be displayed at the same time is subject to compliance with the applicable requirements of this Section. The number and area of temporary signs shall not be included in the calculation of aggregate permanent sign area.

2. Materials and Maintenance.
   a. Temporary exterior signs shall be made of durable, weather-resistant material. Only interior window signs may be made of nonrigid (e.g., paper) material.
   b. Temporary signs shall be well maintained consistent with Section 17.26.060(E) (General Requirements for All Signs).

3. Illumination Prohibited. Temporary signs shall not be illuminated.

   a. Temporary signs are allowed on private property only subject to permission of the property owner.
   b. Temporary signs shall not be placed in any public right-of-way except as may otherwise be permitted by the Municipal Code.

5. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the applicable Temporary Sign Permit.

D. Temporary Sign Standards for the C-O, C-G, TCMU, P-L-I, CF, and OA Zones. Temporary signs are allowed in the C-O, C-G, TCMU, P-L-I, CF, and OA as provided in Table 3-10 subject to the following standards.

1. A business may be granted a permit to display on-site temporary signs for a maximum of 90 days within a 12-month period. This can be accrued in multiple or consecutive days up to 90 days.

2. Sign Area.
   a. Total temporary signs for a single business on a single lot shall not exceed a total aggregate area of more than one square foot per lineal foot of building frontage on a public street and shall not exceed a total aggregate area of 32 square feet.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

b. Building sites with 100 lineal feet of frontage or more on a public street may be allowed an aggregate area of temporary signs not to exceed 50 square feet.

c. Individual tenants or building sites with less than 24 lineal feet of building frontage may be allowed 24 square feet.

d. Individual tenants within a center may be allowed a total aggregate area of one square foot per lineal foot of store frontage at the main entrance and shall not exceed 24 square feet of total sign area.

3. One temporary sign only, per street frontage, shall be allowed for each business.

4. In no case shall a temporary sign obstruct an adjacent sign.

5. Temporary signs shall be erected or placed only upon the site in which they are intended to advertise. Off-site temporary signs shall not be allowed.

E. Calendar Year Permit.

1. Businesses may apply to the Director for a calendar year permit. If the Director approves the permit, the use of one temporary sign per business shall only be allowed for up to 90 days. Afterwards, a new temporary sign shall be used for each new event. In no event shall the same temporary sign be used consecutively. The applicant shall request a temporary sign for each event.

2. The Director may revoke or disapprove a year-long Temporary Sign Permit in the event that the sign is not removed in a timely manner or is not appropriately maintained.

F. Grand Opening/Business Closing Sign. In addition to the temporary signs permitted in paragraph D of this subsection, on-site grand opening or business closing temporary signs in connection with a new business, new ownership, or closure of a business may be allowed and approved by the Director, subject to the provisions listed below. If approved, a temporary sign permit shall be issued to include the expiration date.

1. Banners, pennants and flags shall be allowed for a period not to exceed 45 days.

2. Banners, pennants, and flags shall not exceed a total aggregate area of more than one square foot per lineal foot of building frontage on a public street. The banners, pennants, and flags shall not exceed an aggregate area of 32 square feet.

G. Nonprofit Organizations. Temporary signs advertising a special event occurring on site, including civic, public, religious, educational, or philanthropic events, may be granted a Temporary Sign Permit for no longer than 30 days per occurrence unless a longer time period is established by the Director in the Temporary Sign Permit. Temporary banners, pennants, and flags shall be allowed. Sign area, specific locations, colors, and materials shall be submitted for review by the Director. If approved, a temporary sign permit shall be issued including the expiration date.

H. Temporary Signs during Elections and on Residential Property. See Section 17.26.040 (Exempt Signs) for regulations pertaining to temporary signs during elections and on residential properties during times when a residential activity is occurring, such as a yard sale or a property is advertised for sale, rent, or lease.
I. **Abatement of Illegal Temporary Signs.** An unlawful portable or temporary sign may be impounded by the City and held pending notification of the owner by the City. Unlawful signs located within the public right-of-way or on public property may be removed without notice. Abated signs shall be retained at City Hall for a period of minimum three working days; after three days, the signs may be discarded. The owner may obtain the signs from the City upon payment of an impound and storage charge in an amount established by the Council.

### 17.26.130 Signs of Special Significance

A. An existing sign, because of its character, age, influence, or cultural or historical significance, may be exempted from the regulations detailed in this Chapter. The Director shall have the authority to determine whether a particular sign meets these criteria. These signs shall be subject to approval of a Conditional Use Permit in compliance with Chapter 17.32 (Administrative Use Permits and Conditional Use Permits).

B. In approving a sign of special significance, the Commission shall make the following findings.

1. The sign contributes to the positive architectural, cultural, or historical character of the City, State of California, or the United States;

2. The sign would not create confusion to the public or to public safety officials in response to emergencies;

3. The sign would not adversely affect the health, safety, or general welfare of the community;

4. The documentation of the history of the sign and site has been provided to the City for archive purposes. Documentation shall include:
   i. Date in which the sign was erected,
   ii. Documentation of originality of historic or cultural value, and
   iii. Documentation showing that the sign has been maintained in original form and significant text as when it was originally constructed.

5. The sign(s) fulfill the purpose and intent of this Chapter in compliance with Section 17.26.010 (Purpose).

### 17.26.140 Nonconforming Signs

A. **Nonconforming Signs—General.** A sign or other advertising device or structure of whatever type or nature, other than an illegal sign, which was legally established but has become nonconforming due to the establishment of new standards may continue, provided such nonconforming sign complies with the provisions of this Section.

B. **Abandoned Signs.** An advertising device that was lawfully erected that does not now conform to the provisions of this Chapter, but whose use has ceased, or the structure upon which the display exists has been abandoned by its owner, for a period of minimum 180 consecutive days, shall be removed, altered, or replaced so as to conform to the provisions of this Chapter within six months from the date of receipt of a written order of abatement from the Director requiring the abatement. Costs incurred by the City in removing an abandoned display shall be borne by or charged to the legal owner of the real property upon which the sign is located.

C. **Remodeled Nonconforming Signs.** A sign that does not conform to the provisions of this Chapter, whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expands or enlarges the structure or intensifies the land use upon which the advertising display is located, and the display
exceeds 50 percent of the cost of reconstruction of the structure, shall remove, alter, or replace the sign so as to conform to the requirements of this Chapter in conjunction with the project.

D. Agreement to Remove Nonconforming Signs. A sign that does not conform to the provisions of this Chapter for which there has been an agreement between the sign owner and the City for its removal as of any given date shall remove the sign in compliance with the provisions of the agreement.

E. Traffic Hazard. A sign that is determined by the City Engineer to constitute a traffic hazard not created by the relocation of streets or highways or by acts of the City shall be removed, altered, or replaced so as to conform to the requirements of this Chapter as provided in the written order of abatement from the City official requiring removal or alteration.

F. Minor Repairs and Repainting. Nonconforming signs may be removed for the purpose of repairing or repainting and may be replaced upon first obtaining a sign permit.

G. Change of Ownership. Upon change of ownership of the business advertised by the nonconforming sign, the sign as originally approved, including text, may remain on site.

17.26.150 Abatement of Unsafe and Unauthorized Signs

A sign or other advertising device regulated by this Chapter that is deemed by the Director or other authorized individual to be unsafe or hazardous to the public health, safety, or welfare or that has been constructed, erected, or maintained in violation of the provisions outlined in this Chapter or other applicable code shall be considered a public nuisance. The property owner or responsible person(s) shall be given written notice to correct and/or remove the sign violation within 30 days from the date of receipt of a written order of abatement from the Director requiring the removal or alteration. If the responsible person(s) or property owner fails to alter or remove the structure to comply with the regulations detailed in this Chapter within 10 days, the unsafe or unauthorized sign may be removed or altered by the City at the expense of the responsible person(s) or owner. A sign or advertising device that presents an immediate threat to the public safety may be removed without notice.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

Chapter 17.28 Regulations for Specific Land Uses and Activities

Sections:

17.28.010 Purpose and Applicability
17.28.020 Accessory Dwelling Units (ADUs)
17.28.030 Accessory Structures/Uses—Residential
17.28.035 Accessory Structures – Nonresidential Zones
17.28.040 Adult Businesses
17.28.050 Affordable Housing
17.28.060 Alcoholic Beverage Retail Sales
17.28.070 Arcades
17.28.080 Automobile Service Stations and Automobile Repair Uses
17.28.090 Cannabis Uses
17.28.100 Condominiums—Commercial and Industrial
17.28.110 Condominiums—Residential and Residential Conversions
17.28.120 Construction Structures - Temporary
17.28.130 Day Care, General
17.28.140 Day Care Home—Large Family (9-14 Children)
17.28.150 Day Care Home—Small Family (8 or Fewer Children)
17.28.160 Emergency Shelters
17.28.170 Hazardous Waste Facilities
17.28.180 Live/Work Units
17.28.190 Mobile Food Vending
17.28.200 Outdoor Dining
17.28.210 Outdoor Display and Retail Activities
17.28.220 Outdoor Storage
17.28.230 Recycling Facilities
17.28.240 Schools—Private
17.28.250 Senior Citizen Housing
17.28.260 Single Room Occupancy Units
17.28.265 Swimming Pools
17.28.270 Wireless Communications Facilities

17.28.010 Purpose and Applicability

This Chapter establishes standards for the location, site planning, development, and operations of certain land uses that are allowed within individual or multiple zones, as outlined in Article 2 (Zoning District, Allowable Uses, and Development Regulations), and for activities that require special standards to mitigate their potential adverse impacts.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

17.28.020 Accessory Dwelling Units (ADUs)

A. Purpose. This Section provides for the development of accessory dwelling units on lots zoned for and/or developed with single-unit dwellings. Such accessory dwelling units contribute needed housing to the City’s housing stock. Thus, an accessory dwelling unit is a residential use that is consistent with General Plan objectives and that expands housing opportunities.

B. Applicability. The provisions of this Section apply to all lots with an existing single-family dwelling unit and zoned for residential use. Accessory dwelling units shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located and are deemed a residential use that is consistent with the existing General Plan designation and zone for the lot.

C. General Requirements

1. The lot shall meet the minimum lot area for the zone as outlined in Chapter 17.08 (Residential Zones).

2. Regardless of the residential zone, an accessory dwelling unit shall only be allowed on a lot that contains one existing single-unit dwelling.

3. Only one accessory dwelling unit may be allowed per lot.

4. The accessory dwelling unit may be attached to the existing dwelling, detached from the existing dwelling, or located within the existing living area of the existing dwelling.

5. The accessory dwelling unit shall comply with all development regulations for the zone in which it is located.

6. If the accessory dwelling is located within the existing living area, it shall have an independent exterior access.

7. No passageway between structures on the lot shall be required in conjunction with the construction of an accessory dwelling unit.

8. An accessory dwelling unit, whether attached or detached, shall be consistent in architectural style with the existing single-unit dwelling and shall be designed so that the property maintains a single-unit appearance from the public right-of-way.

9. Accessory dwelling units shall comply with all appropriate building code requirements. However, accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

10. Accessory dwelling units may be rented separately from the primary residence but shall not be sold, or otherwise conveyed, separately from the primary residence.

11. The applicant for the accessory dwelling unit shall be the owner and occupant of the existing dwelling, and shall certify, and record a covenant with the Orange County recorder, declaring that the property owner will continue to occupy one of the units on the lot, so long as the accessory dwelling unit exists on the property as a habitable structure. In the event of a hardship, such as the death or disability of the property owner which prevents one of the units from being occupied by the property owner, the property owner or estate representative may apply for a temporary waiver of the owner occupation requirement for a specific time...
period to allow occupancy of both dwelling units by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the property owner's disability which prevents him or her from occupying one of the units on the property. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period of longer than three years.

12. No accessory dwelling unit, or the primary dwelling unit on the same lot on which an accessory dwelling unit is located, shall be rented out for less than 30 consecutive calendar days. A covenant shall be recorded to this effect in a form approved by the City Attorney. Such covenant may be included upon or separate from the covenant required by paragraph 11 above.

13. All applicable public service and recreation impact fees shall be paid prior to occupancy in compliance with Government Code Section 66000 et seq., and Section 66012 et seq., as the same may be amended.

D. Size, Setbacks, and Height

1. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, or 1,200 square feet, whichever is less.

2. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

3. The minimum size of an accessory dwelling unit shall be 200 square feet.

4. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.

5. A minimum distance of 10 feet shall be provided between a detached accessory dwelling unit and the primary residence or any other structure on the property.

6. The height of the accessory dwelling unit shall not exceed 15 feet.

7. Except as identified by this Section, the setbacks for accessory dwelling units and the maximum site coverage shall be as set forth in Chapter 17.08 (Residential Zones).

E. Utilities

1. An accessory dwelling unit that is contained within the existing space of a single-family residence or accessory structure shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, or impact fees such as park or traffic. No new or separate utility connection between the accessory dwelling unit and the utility shall be required.

2. All other accessory dwelling units other than those mentioned in Subsection (E)(1) above may require a new or separate utility connection between the accessory dwelling unit and the utility. Any connection fee or capacity charge shall be proportionate to the burden placed on the water and sewer systems due to unit size or number of plumbing fixtures. The Director shall make the determination as to whether a new or separate utility connection is required.

3. All utility installations on the lot shall be underground.

4. No accessory dwelling unit shall be allowed if the Building Official determines that there is not adequate water or sewer service to the property.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

F. Parking. Notwithstanding any other provision of this Zoning Code, the following parking requirements shall apply to accessory dwelling units:

1. Parking requirements for accessory dwelling units shall not exceed one parking space. This space may be provided as tandem parking, including on an existing driveway or in paved setback areas, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or fire and life safety conditions. Parking spaces may also be provided through a mechanical lift.

2. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory dwelling unit. These spaces may be provided as tandem parking, including on an existing driveway or in paved setback areas. Parking spaces may also be provided through a mechanical lift.

3. The parking requirement for an attached or detached accessory dwelling unit shall be in addition to the parking requirement for the existing residence on the property.

4. Parking is not required in the following instances:
   a. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
   b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
   c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
   d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
   e. When there is a car share vehicle located within one block of the accessory dwelling unit.

G. Permits

1. A permit for an accessory dwelling unit shall be approved by the Director of Development Services or the designee for any accessory dwelling unit that meets the requirements of this Section.

2. An application for an accessory dwelling unit shall be acted upon within 120 days after receipt of a complete application.

17.28.030 Accessory Structures/Uses—Residential

A. Purpose. This Section provides standards for accessory uses and structures that are customarily related to a residence (e.g., garages, greenhouses, storage sheds, studios, above-ground swimming pools/spas, and workshops). Standards for in-ground swimming pools are provided in Section 17.16.265 (Swimming Pools and Spas).
B. General Requirements

1. Accessory structures may be erected or constructed concurrent with, or subsequent to, the construction of the main residential structure.

2. Consistent with the definitions of “accessory structure” and “accessory use” in Article 7 (Definitions), accessory uses and structures in the residential zone shall be incidental to and not alter the residential character of the site.

C. Standards

1. Use. Accessory structures, other than permitted accessory dwelling units and legally approved guest houses, shall not be used for residential purposes, even on a temporary basis.

2. Coverage. The sum of the floor area(s) of the total number of detached accessory structures shall not exceed the maximum rear setback coverage of the lot in compliance with Table 2-03 (Development Standards in Residential Zones). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-03.

3. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved in compliance with Chapter 17.44 (Site Development Permit – Major and Minor).

4. Height Limit. Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds located within a required side setback shall not exceed a height of seven feet from grade.

5. Improvements
   a. Accessory structures may include no more than one half-bath (i.e., sink and toilet) and shall not include any shower, bathtub, or cooking facilities.
   b. Each accessory structure shall be no more than one room, not including a half-bath or an attached garage.

6. Separation Requirements. Detached accessory structures on a single lot shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).

7. Location Requirements
   a. Setback Areas. Accessory structures in residential zones may be located in the required side or rear setback areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and further provided that all run-off water from the roof is disposed of on the subject lot.
   b. Garage Access from Alley. Where access to a garage is provided from an alley, the garage shall be located a minimum of 10 feet from the rear property line.

17.28.035 Accessory Structures/Uses—Nonresidential Zones

A. Purpose. This Section provides standards for accessory structures that are customarily related to commercial, industrial, and institutional uses of property.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

B. General Requirement.
   1. Accessory structures may be erected or constructed concurrent with, or subsequent to, the construction of the main structure or structures.
   2. No more than three accessory structures shall be located on a lot.

C. Standards
   1. Use. Accessory structures, other than approved caretaker units, shall not be used for residential purposes, even on a temporary basis.
   2. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved in compliance with Chapter 17.44 (Site Development Permit – Major and Minor).
   3. Height Limit. Detached accessory structures shall not exceed a height of 15 feet.
   4. Separation Requirements. Detached accessory structures shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).
   5. Location Requirements. Accessory structures may be located in the required side or rear setback areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and further provided that all run-off water from the roof is disposed of on the subject lot.

17.28.040 Adult Businesses

A. Purpose and Findings
   1. It is the purpose and intent of this Section to provide for the reasonable and uniform regulation of adult-oriented businesses in the City. It is recognized that adult-oriented businesses have a serious deleterious effect upon adjacent areas, as well as the areas in which they are located. It is the purpose of this Section to establish criteria and standards for the establishment and conduct of adult-oriented businesses that will protect the public health, safety, and welfare; preserve locally recognized values of community appearance; minimize the potential for nuisances related to the operation of adult-oriented businesses; and maintain local property values.
   2. It is the purpose and intent of this Section to establish proper regulations and to provide for a reasonable number of approximately located sites for adult-oriented businesses within the City, based upon the following findings:
      a. The following studies that substantiate the adverse, secondary effects of adult-oriented businesses were reviewed by the City:
         - Austin, Texas: 1986;
         - Indianapolis, Indiana: 1984;
         - Los Angeles, California: 1977;
b. Based on the foregoing studies and the other evidence presented, the Council finds that:
   i. Adult-oriented businesses are linked to increases in the crime rates of those areas in which they are located and that surround them.
   ii. Both the proximity of adult-oriented businesses to sensitive land uses and the concentration of adult-oriented businesses tend to result in the blighting and downgrading of the areas in which they are located.

3. The studies conducted in various communities in other jurisdictions have demonstrated that the proximity and concentration of adult-oriented businesses adjacent to residential, recreational, religious, educational, or other adult-oriented businesses can cause other businesses and residents to move elsewhere.

4. The studies conducted in various communities in other jurisdictions have demonstrated that adult-oriented businesses are linked to increases in the crime rates and blighting of those areas in which they are located and that surround them.

5. The special regulation of adult-oriented businesses is necessary to ensure that their adverse secondary effects will not contribute to an increase in the crime rates or the blighting or downgrading of the areas in which they are located or surrounding areas. The need for the special regulation is based on the recognition that adult-oriented businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity with sensitive uses (e.g., residential zones and uses, parks, schools, religious institutions or day care centers), having a deleterious effect upon the adjacent areas.

6. It is the purpose and intent of these special regulations to prevent the concentration or location of adult-oriented businesses in a manner that would create adverse secondary effects. Thus, in order to protect and preserve the public health, safety, and welfare of the citizenry, especially including minors, the special regulation of the time, place, and manner of the location and operation of adult-oriented businesses is necessary.

7. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between adult-oriented businesses and residential uses and zones, religious institutions, schools, day care centers, parks, and other adult-oriented businesses.

8. The need to regulate the proximity of adult-oriented businesses to sensitive land uses (e.g., residential, religious, educational, recreational, and other adult-oriented businesses) is documented in studies conducted by other jurisdictions as listed elsewhere in this Section.

   a. Community impacts of sexually oriented businesses are primarily a function of two variables, proximity to residential areas and concentration. Property values are directly affected within a small radius, typically one block, of the location of a sexually oriented business. Concentration may compound depression of
property values and may lead to an increase of crime sufficient to change the quality of life and perceived desirability of property in a neighborhood.

b. The impacts of sexually oriented businesses are exacerbated when they are located near each other. When sexually oriented businesses have multiple uses (i.e. theater, bookstore, nude dancing, peep booths), one structure can have the impact of several separate businesses.

10. In consideration of the findings of the report of the State of Minnesota Attorney General’s Working Group on the regulation of sexually oriented businesses dated June 6, 1986, it is appropriate to prohibit the concentration of multiple adult-oriented businesses within one structure in order to mitigate the compounded adverse secondary effects associated with the concentrations as described above.

11. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials, that are protected by the First Amendment of the United States Constitution and the relevant provisions of the California State Constitution.

12. The proposed parking standards are necessary in the interests of the public health, safety, and welfare to provide for an appropriate amount of off-street parking.

A. Definitions. Terms unique to this Section are listed in Chapter 17.74 (Definitions).

B. Appeal. Wherever there is a reference to an appeal being filed or available to be filed, the right of appeal shall also include the right to appeal administrative determinations made by the Director in compliance with this Section to the Planning Commission and Council.

D. Adult Use Planning Permit.

1. License and Permit Requirements. In order to operate an adult-oriented business within this City, the applicant or proprietor of the business shall obtain the license required by Chapter 5.40 (Adult-Oriented Business Licenses) and other licenses required by Title 5 (Business Licenses and Regulations) of the Municipal Code and an adult use planning permit as required by this Section. It is unlawful and a misdemeanor, subject to punishment in compliance with the Municipal Code, for an owner, operator, manager, or employee to operate an adult-oriented business without processing an adult use planning permit—including an interim adult use planning permit—required by this Section and a license required by Title 5 (Business Licenses and Regulations) of the Municipal Code.

2. Contents of Application. Applicants for a permit, in addition to an application or documents required to be filed in compliance with the provisions of this Zoning Code, shall file a written, signed, and verified application on a form provided by the Director evidencing the following:

a. The name and permanent address of the applicant;

b. The name and business address of the applicant. If the applicant is a corporation, the applicant shall provide the name of the State of incorporation, the name shall be exactly identified in its articles of incorporation and the applicant shall show the name and address each of the officers, directors, and controlling stockholders owning no less than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall show the name and address of each of the partners, including limited partners;
3. **Nondisclosure of Portions of Application.** Notwithstanding the fact that an application filed for an adult use planning permit may be a public record under Government Code Section 6250 et seq., certain portions of the application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Information includes, but is not limited to, the applicant’s residence address and telephone number, the applicant’s date of birth and/or age, the applicant’s driver’s license and/or Social Security number, and/or personal financial data. The Council, in adopting the application and licensing and/or permit system detailed, has determined in compliance with Government Code Section 6255 that the public interest in disclosure of the information detailed above is outweighed by the public interest in achieving compliance with this Section by ensuring that the applicant’s privacy, confidentiality, or security interests are protected. The City Clerk shall cause to be obliterated from a copy of a completed license application made available to any member of the public, the information detailed in this Subsection.

E. **Referral of Application for Investigation.**

1. **Referral of Application.** The Director shall refer the permit application to the Chief of Police for an investigation to be made of the information contained on the application.

2. **Police Investigation.** After an investigation, including obtaining the information in compliance with Section 2.64.130 et seq. (Criminal History Information) of the Municipal Code, the Chief of Police shall issue a report to the Director. The Planning Commission, or Council as appropriate, shall approve the adult use planning permit unless one or more of the following findings is true:

   a. The applicant, employee, agent, partner, director, officer, controlling stockholder, or manager has knowingly made false, misleading or fraudulent statement of material fact in the application for a permit or in a report or record required to be filed with a city or county agency or department.
b. On the date that the business for which a permit is required commences, or after that time, there will be no responsible person on the premises to act as manager at all times during which the adult-oriented business is open.

c. An applicant is under 18 years of age.

d. An applicant has been convicted of a specific criminal act for which:

   i. Less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display, or sale of material harmful to minors; prostitution; or pandering;

   ii. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display or sale of material harmful to minors; prostitution; or pandering;

   iii. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanors for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display, or sale of material harmful to minors; prostitution; or pandering; conviction of an offense occurring within 24 months before application;

   iv. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant,

   v. An applicant who has been convicted of any of the above described specified criminal acts may qualify to own, operate or manage an adult-oriented business only when the required time period has elapsed.

3. Issuance, Suspension, and Revocation of Permit. In the event the information requested in compliance with Section 2.64.130 of the Municipal Code is not immediately available, the Chief of Police shall, if the application otherwise meets the requirements of this Zoning Code and the investigation conducted reveals none of the factors detailed in Subsection B of this Section, report on it and the permit shall be issued by the director. Should the information obtained in compliance with Section 2.64.130 et seq. (Criminal History Information) of the Municipal Code materially vary from that on the application, the variance shall be cause to revoke the permit. A permit issued before the City receives the information required by Section 2.64.130 et seq., of the Municipal Code shall state clearly on its face that the permit is subject to suspension or revocation in compliance with Sections 5.40.024 (Suspension and Revocation Hearings) and 5.40.026 (Revocation) of the Municipal Code.

4. Compliance with State Law. The City’s decision to approve or deny the permit shall not include information authorized or required to be kept confidential in compliance with Welfare and Institutions Code Sections 600 to 900.
F. Reservation of Right to Review. The Council and Planning Commission shall retain and reserve the right and jurisdiction to review and modify an adult use planning permit, including the conditions of approval, based on changed circumstances in compliance with Chapter 17.60 (Appeals). Changed circumstances include, but are not limited to, the modification of the business, the change in scope, emphasis, size or nature of the business, and the expansion, alteration, or change of use. The reservation of the right to review a permit granted or approval by the Council and Planning Commission shall be in addition to, and not in lieu of, the right of the Council and Planning Commission to review and revoke or modify a permit granted or approved for any violations of the conditions imposed on the permit.

G. Time Limit for Land Use Review and Decisions

1. Interim Adult Use Planning Permit. The Director shall accept as complete, or deny as incomplete, the application for an adult use planning permit for a business protected by the First Amendment of the United States Constitution within 10 days from the date on which an application is submitted to the director. In order to avoid undue delay or suppression of protected expression, the Director shall make an initial determination that the required information is contained in the application to process an interim adult use planning permit within five days of the date of filing the application. If the application is sufficient to issue an interim adult use planning permit it shall be issued by the Director within 10 days of the date the application was filed.

A sufficient application shall include, but not be limited to, the applicant’s meeting the requirements to be issued an adult-oriented business license required by Chapter 5.40 (Adult-Oriented Business Licenses) of the Municipal Code and the proposed business shall be located and developed in compliance with the requirements of the P-L-I (Planned Light Industrial) Zoning District and the requirements of this Section. The granting of the interim adult use planning permit by the Director is without prejudice to and does not preclude the denial of the final adult use planning permit application filed by the applicant.

The interim adult use planning permit shall terminate upon the Planning Commission taking action on the final adult use planning permit. Rights to operate beyond the termination of the interim adult use planning permit for a First Amendment protected business shall not vest in the applicant if the applicant is unable or unwilling to obtain the adult-oriented business license required by Chapter 5.40 (Adult-Oriented Business Licenses) of the Municipal Code and the final adult use planning permit required by this Section.

2. Final Adult Use Planning Permit. The Planning Commission shall approve or deny the completed adult use planning permit application within 90 days of its acceptance as complete by the Director. The time limit established by this Section may be extended once for a period not to exceed 90 days upon consent of the Director and the applicant. The application shall be processed and noticed in the same manner as Conditional Use Permits are processed and noticed under State law and Chapter 17.66 (Public Hearing Notice Procedures) of this Zoning Code.

a. To approve the final adult use planning permit, the Planning Commission, or Council on appeal, shall first make the following findings:

i. Applicable filing fees have been paid.

ii. The applicant is not overdue in payment to the City of any taxes, fees, fines, or penalties assessed against or imposed in relation to an existing or former adult-oriented business.

iii. The structure, equipment, and location used by the business for which an adult-oriented business license is required complies with the requirements and standards of the health, building, zoning, fire and safety laws of the State, the Orange County Fire Department, and the City.
iv. The conduct of the adult-oriented business as proposed by the applicant, if allowed, will comply with all applicable laws; including but not limited to, the City’s, zoning, fire, and health and safety regulations.

v. The City currently has no evidence demonstrating that the applicant has knowingly made false, misleading, or fraudulent statement of material facts in the adult use planning permit application or another document required by the city in conjunction with it.

vi. The use is allowed in the zone, district or area in which it is proposed to be located and is in conformity with the applicable development standards of that zone, district or area—including the provision of required parking.

vii. The use is in conformity with the locational standards detailed in Chapter 17.10 (Commercial and Industrial Zones) and in Chapter 17.24 (Performance Standards).

viii. The design of the site and the proposed improvements are in compliance with applicable design standards in Chapter 17.10 (Commercial and Industrial Zones) and in Chapter 17.24 (Performance Standards).

ix. The proposed conduct of the adult-oriented business is in compliance with applicable performance standards of Chapter 17.24 (Performance Standards).

b. In the event the Planning Commission, or the Council on appeal, denies the final adult use planning permit application, the business shall cease its operations as an adult-oriented business and no further activities regulated by this Section or Chapter 5.40 (Adult-Oriented Business Licenses), Chapter 5.42 (Adult-Oriented Live Entertainer Licenses), or Chapter 5.44 (Figure Model Licenses) of the Municipal Code shall be conducted on the premises unless and until an adult use planning permit and all licenses required by Chapter 5.40 (Adult-Oriented Business Licenses), Chapter 5.42 (Adult-Oriented Live Entertainer Licenses), or Chapter 5.44 (Figure Model Licenses), of the Municipal Code are obtained. The interim adult use planning permit shall also terminate on the date the adult use planning permit application is denied.

c. If the permit requested is for a development project for construction or reconstruction subject to the Permit Streamlining Act (Government Code Section 65920 et seq.), the time limits provided in the Permit Streamlining Act shall apply to the adult use planning permit’s approval or denial.

d. Upon the filing of an appeal in compliance with Chapter 17.68 (Appeals), the Planning Commission or the Council shall render its decision on the appeal within 60 days.

H. Applicability and Nonconforming Period. Design and performance standards detailed in this Section are deemed to be necessary for the protection of the public health, safety, and welfare and shall be applicable and govern existing and proposed adult-oriented businesses immediately upon adoption and passage of the ordinance codified in this Section. In the event that there is any adult-oriented business lawfully in existence before the adoption of said ordinance and is not in compliance with the design and performance standards of this Section, the adult-oriented business shall conform to design and performance standards within six months of October 27, 2003.
I. Extension of Nonconforming Amortization Period.

1. **Application for Extension of Amortization Period.** An application for extension of the amortization period for an adult-oriented business which is a nonconforming use shall be made in a manner as required for a Conditional Use Permit.

2. **Application Process.** The owner of the property on which an adult-oriented business is located or the owner of the adult-oriented business who desires to extend the amortization period shall apply for approval of an extension not later than six months before expiration of the amortization period, unless the Director determines that good cause is shown for late filing of the application. The application shall be made in writing on a form as prescribed by the Director and shall be accompanied by the required fee as established by resolution of the Council. The party requesting the extension of the amortization period shall bear the burden of proof in establishing that the amortization period established by Section 17.66.020 (Applicability) is unreasonable and that the requested extension is a reasonable amortization period for the owner to receive a fair rate of return on the investment in the business. The party applying for the extension shall also be required in order to meet its burden of proof to submit the documentation detailed in this Section.

3. **Application Contents.** A complete application shall include:

   a. The applicant's signature.

   b. A written request for an extension of the amortization period that shall include information relevant to the factors listed in Subsection E (Considerations for an Extension) of this Section and shall identify the term of the requested extension.

   c. The required fees.

   d. A mailing list and a set of gummed labels with the names, addresses and tax assessor parcel numbers of owners of real property within a radius of 300 feet from the external boundaries of the property on which the adult-oriented business is located.

   e. A tax assessor's Parcel Map identifying the properties to be notified within the 300-foot radius.

4. **Incomplete Application.** If the application is not complete, the Director shall specify in writing those parts that are incomplete and shall identify the manner by which the application can be made complete. If a written determination is not provided to the applicant within 30 calendar days after it is submitted, the application shall be deemed complete.

5. **Public Hearing.** The Planning Commission shall hold a noticed public hearing on the request for an extension.

6. **Considerations for an Extension.** In determining whether to grant an extension of the amortization period for an adult-oriented business which is a nonconforming use, and in determining the appropriate length of the extension, the Planning Commission shall consider the amount of investment in the business, and the opportunities for relocation to a legally permissible site, the costs of relocation, the effects of the business on the surrounding area, and the following additional factors:

   a. The present actual and depreciated value of business improvements;

   b. The applicable Internal Revenue Service depreciation schedule or functional nonconfidential equivalents;
c. The remaining useful life of the business improvements;
d. The remaining lease term;
e. The ability of the business and/or landowner to change the use to a conforming use;
f. The date upon which the property owner and/or business operator received notice of the nonconforming status of the adult-oriented business and the amortization requirements.

8. Findings. The Planning Commission, or Council on appeal, shall receive and consider evidence presented by the applicant and any other persons, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria detailed above.

J. Continuation of Nonconforming Structures and Uses

1. Nonconforming Structure. A nonconforming structure may be continued and maintained, except as provided in this Section, provided there are no structural alterations, except as provided in this Section.

2. Nonconforming Use. A nonconforming use may be continued, except as provided in this Section, provided that the use shall not be increased, enlarged, extended, or altered, except as provided in this Section.

K. Removal or Alterations of Nonconforming Uses. The following provisions shall apply to adult-oriented businesses:

1. Amortization Time Periods. An adult-oriented business that is a nonconforming use on January 1, 1995, shall be subject to an amortization period expiring January 1, 1996, and an adult-oriented business which becomes a nonconforming use after January 1, 1995, shall be subject to an amortization period of three years commencing on the date the use becomes nonconforming.

2. Extension of Amortization Period. The owner of an adult-oriented business that is a nonconforming use may apply for extension of the amortization period in the same manner as required for a Conditional Use Permit. An application shall be made before the expiration of the amortization period unless the reviewing authority determines that good cause is shown for late filing of the application.

3. Cessation of Business Operations. Upon the conclusion of the amortization period, an adult-oriented business that is a nonconforming use shall cease business operations and signs, advertising, and displays relating to the business shall be removed within 30 days.

L. General Provisions. Adult-oriented businesses shall only be allowed to be established in the P-L-I (Planned Light Industrial) zone and shall be subject to the location and design standards specified by this Section and the requirement of an adult use planning permit as otherwise provided in this Zoning Code.

M. Location, Design, and Performance Standards

1. Separation Requirements. An adult-oriented business shall not be established or located within 500 feet of:
   a. A zone or land use district that contains the words “residence” or “residential” within this Zoning Code;
b. A religious institution, chapel, or similar place of worship or property zoned, planned, or otherwise designated for this use by City action;

c. A funeral parlor, mortuary, cemetery, or similar facility, or property zoned, planned, or otherwise designated for this use by City action;

d. A school, nursery, day care center, park or playground or property zoned, planned, or otherwise designated for this use by City action;

e. Any other recreational facility where minors congregate or property zoned, planned, or otherwise designated for this use by City action.

2. **Separation Requirements from Other Adult-Oriented Businesses.** An adult-oriented business shall not be established or located within 500 feet of an existing adult-oriented business. If two or more existing adult-oriented businesses are located in closer proximity to each other than 500 feet, then in determining which of the businesses is or are nonconforming, preference shall be given in the order of the respective lengths of continuous uninterrupted operation of the businesses.

3. **Measurement of Separation Distances.** For the purposes of this Section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult-oriented business is or will be located to the nearest property line of any land use, land use district or zone, or to the nearest point of the structure in which an existing adult-oriented business is located.

4. **Signs or Displays.** Advertising signs or structures, advertisements, displays or other promotional materials depicting specified anatomical areas or specified sexual activities or displaying instruments, devices or paraphernalia designed for use in connection with specific sexual activities, shall not be shown or exhibited so as to be visible from any exterior area.

5. **Entries and Windows.** Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from any exterior area.

6. **Noise.** Loudspeakers or sound equipment audible to persons in any public exterior area shall not be used in connection with an adult-oriented business, and the business shall not be so conducted that sounds associated with the business are not emitted into any public exterior area.

7. **Compliance with Site Development Standards.** The establishment of an adult-oriented business shall comply with the applicable site development standards, including parking, of the zone in which the adult-oriented business is located, as well as the Building Code, Fire Code, and the Health and Safety Code. An adult-oriented business shall comply with the applicable City permit and inspection procedures. In addition, adult-oriented businesses shall comply with the following performance standards:

   a. Each adult-oriented business shall have a business entrance separate from any other non-adult business located in the same structure.

   b. Adult-oriented business shall not be operated in a manner that permits the observation by the public of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from a location beyond the walls of the structure or portion of it in which the adult-oriented business is conducted.
c. The structure entrance to the adult-oriented business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

d. Each adult-oriented business shall be provided with a manager’s station for the purpose of supervising activities within the business. A manager shall be on duty on the premises during all times that the adult-oriented business is open to the public.

e. A viewing room shall be visible from the manager’s station of the adult-oriented business, and visibility of the entire viewing room from the manager’s station shall be neither obscured nor obstructed by any curtain, door, wall, or other structure.

f. Exterior areas of adult-oriented businesses, including structures, landscaping and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.

g. The maximum occupany load, fire exits, fire lanes, and fire suppression equipment shall be regulated, designed and provided in compliance with the regulations and standards of the Orange County Fire Department and the City’s Building Department.

h. Adult-oriented business shall not operate between the hours of 2:00 AM and 9:00 AM of any particular day. The Planning Commission, or Council on appeal, shall establish the actual allowed hours of operation for each permit approved or granted. Owners, operators, managers or employees of an adult-oriented business, regardless of whether or not a permit has been issued for the business under the provisions of this zoning code or the municipal code, shall not allow the business to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 AM and 9:00 AM or in violation of the actual allowed hours of operation established in the conditions of approval for the permit.

i. Off-street parking shall be provided for the adult-oriented business as specified for the zone in which the business is located in compliance with Chapter 17.22 (Parking and Loading). Each adult theater, adult cabaret, or adult motion picture arcade shall provide one parking space for every two seats in the viewing room, or shall provide one parking space for every two occupants in compliance with the allowable occupant load as established by the Building Official and/or the Fire Marshal, whichever standard is greater. One parking space shall be provided for each employee on the maximum shift.

j. A person who operates or causes to be operated an adult-oriented business, other than an adult motel and regardless of whether or not an adult-oriented business license has been issued to the business under this Zoning Code or the Municipal Code, which exhibits on the premises in a viewing room or viewing booth of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

i. Upon application for an adult-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan of it specifying the location of one or more manager’s stations, the location of overhead lighting fixtures, and designating any portion of the premises in which patrons shall not be allowed. A manager’s station(s) shall not exceed 32 square feet of floor area.
ii. Alterations in the configuration or location of a manager’s station shall not be made without the prior written approval of the Director.

iii. It is the duty of the permit holder to ensure that at least one employee is on duty and situated at each manager’s station at all times that any patron is present inside the premises.

iv. The interior of the premises shall be configured so that there is an unobstructed view from a manager’s station of every area of the premises to which a patron is allowed access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment. If the premises has two or more manager’s stations designed, then the interior of the premises shall be configured so that there is an unobstructed view of each area of the premises to which any patron is allowed access for any purpose from at least one of the manager’s stations. The view required in this Subsection shall be by direct line of sight from the manager’s station.

v. It shall be the duty of the permit holder and employees present on the premises to ensure that the view area remains unobstructed by doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is allowed access to areas of the premises which have been designed as an area in which patrons shall not be allowed in the application filed in compliance with this Section.

k. An on-site security program shall be prepared and implemented including the following items:

i. Off-street parking areas and structure entries serving the adult-oriented business shall be illuminated during hours of operation with a lighting system designed to provide an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway. This required lighting level is established to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to mitigate the incidence of vandalism and theft. The lighting shall be shown on the required site or lot plan and shall be subject to review for compliance through the design review process by the director and the Chief of Police.

ii. Interior portions of the adult-oriented business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two foot-candles of light.

iii. For adult-oriented businesses that exceed an occupant load of 125 persons, the provision of on-site security personnel shall be required during business hours in compliance with a plan to be reviewed and approved for adequacy by the Chief of Police. Security personnel shall be licensed in compliance with the California Business and Professions Code, to the satisfaction of the chief of police.

l. Adult Motion Picture Theater

i. A manager’s station shall be located near the main entrance and the station shall be provided with an unobstructed view of all motion picture private viewing areas.

ii. Adult motion picture arcades shall not be maintained or operated unless the complete interior of the adult motion picture theater is visible upon entrance to the adult motion picture theater. Partially or fully enclosed booths or partially or fully concealed booths shall not be maintained.
iii. Persons shall not operate an adult motion picture theater in which the number of image-producing devices exceeds the maximum occupancy load allowed in a room or partitioned portion of a room in which an image producing device is located.

m. Adult Hotel/Motel

i. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented or subrented and vacated two or more times in a period of less than 10 hours on a recurring basis creates a rebuttable presumption that the establishment is an adult hotel/motel as that term is defined in this Section.

ii. A person shall be in violation of the provisions of this Section if a person rents or sub-rents a sleeping room at a location without an adult-oriented business license and an adult use planning permit to a person or persons and within 10 hours afterwards rents or sub-rents the same room to another person(s) or sub-rents the same room to the prior renter.

N. Prohibited Activities

1. Duties of Persons Who Operate Business. Persons shall not operate or cause to be operated an adult-oriented business, regardless of whether or not a permit has been issued under this Zoning Code, knowingly or with reason to know, permitting, suffering, or allowing any employee:

   a. To engage in a couch dance or straddle dance with a patron at the business;

   b. To contract or otherwise agree with a patron to engage in a couch dance or straddle dance with a person at the business;

   c. To intentionally touch a patron at an adult-oriented business while engaged in the display or exposure of a specified anatomical area or engaged in or simulating a specified sexual activity;

   d. To voluntarily be within six feet of a patron while engaged in the display or exposure of a specified anatomical area or engaged in or simulating a specified sexual activity.

2. Prohibited Employee Activities. Employees of an adult-oriented business shall not:

   a. Engage in a couch dance or straddle dance with a patron at the business;

   b. Contract or otherwise agree to engage in a couch dance or straddle dance with a patron at the business;

   c. Engage in the display or exposure of a specified anatomical area or engage in or simulate a specified sexual activity while intentionally touching a patron at the adult-oriented business;

   d. Engage in the display or exposure of a specified anatomical area or engage in or simulate a specified sexual activity closer than six feet from any patron.

3. Intentional Touching Prohibited. Persons at an adult-oriented business, regardless of whether or not the business is allowed under this Zoning Code, shall not intentionally touch an employee who is displaying or
exposing a specified anatomical area or engaging in or simulating a specified sexual activity at the adult-oriented business.

4. **Prohibited Activities of Persons.** Persons at an adult-oriented business, regardless of whether or not the business is allowed under this zoning code, shall not engage in a couch dance or straddle dance with an employee at the business who is displaying or exposing a specified anatomical area or engaging in or simulating a specified sexual activity.

5. **Prohibited Activities During Certain Hours.** Employees of an adult-oriented business, regardless of whether or not a permit has been issued for the business under this Section, shall not engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 AM and 9:00 AM of any particular day.

17.28.050 **Affordable Housing**

Residential density bonuses, incentives, or concessions for the production of affordable housing shall be granted in compliance with Government Code Section 65915, as amended from time to time.

17.28.060 **Alcoholic Beverage Retail Sales**

A. **Purpose.** This Section provides development standards for the sale of alcoholic beverages for off-site consumption where allowed in compliance with Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones), Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones), and Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone) for “Alcoholic Beverage Sales,” “Convenience Stores,” and “Automobile Service Stations.”

B. **Applicability.** This Section shall apply to:

1. Establishments that do not currently sell, but propose to sell, alcoholic beverages for off-site consumption;

2. Establishments that currently sell alcoholic beverages for off-site consumption but which propose to change the type of alcoholic beverages to be sold (change the type of retail liquor license within a license classification);

3. Off-site establishments that currently sell alcoholic beverages if the establishment substantially changes its mode or character of operation, which includes but is not limited to either a 10 percent increase in floor area or a 25 percent increase in facing used for the display of alcoholic beverages;

4. Off-site establishments that have been abandoned or have discontinued operation for three months. The burden of proof shall be upon the applicant to determine when the establishment was in operation;

5. Gasoline service stations selling beer, wine, and/or spirits for consumption off the premises.

C. **Findings.** In addition to any required findings for an applicable discretionary permit, an application may be approved where the information submitted by the applicant or presented at the public hearing, substantiates the following:

1. The requested use at the proposed location will not adversely affect the use of a school, park, playground, religious institution, temple, or other place used primarily for religious worship, or similar uses within a 500-foot radius of the property, in or outside the City.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

2. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect the area.

3. The requested use at the proposed location will not result in an undue concentration of similar premises. A separation of not less than 500 feet, from property line to property line, in or outside the City, shall not be construed as undue concentration. The applicant shall bear the burden of proof that a separation of less than 500 feet does not create an undue concentration of facilities for the sale of alcoholic beverages for off-site consumption within the community.

4. The requested use at the proposed location will not adversely affect the economic welfare of the community.

5. The exterior appearance of the structure will be consistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

D. Gasoline Service Stations and Convenience Stores. Gasoline service stations and convenience stores that sell beer, wine, and/or spirits for consumption off the premises shall be subject to the following:

1. Beer, wine, and/or spirits shall not be displayed within five feet of the cash register or the front entrance unless it is in a permanently affixed display case.

2. Advertisements of alcoholic beverages shall not be displayed at motor fuel islands.

3. Sale of alcoholic beverages shall not be made from a drive-in or drive-through window.

4. Display or sale of alcoholic beverages shall not be made from a portable container.

5. Alcoholic beverage advertising shall not be located on motor fuel islands, and self-illuminated advertising for alcoholic beverages shall not be located on structures or windows.

6. Employees on duty between the hours of 10:00 PM and 2:00 AM shall be at least 21 years of age to sell alcoholic beverages.

7. Arcade machines may not be kept, maintained, or operated on the premises.

8. Not more than 25 percent of the total floor area of the convenience market shall be devoted to the sale of alcoholic beverages.

17.28.070 Arcades

A. Locational and Development Restrictions.

1. Arcades, as defined by the number of machines in Article 7 (Definitions), shall be located more than 300 feet from a public or private school (grades kindergarten through 12) and from another legally allowed arcade.

2. Permit applications shall include a floor plan drawing including, but not limited to, emergency exits, fire doors, evacuation paths, desk, chairs, arcade machines, waiting areas, and restrooms.
3. A facility that has more than 45 arcade machines shall also meet all occupancy A fire requirements.

B. Operation Regulations.

1. The maximum number of arcade machines in an arcade shall not exceed one arcade machine for every 35 square feet of gross floor area allotted to the arcade operations.

2. Arcade machines and waiting areas within the premises shall be visible from the supervisor’s station and adequately supervised by an adult attendant 18 years or older. The attendant shall be present whenever an arcade machine is being operated.

3. Persons under 18 years of age shall not be allowed on the premises where the arcade machines are located after 10:00 PM unless accompanied by a parent or guardian or other adult person having the care and custody of the minor.

4. Arcades with a gross floor area of 3,000 square feet or greater, excluding restaurant dining and kitchen areas, shall provide a visible security guard between 5:00 PM and 4:00 AM on Friday, Saturday, and Sunday evenings. Security guards shall be responsible for crowd control both on the arcade premises and adjoining parking areas.

5. Windows shall be kept clear of any item or tint that obscures full view from the exterior to inside the business.

6. Establishments with arcade machines consisting of 25 percent or more of the floor area shall provide a waiting area with seating within the business. The minimum number of seats shall be determined at one seat for every eight arcade machines but not less than four, unless modified by the Planning Commission based on a showing of good cause that a lesser number of seats in the waiting area will adequately accommodate patrons waiting to use an arcade machine.

7. Failure to comply with the regulations provided by this Section shall be cause for immediate suspension or revocation of applicable permits in compliance with Chapter 17.42.050 (Violation, Discontinuance, and Removal).

**17.28.080 Automobile Service Stations and Automobile Repair Uses**

A. **Applicability.** Automobile service stations, automobile and motorcycle repair facilities, automobile body shops, and automobile paint shops shall be subject to the provisions of this Section.

B. **Operations Requirements.** Repairing, painting, or servicing of motor vehicles, installation of parts, and body repair work shall be conducted entirely within a structure.

C. **Vehicle Storage and Parking.**

1. For service stations located in the C-G (General Commercial) zone, outdoor storage of vehicles overnight shall not be permitted. Overnight parking of vehicles awaiting service or pick up shall be within a structure.

2. For automobile repair, body and paint shops, and service stations located in the P-L-I (Planned Light Industrial) Zoning District, overnight parking of vehicles awaiting repair, service or pick up shall be within a structure or screened by a masonry wall not to exceed eight feet in height. The outdoor storage of tires, automobile parts, and fluids is strictly prohibited.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

3. Vehicles awaiting repair, service, or pick up shall be parked on the subject property and not in the public right-of-way.

D. Repair Bays. Interiors of service repair bays shall be screened or oriented so as not to be visible from properties used or zoned for residential purposes.

E. Retail Sale of Alcohol. Automobile service stations with retail sales of beer and wine shall comply with the provisions of Section 17.28.060 (Alcoholic Beverage Retails Sales).

F. Hours of Operation.

1. Automobile servicing shall be conducted between the hours of 6:00 AM and 10:00 PM.

2. Automobile repair work, body repair work, and/or automobile painting shall be conducted between the hours of 7:00 AM and 8:00 PM.

17.28.090 Cannabis Uses

A. Purpose.

1. The purpose of this Section is to expressly prohibit the establishment of commercial cannabis uses in the City relating to medical cannabis and adult use cannabis and to impose reasonable regulations on personal cultivation in private residences and accessory structures.

2. The Council finds that the prohibition on commercial cannabis activity is necessary for the preservation of and protection of the public health, safety, and welfare of the City. The prohibition of such uses is within the authority conferred upon the Council by State law and is an exercise of its police powers to enact and enforce regulations for the public health, safety and welfare.

B. Definitions. Terms unique to this Section are listed in Chapter 17.74 (Definitions).

C. Prohibition

1. Commercial cannabis activities, whether or not for profit, are expressly prohibited in all zones in the City, including all specific plan areas and overlay zones. No person shall establish, operate, conduct, allow, or engage in a commercial cannabis activity anywhere within the City. This prohibition includes any type of business enterprise where cannabis is complementarily provided as part of any other non-cannabis related business activity.

2. A property owner shall not rent, lease, or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the City. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial cannabis activity on any real property owned or controlled by that property owner that is located in the City.

3. This Section is meant to prohibit all activities for which a State license is required subject to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the Adult Use of
Marijuana Act (AUMA), including any local license to a non-profit entity subject to California Business and Professions Code Section 26070.5.

4. Except as provided in this Section, all cultivation of cannabis is expressly prohibited in all zones in the City.

D. Personal Cultivation—Regulations.

1. An authorized grower shall be allowed to cultivate cannabis for personal use only within a private residence or a fully enclosed and secure structure which is accessory to a private residence, subject to the following regulations in addition to any regulations of State law:
   a. The cannabis cultivation area shall be contained within one single room that shall not exceed 150 square feet.
   b. The room shall be securely locked and accessible only to individuals residing in the residence who are 21 years of age or older.
   c. The cannabis plants shall not come within 12 inches of the ceiling or any cultivation lighting.
   d. Cannabis cultivation lighting shall not exceed 1,200 watts in total for the total cultivation area within the residence.
   e. The use of gas products such as but not limited to CO2, butane, methane, or any other flammable or non-flammable gas for cannabis cultivation or processing is prohibited.
   f. There shall be no exterior visibility or evidence of cannabis cultivation occurring within the private residence or accessory structure from the public right-of-way or any adjoining property, including, but not limited to:
      i. Visual observation of any cannabis plants;
      ii. Any form of sign indicating that cannabis plants are being grown inside the residence or accessory structure;
      iii. Visual observation of any equipment used in the growing and cultivation operation;
      iv. Unusual odors, smells, fragrances, or other olfactory stimulus;
      v. Any light emanating from cultivation lighting.
   g. The authorized grower shall reside full-time in the residence where the cannabis cultivation occurs.
   h. The authorized grower shall not participate in cannabis cultivation in any other location within the City.
   i. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for cannabis cultivation.
   j. The cannabis cultivation area shall be in compliance with the provisions of the applicable building and construction codes as outlined in Title 15 of the Municipal Code. The Building Official may impose
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

additional conditions to meet such codes if necessary, including, but not limited to, installation of fire suppression sprinklers and ventilation and filtration systems that prevent plant odors from exiting the interior of the structure.

k. The cannabis cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products, or wastes.

l. Cultivation shall be limited to six cannabis plants, mature or immature, per private residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.

m. The cannabis plants and any cannabis in excess of 28-½ grams produced by plants shall be kept in a locked space on the grounds of the private residence or accessory structure which space is not visible from the public right-of-way by normal unaided vision.

n. If the person cultivating the plants is not the owner of the residence, such person shall obtain permission from the property owner to cultivate plants on the premises in compliance with the provisions of State law and this Section. Such permission shall be in writing and made available to City staff upon request.

2. No outdoor cultivation of cannabis plants shall be allowed in the City, even for personal use. (This Section shall be of no further force or effect and shall be deemed repealed upon a determination by the California Attorney General that nonmedical use of cannabis is lawful in the State under Federal law.)

E. Violation. It is hereby declared to be unlawful, a public nuisance and a violation of this Section for any person owning, leasing, occupying, or having charge or possession of any property within the City to cause or allow such property to be used in a manner which violates this Section.

F. Violation—Misdemeanor. Any violation of this Section shall be punishable as a misdemeanor, punishable as outlined in Chapter 1.20 (General Penalty).

G. Public Nuisance. Any use or condition caused, or allowed to exist, in violation of any provision of this Section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City subject to Code of Civil Procedure Section 731 or any other remedy available to the City.

H. Civil Penalties. In addition to any other enforcement allowed by this Section, the City Attorney may bring a civil action for injunctive relief or the city may pursue administrative fines and penalties subject to Chapter 1.24 (Administrative Fines and Penalties) against any person or entity that violates this Section. In any civil action brought subject to this Section, a court of competent jurisdiction may award reasonable attorneys’ fees, where the City has elected at the initiation of the action to seek the recovery of such fees, in which case the prevailing party in such action shall be entitled to an award of attorneys’ fees in an amount which shall not exceed the reasonable attorneys’ fees incurred by the City, regardless of the actual costs of any party’s attorneys’ fees.
17.28.100 Condominiums—Commercial and Industrial

A. Purpose and Intent.

1. The Council finds that office and industrial condominium projects are different in so many respects from other types and forms of land ownership and development as to require additional regulations.

2. The intent of this Section is to further the goals of the General Plan and regulate the placement of these projects and land use consistent with the form of ownership and occupancy of these projects in compliance with applicable laws for the general health, safety, and welfare of the public.

3. The intent of this Section is also to develop standards, procedures, and guidelines that provide a more flexible method whereby properly located land areas can be developed, employing more innovative and imaginative land planning concepts than would be possible through the strict application of conventional zoning and subdivision regulations.

4. The purpose of this Section is to provide for the general control of design and development of common ownership office, and industrial condominiums in relation to adjoining areas in compliance with the basic purpose of the State Subdivision Map Act.

B. Conditional Use Permit Required.

1. Where Types of Condominium Projects Allowed. Commercial condominiums shall be allowed in the C-O (Commercial-Professional Office), C-G (General Commercial), and P-L-I (Planned Light Industrial) zones. Industrial condominiums shall be allowed in the P-L-I (Planned Light Industrial) zone subject to the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

2. Compliance Required. Persons shall not construct, sell, lease, convey, maintain, or use a condominium project within the City without complying with the provisions of this Section.

C. Applicability of Subdivision Ordinance. The provisions of Title 16 (Subdivisions) of the Municipal Code shall apply.

D. Relationship to Other Laws. Whenever regulations or restrictions imposed by this Section are either more or less restrictive than regulations or restrictions imposed by other laws, the regulations, rules, or restrictions which are more restrictive or which impose specific design standards shall govern.

E. Requirements for Commercial and Industrial Condominiums.

1. Application Requirements – New Development. The applicant shall file an application for Site Development Permit - Major for a commercial or industrial condominium development in compliance with the requirements of Chapter 17.44 (Site Development Permit – Major and Minor). Also, a tentative subdivision map, as required by this Section and Title 16 (Subdivisions) of the Municipal Code, shall be submitted to the Development Services Department concurrently. The Development Services Department shall make recommendations on the project to the Planning Commission for approval, conditional approval, or denial. Tentative subdivision maps and Site Development Permit – Major applications filed in compliance with this Section shall be processed concurrently.
2. **Application Requirements – Conversions.** The conversion of lease or rental commercial or industrial developments to commercial or industrial condominium developments within appropriate zoning districts shall be allowed, subject to the issuance of a Conditional Use Permit in compliance with the provisions of Chapter 17.32 (Administrative Use Permits and Conditional Use Permits) and the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law. In addition to satisfying other requirements of this Section, the applicant for conversion of an existing office or industrial structures to condominiums at the time application is made, shall provide the following information:

a. **Structure and Zoning History.** A structure and zoning history, to the extent available, detailing the date of construction, major uses since construction, and the dates, nature, and scope of major repairs and alterations since construction.

b. **Property Report.** A property report detailing the condition and useful life of the roof, foundation, mechanical, electrical, plumbing, and structural elements of existing structures. A registered civil or structural engineer shall prepare the report.

c. **Pest Report.** A structural pest report prepared by a licensed structural pest control operator.

2. **Development Standards.**

   a. Approval of the Conditional Use Permit for conversion shall require that the development in question meet the requirements currently in effect for new commercial or industrial condominium developments.

   b. Structures shall comply with building, energy, mechanical, electrical, plumbing, and fire codes in force in the City at the time application for condominium is made.

   c. Commercial and industrial condominiums to be constructed or converted shall be subject to the development standards, parking requirements, and sign regulations for the zone in which they are located, and subject to the conditions of approval.

   d. In addition to the requirements of the applicable zone, the following development standards shall apply. Wherever there is a conflict or the appearance of a conflict between the normal zoning requirements and the following condominium requirements, the more stringent standards shall apply unless the conflict is mutually exclusive, in which case this Section shall apply:

3. **Utilities.** Each commercial or industrial condominium unit shall have separate water, sewage, and utility connections, or provisions for shared usage shall be included in the covenants, conditions, and restrictions. Each utility that is controlled by and consumed within the unit shall be separately billed for its use. Each unit shall have access to its own meter(s), heater(s), and air conditioner(s), and shall not require entry through another unit. Each unit shall have its own electrical panel and access to it. A plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

4. **Outdoor Storage Areas.** Outdoor storage may be allowed in industrial condominiums as a part of the required Conditional Use Permit when the Planning Commission determines that the storage is adequately screened from public view and will not be aesthetically or materially detrimental to surrounding properties. If the Planning Commission determines that a proposed industrial condominium development can adequately accommodate
outdoor storage area(s), then the development standards of the P-L-I (Planned Light Industrial) zone shall apply.

17.28.110 Condominiums—Residential and Residential Conversions

A. Purpose and Intent.

1. The Council finds that residential condominium projects are different in so many respects from other types and forms of land ownership and development as to require additional regulations. This applies to new condominium development projects as well as the conversion of existing multifamily housing to condominiums.

2. The intent of this Section is to further the goals of the General Plan, provide a balanced mix of housing, and ensure the form of ownership and occupancy complies with applicable laws for the general health, safety, and welfare of the public.

3. The intent of this Section is also to establish standards, procedures, and guidelines that provide a more flexible method whereby properly located land areas can be developed, employing more innovative and imaginative land planning concepts than would be possible through the strict application of conventional zoning and subdivision regulations.

4. The purpose of this Section is to provide for the general control of design and development of common ownership residential condominiums in relation to adjoining areas in compliance with the basic purpose of the State Subdivision Map Act.

B. Permits and Map Required.

1. New Condominium Projects. Residential condominium projects shall be allowed in all residential zones and in the Town Center Mixed Use zone at densities applicable to the zone in which the project is located, subject to the approval of tentative and final tract or parcel maps as may be required by law and any development permits required for multi-family housing in the zone in which the new project is located. This requirement is in addition to other permits or certificates required by law.

2. Condominium Conversions. Residential condominium conversion projects shall be allowed in all residential zones and in the Town Center Mixed Use zone at densities applicable to the zone in which the project is located, subject to the approval of a Site Development Permit – Major and the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

3. Compliance Required. Persons shall not construct, sell, lease, convey, maintain, or use a condominium project within the City without complying with the provisions of this Section.

C. Applicability of Subdivision Ordinance

1. Condominiums, whether new construction or conversion of existing structures and as may otherwise be superseded by the Subdivision Map Act:

   a. If five or more dwelling units, the standard subdivision procedure shall be applied.

   b. If four or fewer dwelling units, the minor subdivision (Parcel Map) shall be applied.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

2. The provisions of Title 16 (Subdivisions) of the Municipal Code shall apply.

D. Relationship to Other Laws. Whenever regulations or restrictions imposed by this Section are either more or less restrictive than regulations or restrictions imposed by other laws, the regulations, rules, or restrictions which are more restrictive or which impose specific design standards shall govern.

E. Requirements for Residential Condominiums.

1. Compliance with Codes. Structures shall comply with building, mechanical, electrical, and plumbing codes in force in the City at the time the application is made.

2. Sound and Energy Insulation. Structures shall be sound attenuated to comply with the Uniform Building Code standards in effect at the time of filing. Additionally, the structure shall be made to comply with the energy insulation requirement in effect at the time of filing.

3. Fire Protection

a. Smoke Detectors. Each condominium unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

b. Maintenance of Fire Protection Systems. Fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition.

4. Utilities

a. Utility Metering. Each condominium unit shall be separately metered for all utilities. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

b. Undergrounding of Utilities. Onsite overhead utility service lines shall be placed underground.

5. Dedication and Improvements. Dedications for streets, alleys, drainage, or public utilities shall be made so as to bring the development into conformity with existing City street, alley, drainage, and public utility standards.

6. Parking, Off-Street. Parking requirements for condominiums shall be provided for in compliance with Chapter 17.22 (Parking and Loading).

7. Storage Space. Each condominium unit shall be provided with a minimum of 200 cubic feet of enclosed weatherproofed and lockable private storage space. The space shall be for the sole use of the unit owner. This storage area may be located within a covered parking area, provided it does not interfere with vehicle parking.
8. **Laundry Facilities.**

   a. **Separate Facilities.** A separate laundry facility area of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit (if provided for in the garage, the area shall not encroach into the required parking space).

   b. **Common Facility.** As an alternative to subparagraph a, a common laundry facility may be provided; such facility shall consist of not less than one automatic washer and dryer for each three condominium units or fractions of thereof.

9. **Lot Size, Setback, Coverage, Height, and Density Requirements.** Lot sizes, setback lines, coverage, structure heights, and density requirements shall meet the minimum requirements for the zone in which the condominium is located.

10. **Private Open Space.** An adjoining private open space for each condominium unit in compliance with the requirements for the zone in which the project is located.

F. **Requirements for Residential Condominium Conversion.**

1. **Application for Conversion.** In addition to satisfying other requirements of this Section, the applicant for conversion of any existing residential structures to condominiums, at the time application is made, shall provide the following information:

   a. **Structure and Zoning History.** A structure and zoning history, to the extent available, detailing the date of construction, major uses since construction, and the dates, nature, and scope of major repairs and alterations since construction.

   b. **Property Report.** A property report detailing the condition and useful life of the roof, foundation, mechanical, electrical, plumbing, and structural elements of all existing structures. A registered civil or structural engineer, or a licensed general building or engineering contractor, shall prepare the report.

   c. **Pest Report.** A structural pest report prepared by a licensed structural pest control operator.

2. **Development Standards**

   a. **Compliance with Codes.** Structures shall comply with building, mechanical, electrical, and plumbing codes in force in the City at the time the application for conversion is made.

   b. **Sound and Energy Insulation.** Structures shall be sound attenuated to comply with the Uniform Building Code standards in effect at the time of filing. Additionally, the structure shall be made to comply with the energy insulation requirement in effect at the time of filing.

   c. **Fire Protection.**

      i. **Smoke Detectors.** Each condominium unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
ii. Maintenance of Fire Protection Systems. Fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition.

3. Utilities

a. Construction before January 23, 1980. Structure construction approved by the City before January 23, 1980, may be converted to condominiums when the following standards are met:

i. Utility Metering. Each condominium unit shall be separately metered for gas and electricity. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions. In a case where the subdivider can demonstrate to the Planning Commission that this standard cannot or should not be met, the Planning Commission may modify the standard.

b. Construction after January 23, 1980. Structure construction approved by the City after January 23, 1980 may be converted to condominiums when the following standards are met:

i. Utility Metering. Each condominium unit shall be separately metered for all utilities. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

4. Undergrounding of Utilities. On-site overhead utility service lines shall be placed underground.

5. Dedications and Improvements. Dedications for streets, alleys, drainage, or public utilities shall be made so as to bring the development into conformity with existing City street, alley drainage, and public utility standards.

6. Off-Street Parking

a. Buildings converted to condominiums may utilize the parking spaces that exist prior to the conversion only, and need not provide additional parking, even if the spaces are not in compliance with the parking requirements and standards established for newly constructed multi-family residential structures in the R-2 and R-3 zones, unless additional or alternative parking spaces exist as determined by City staff.

b. Other Parking Provisions. In all other respects, off-street parking requirements and standards shall be governed by the provisions of Chapter 17.22 (Parking and Loading).

7. Storage Space. Each condominium unit shall be provided with a minimum of 200 cubic feet of enclosed weatherproofed and lockable private storage space within a covered parking area, provided it does not interfere with motor vehicle parking.

8. Laundry Facilities.

a. Separate Facilities. A separate laundry facility area of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit (if provided for in the garage, the area shall not encroach into the required parking space).
b. **Common Facility.** As an alternative to subparagraph a, a common laundry facility may be provided; such facility shall consist of not less than one automatic washer and dryer for each three condominium units or fractions thereof.

9. **Setback, Height, and Density Requirements.** Setback lines, structure heights, and density requirements shall meet the minimum requirements for the zone in which the condominium is located.

10. **Tenant Provisions/Notification to Tenants.** The subdivider shall comply with the following provisions regarding tenants’ rights:

   a. Tenants of a structure proposed for conversion shall be given 10 days written notice, by the developer, of the Planning Commission meeting at which the conversion proposal will be heard and considered. Certification that the residents of the project have been notified shall be provided to the Director.

   b. Each tenant shall be given a minimum of 150 days written notice of intention to convert before termination of tenancy due to the conversion or proposed conversion. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the Development Services Department and shall contain not less than the following:

      i. Name and address of current owner;

      ii. Name and address of proposed subdivider;

      iii. Approximate date on which the tentative map is proposed to be filed;

      iv. Approximate date on which the final map or parcel map is to be filed;

      v. Approximate date on which the unit is to be vacated by nonpurchasing tenants;

      vi. Tenant’s right to purchase;

      vii. Tenant’s right of notification to vacate;

      viii. Tenant’s right to extend lease;

      ix. Tenant’s right of termination of lease;

      x. Statement of no rent increase;

      xi. Provisions of relocation assistance;

      xii. Other information may be required as deemed necessary.

   c. If a tenancy is to expire before 120 days before the commencement of sales is scheduled, the developer shall offer to extend the tenancy upon the same terms for an additional 90 days. If a tenancy is to expire before 30 days before the commencement of sales is scheduled, the developer shall offer to extend the tenancy for a period to and including the 30th day before the date scheduled for commencement of sales.
d. The developer shall permit a tenant to terminate a lease or rental agreement without a penalty, cost, or forfeiture, after notice has been given of the intention to convert to condominium housing, if a tenant notifies the developer, in writing, 30 days in advance of the termination.

11. **Tenants’ Right to Purchase.** Each of the tenants in the proposed condominium project shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that the units will be initially offered to the general public, or terms more favorable to the tenant. This right shall comply with the provisions of Business and Professions Code Section 11018.2, unless the tenant gives prior written notice of their intention not to exercise this right. This right of purchase shall extend at least 90 days from the date of issuance of the subdivision public report, or commencement of sales, whichever is later.

12. **Increase in Rents.** The tenant’s rent shall not be increased between the time of filing of the tentative map and the time relocation takes place, or the subdivision is denied or withdrawn.

13. **Relocation Assistance.**

   a. The subdivider shall provide each tenant with a list of available units of similar price and in the same general area.

   b. The subdivider shall provide relocation funds equivalent to the last month’s rent (at the current rental rate then being charged) to all tenants, to cover expenses related to moving.

14. **Notice to New Tenants.** After submittal of the tentative map, prospective tenants shall be notified in writing of the intent to convert, before the leasing or renting of a unit.

17.28.120 **Construction Structures - Temporary**

A. **Temporary Use Permit Required.** Contractor’s temporary construction structures or trailers in conjunction with a subdivision or other development, to be used only for offices or storage, may be allowed for a period not to exceed six months, with up to three six-month extensions, each upon approval of a Temporary Use Permit in compliance with Chapter 17.46 (Temporary Use Permits).

B. **Design and Operational Requirements.**

   1. The temporary construction site building shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold and/or is being developed.

   2. The property to be used for a temporary construction site building shall not be permanently improved for that purpose.

   3. The temporary construction site building shall conform to the setbacks of the underlying development district; shall provide skirting; and shall obtain all necessary permits, including building, electrical, and plumbing, as applicable.
17.28.130 Day Care, General

A. **Purpose and Applicability.** This Section establishes standards for the location, development, and operations for general day care facilities, as defined in Chapter 17.74 (Definitions) as “Day Care, General” where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations). This Section provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

B. **Standards.** All general day care facilities shall comply with all of the following:

1. **Licensing.** The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6.

2. **General Day Care Facilities Review Standards.** An application for a general day care facility shall be reviewed by the responsible review authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Section. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Section, all applicable City ordinances, and any regulations adopted by the State Fire Marshall.

3. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.

4. **Drop-off/Pick-up Areas.** Any general day care facility located on a through street classified as a collector or arterial street in the Los Alamitos General Plan shall provide a drop-off and pick-up area that does not require backing into the street.

17.28.140 Day Care Home—Large Family (9-14 children)

A. **Purpose and Applicability.** The provisions in this Section shall apply to large family child day care homes, as defined by current State law, in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations) and the following standards. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies.

B. **Standards.** All large family child day care homes shall comply with all of the following:

1. **Licensing.** The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

2. **Care Provider’s Residence.** The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence, in compliance with Health & Safety Code Section 1596.78 and other applicable law.

3. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.

4. **Play Area and Equipment.** Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the lot and shall comply with any setback requirements for the zone in which the large family day care home is located.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

5. Drop-off/Pick-up Areas and Use of Garages

a. A minimum of two off-street uncovered parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 17.22 (Parking and Loading). A driveway may be used to provide the spaces, provided the City Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.

b. Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.

c. Hours of Operation. A large family child day care home located may only operate a maximum of 14 hours each day between the hours of 6:00 AM and 8:00 PM.

d. Inspection Required. Before commencing operation of a large family child day care home, the City Building Official shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there are no unallowed uses, structure, electrical, and/or mechanical improvements to the property.

17.28.150 Day Care Home—Small Family (8 or fewer children)

All small family child day care homes, as defined as in Chapter 17.74 (Definitions), shall comply with the applicable provisions of Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes). Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

17.28.160 Emergency Shelters

A. Purpose. This Section identifies locations for emergency shelters and sets forth the development standards that shall be met regardless of whether the emergency shelter is allowed as of right or by a Conditional Use Permit:

B. Required On-Site Waiting and Intake Areas.

1. 10 square feet per bed.

2. Minimum 100 square feet.

C. Facility Management. A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the Development Services Director. The management plan may be reviewed as needed by the City with revisions made by the operator.

D. Proximity to Other Emergency Shelters. An emergency shelter may not be located closer than 300 feet from another emergency shelter.

E. Maximum Length of Stay. Six months.
F. **Multi-Jurisdictional Agreement.** Emergency shelters for homeless persons that are subject to a multi-jurisdictional agreement, subject to California Government Code Section 65583(d), shall be considered an allowed use even if inconsistent with the criteria in this Section, provided the agreement includes standards and operational criteria acceptable to the participating jurisdictions.

17.28.170 **Hazardous Waste Facilities**

A. **Purpose and Intent.** The purpose of this Section is to establish uniform standards, land use regulations, and a permit process for controlling the location, design, maintenance, and safety of off-site hazardous waste facilities.

B. **Definitions.** Terms unique to this Section are listed in Chapter 17.74 (Definitions).

C. **Applicability.**

1. The provisions in this Section shall apply to hazardous waste facilities as defined in Chapter 17.74 (Definitions) and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations).

2. The provisions of this Section do not apply to:
   
   a. Transportable treatment units (TTU) which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time;
   
   b. Permanent on-site hazardous waste facilities at locations where hazardous waste is produced, and which are owned by, leased to, or under the control of the producer of the waste.

D. **Required Licensing.** Facilities (i.e., off-site, on-site and TTUs) shall be licensed as required by State law.

E. **Consistency with County Hazardous Waste Management Plan.** Any application for a hazardous waste facility or project shall be subject to all applicable regulations outlined in the Los Alamitos Municipal Code and the County Hazardous Waste Management Plan. All requirements of the City with regard to hazardous waste facilities shall be consistent with those portions of the approved County Plan which identify general areas or siting criteria for hazardous waste facilities. The County Hazardous Waste Management Plan as it now exists or may be amended is adopted and incorporated by reference as part of the Municipal Code.

F. **City Requirements and Conditions.** Nothing contained in this Section nor any requirement incorporated by reference shall limit the authority of the City to attach appropriate conditions to the issuance of any Conditional Use Permit for a hazardous waste facility to protect the public health, safety or welfare, and does not limit the authority of the City to establish more stringent requirements or siting criteria than those specified in the County Hazardous Waste Management Plan.

17.28.180 **Live/Work Units**

A. **Purpose and Applicability.** The provisions in this Section shall apply to live/work units, as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

B. **Limitations on Use.** The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations). Specifically, however, a live/work unit shall not be allowed to include any of the following land uses or activities:
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

1. Vehicle repair and service.

2. Vehicle and equipment maintenance and repair services.

3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.

4. Manufacturing or industrial activities, including but not limited to welding and machining.

5. Any other activity or use, as determined by the Director, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

C. Ground Floor Use. Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ground floor building area.

D. Design Standards.

1. Floor Area Requirement. A live/work unit shall have a minimum floor area of at least 500 square feet. At least 150 square feet of a live/work unit shall be designated as suitable for workspace and shall measure not less than 15 feet in at least one dimension and no less than 10 feet in any dimension. The area suitable for workspace for each unit shall be clearly demarcated on approved building plans.

2. Separation and Access of Individual Units. Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, or from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.

3. Location of Living Space – Ground Floor Units. Ground floor live/work units shall designate a minimum of the front 20 feet of the building depth of the unit, as measured from the unit frontage, as area suitable for work space in order to maintain activity and commercial access along the frontage. Dedicated living space may be located be in the rear portion of the ground level, provided the front 20 feet of the unit is designated as suitable for work.

4. Facilities to Accommodate Commercial Activities. A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.

5. Ceiling Height. Ground floor live/work units shall have a minimum floor to ceiling height of 12 feet, measured from top of floor to bottom of ceiling. A mezzanine space shall not be included in the calculation of minimum height for any floor or level.
E. Operating Requirements.

1. Sale or Rental of Portions of Unit. The work portion of a live/work unit may be rented separately from the live portion.

2. Business License Required. At least one business tenant of a live/work unit shall be required to have a business license with the City, issued subject to Title 5 (Business Licenses and Regulations).

3. Non-Resident Employees. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other State and Federal regulations.

4. Client and Customer Visits. Client and customer visits to live/work units are allowed subject to any applicable conditions of the permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

17.28.190 Mobile Food Vending

A. Purpose and Applicability. The purpose of this Section is to ensure that off-street mobile food vending is conducted in a manner compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking, or litter. Mobile food vending is also subject to Chapter 5.24 (Food Handling Business).

B. Special Events that Include Mobile Food Vending. The provisions of this Section shall not apply to persons operating a mobile vendor vehicle as part of a certified farmers’ market, or an authorized street fair or other event occurring under a Temporary Use Permit issued by the City, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.

C. Operational Requirements. Mobile vendor vehicles operating on private property shall comply with the following requirements:

1. Written Approval of Owner. The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director prior to operating at the location. The vendor shall maintain proof of the owner’s approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or City employee authorized to enforce this Section.

2. Impervious Surface Parking. The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another impervious surface.

3. Litter Removal. The mobile vendor vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile food vendor shall remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle’s location.

4. No Discharge of Liquid. The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.

5. Temporary Shade Structures. Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
6. Noise. The mobile food vendor shall be subject to the noise provisions identified in Title 9 (Public Peace and Welfare). The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be allowed.

7. Hours of Operation. No mobile food vending shall operate before 8:00 AM or after 10:00 PM, including set-up and clean-up.

8. Business License Required. The mobile food vendor shall have a valid business license issued by the City subject to Title 5 (Business Licenses and Regulations). As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.

9. Health Permit Required. The mobile food vendor shall have a valid permit issued by the Orange County Department of Health. All required County Health permits shall be in the possession of the mobile food vendor at all times during which it operates within the City.

10. Fire Department Inspection. All mobile food vendors’ vending vehicles shall be inspected and approved by Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

17.28.200 Outdoor Dining

A. Purpose and Applicability.

1. The City encourages the use of outdoor dining and seating areas, provided that business operators are mindful of two important considerations: (a) the safety and flow of pedestrian traffic and (b) the visual appearance of the outdoor dining and/or seating areas. The standards set forth in this Section are intended to ensure that outdoor seating is done in a way that is both safe for pedestrians and appropriate for the surroundings.

2. The provisions in this Section shall apply to outdoor dining that occurs on private property incidental to an otherwise allowed use, and where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

3. Outdoor dining may be allowed on private property as an accessory use associated with a legally approved eating and/or drinking establishment upon approval of the required permit.

B. Change in Allowed Use. The size of an allowed outdoor dining area shall not be increased or the arrangement substantially altered unless the Director has reviewed and approved a new application as required under this Section.
C. **Submittal Requirements.** In addition to the submittal requirements of the required application, the applicant shall provide the following:

1. **Floor Plan.** A diagram showing the layout of the indoor business space, the proposed outdoor dining area with appropriate setbacks indicated.

2. **Furniture and Fixtures.** The submittal must identify the style, color and materials of all fixtures that will be placed in the outdoor dining area, including but not limited to tables, chairs, umbrellas, planters, and barriers.

3. **Hold Harmless Agreement.** For outdoor dining areas immediately adjacent to the public right-of-way, a hold harmless agreement in a form approved by the City Attorney, releasing the City from any liability related to the outdoor dining area.

D. **Development Standards.** Permits issued subject to the terms of this Section and as required by this Title 17 shall conform to all of the following requirements. No permit shall be issued that does not comply with these standards.

1. The outdoor dining area shall not encroach into any required parking lot area, including areas where vehicles may overhang curbs.

2. The outdoor dining area shall not be located or utilized in a manner which causes an obstruction of a public walkway or interferes with the flow of pedestrian or other traffic.

3. The proposed outdoor dining activity shall not interfere with the use of any public walkway by neighboring property owners and tenants.

4. A minimum setback of 200 feet from residential uses shall be maintained, except as may be otherwise approved for mixed-use projects.

5. The outdoor dining area shall maintain the minimum setbacks necessary to maintain the visibility of neighboring businesses to pedestrians and motorists, including visibility of signage.

6. A minimum of four feet of totally unobstructed walkway space shall be maintained around the outdoor dining area, and outdoor dining areas shall not interfere with disabled access.

7. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.

8. All fencing, dividers, appurtenances, furnishings, and furniture that occur with an allowed use under this Section shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.

9. The outdoor dining area shall not be allowed within 15 feet of any driveway.

10. The hours of operation for incidental outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Director.

11. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 accessibility requirements.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

12. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public walkway, the rights of all adjoining property owners, and the health, safety, and welfare of the public.

D. Alcohol Service.

1. Barriers are only required if alcohol will be served in the outdoor dining area.

2. All areas where alcoholic beverages are served outside must comply with the standards established by the State Department of Alcoholic Beverage Control. Any perimeter fence and/or landscaped planter(s) shall be designed to clearly suggest that alcohol is not allowed outside the seating area.

E. Barrier Design. Barriers, where required or provided, shall comply with the following:

1. Any barrier must be freestanding, without any permanent or temporary attachments to buildings, sidewalks, or other infrastructure.

2. The physical design of the fence, barrier, and/or landscaped planter(s) shall be compatible with the design of the building. Seating area barriers (fences, gates, ropes, etc.) shall be visually appealing and help to separate the seating area from the sidewalk.

3. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. A variety of styles and designs are permissible for outdoor dining/seating area barriers, including the following:

   a. Sectional Fencing. Sectional fencing is generally defined as rigid fence segments that can be placed together to create a unified fencing appearance. This type of fencing is portable but cannot be easily shifted by patrons or pedestrians, as can less-rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).

   b. Rope and Chain Rails. Rope or chain-type barriers are generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions. These types of barriers are permitted if they meet the following guidelines:

      i. The rope or chain must have a minimum diameter of one inch in order to remain detectable by the visually impaired.

      ii. Vertical support posts (stanchions, bollards, etc.) must be constructed of wood or metal (aluminum, steel, iron, or similar).

      iii. A stanchion or other vertical supporting member that has a base must not be a tripping hazard. The stanchion base shall not be domed and shall not be more than one-half inch above the sidewalk surface.

   c. Planters. Planters may be used in addition to or in place of other barrier designs. Planters may be used in situations where no barrier is required to provide added visual interest and create a more attractive and welcoming atmosphere. All planters must have living plants contained within them. Dead plants within the planter must be replaced or the planter removed from public view. Artificial plants, empty planters, or
planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted. Seasonal, thematic planter displays are encouraged.

d. **Prohibited Materials.** Fabric inserts (natural or synthetic) of any size are not permitted to be used as part of a barrier. The use of chain-link, cyclone fencing, chicken wire, or similar material is prohibited. Materials not specifically manufactured for fencing or pedestrian control are prohibited unless they are expressly allowed elsewhere in these guidelines. Materials such as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc. are not permitted and shall not be used as components of a barrier.

e. **Barrier Measurements.** To ensure their effectiveness as pedestrian control devices and their ability to be detected by persons with vision impairments, barriers must meet the following measurements:

   i. **Height.** The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height, with the exception of planters.

   ii. **Maximum Height of Planters and Plants.** Planters may not exceed a height of 36 inches above the level of the sidewalk. Plants may not exceed a height of 96 inches (eight feet) above the level of the sidewalk.

   iii. **Rope/Chain Distance from Ground.** In the case of a rope or chain enclosure, the bottom most point on a rope or chain must not exceed 27 inches in height.

   iv. **Maximum Distance from Ground.** All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of barriers must be no greater than 27 inches above the sidewalk surface.

   v. **Open Appearance.** Fences or other perimeter enclosures with a height of between 36 inches and 48 inches must be at least 50 percent open (see-through) to maintain visibility of street level activity. Any enclosure over 48 inches high must be at least 80 percent open.

   vi. **Minimum Access Width.** Any access opening within the barrier must measure no less than 44 inches in width.

   vii. **Location.** Access openings should be placed in a location that will not create confusion for visually impaired pedestrians. The seating area shall not be placed on landscaped areas.

F. **Furniture and Fixtures.** To ensure compatibility with surrounding uses and a high standard of design quality, all physical elements associated with an outdoor dining area shall be compatible with the overall design of the main structure. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures shall be maintained in a clean condition at all times. All furniture and fixtures shall be durable and of sufficiently sturdy construction as not to blow over with normal winds. Furniture and fixtures shall not be secured to trees, lampposts, street signs, hydrants, or any other public street infrastructure by any means, whether during restaurant operating hours or when the restaurant is closed. To ensure a quality visual appearance, the following standards apply to outdoor dining furniture:

1. **Tables and Chairs.** Tables and chairs need to be functional, not only for patrons, but also for pedestrians, given the limited space available in some areas. Outdoor dining furniture shall also contribute to the overall atmosphere and be complementary in both appearance and quality. Tables shall not be white plastic or any fluorescent or other strikingly bright or vivid color. Upholstered chairs are permitted. Upholstery is not
permitted to be of any fluorescent or other strikingly bright or vivid color. All chairs used within a particular establishment’s outdoor seating area shall match each other by being of visually similar design, construction, and color.

2. **Umbrellas.** Appropriately designed and sized umbrellas are permitted subject to the following conditions:
   a. Umbrellas must be free of advertisements or product names.
   b. All parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.
   c. When extended, the umbrella must measure at least seven feet above the surface of the outdoor dining area in order to provide adequate circulation space below. The seven-foot minimum height includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.
   d. No part of an umbrella may exceed a height of ten feet above the surface of the outdoor dining area to avoid an undue visual obstruction of other businesses.
   e. Umbrella fabric shall be one solid color and is not permitted to be a fluorescent or other strikingly bright or vivid color.
   f. Market-style umbrellas (those designed specifically for patio or outdoor restaurant use) are preferred for outdoor dining purposes. Umbrella fabric shall be of a material suitable for outdoor use and shall be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.
   g. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other similar identifying characteristics.

3. **Prohibited Furniture.** Unless allowed by the conditions of an Administrative Use Permit or Conditional Use Permit, all furniture other than tables, chairs, umbrellas and heaters are prohibited. This includes, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, cooking appliances, and torches.

G. **Ground Coverings.** The floor of outdoor seating areas shall be uncovered sidewalk material as to provide continuity with the adjacent public sidewalk or private walkway.

H. **Signage.** Signage is not permitted within an outside dining area except with a valid city permit. No extra or additional signage is permitted solely as a result of having an outdoor dining area.

I. **Waste Receptacles.** Waste receptacles shall be provided in outside seating areas for quick-serve establishments (typically using disposable utensils) and/or when table service is not provided. Waste receptacles shall not otherwise be placed in outside seating areas when table service is provided unless required by the Director.

J. **Entertainment.** Outdoor seating areas that include dancing, entertainment, or amplified music require the preparation of a noise analysis with the appropriate mitigation measures. Outdoor entertainment requires a separate application from the City.
K. Parking Requirements. Parking shall be provided as set forth in Chapter 17.22 (Parking and Loading).

L. Compliance with Other Laws.
   1. If any of the standards listed above are found to be inconsistent with the Americans with Disabilities Act (ADA) or California Building Code (CBC) requirements, the ADA and/or CBC standards shall apply.
   2. To the extent any requirements of the ABC are more stringent than the standards listed above for restaurants serving alcohol, the ABC requirements shall apply.

M. Temporary Suspension. The use which is allowed under this Section may be temporarily suspended, subject to written notice, when, in the opinion of the Director, such use may interfere with the rights, health, welfare, or safety of the neighboring property owners and the others using the area.

17.28.210 Outdoor Display and Retail Activities

A. Purpose and Applicability. This Section provides development and operational standards for temporary and permanent outdoor display and sales that may be associated with the operation of retail establishments or of commercial centers in which retailers conduct their retail sales activities as defined by Chapter 17.74 (Definitions). Outdoor uses on public property within the public right-of-way shall require an Encroachment Permit.

B. Standards for Temporary Outdoor Displays and Sales. Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a Temporary Use Permit (Chapter 17.46).

C. Standards for Permanent Outdoor Displays and Sales. Permanent outdoor displays and sales of merchandise may be allowed subject to the requirements and approval of a Conditional Use Permit and in compliance with the following standards:
   1. Height of Displayed Materials. The outdoor display of merchandise shall not exceed a height of 10 feet above finished grade.
   2. Location of Merchandise. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. Displays shall not obstruct traffic sight areas or otherwise create hazards for vehicle or pedestrian traffic. Displays, storage, or placement of items, goods, or merchandise for sale or use in connection with a business shall not be allowed within a court.
   3. Relationship to Primary Use. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject lot.
   4. Signs. Additional signs, beyond those normally allowed for the subject use, shall not be allowed as a result of the outdoor display and sales area.
   5. Operating Hours. The hours of operation shall be restricted to 8:00 AM to 10:00 PM if within 300 feet of a residential zoning district, or as identified in a permit.
   6. Waste Collection and Disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

7. **Other Conditions.** Any other conditions that would ensure that the proposed use will be operated in an orderly and efficient manner shall be required.

17.28.220 Outdoor Storage

A. **Purpose and Applicability.** This Section provides standards for the establishment of outdoor storage areas where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

B. **Development Requirements.**

1. **Screening.** Outdoor storage areas shall be screened from adjoining properties and public rights-of-way through all of the following:
   a. Use of decorative walls, fences, solid gates, and/or landscaping.
   b. Screening shall be provided to a height of at least one foot above the height of the materials being stored.

2. **Storage Setback Area.** Outdoor storage areas shall not encroach into required setback areas. In zones where no setback area is required, the outdoor storage area shall be set back a minimum of 10 feet from adjoining property line(s) unless otherwise allowed by a Conditional Use Permit.

17.28.230 Recycling Facilities

A. **Applicability.** Recycling facilities may be allowed in the commercial and industrial zones subject to the provisions in this Section.

B. **Reverse Vending Machines Requirements.**

1. Reverse vending machines located outside a commercial structure shall be established in conjunction with a commercial use or community service facility that is in compliance with the zoning, building, and fire codes of the City. Reverse vending machines shall only be allowed for beverage container convenience zone collection centers, subject to an Administrative Use Permit.

2. Reverse vending machines shall be located within 30 feet of the entrance to the commercial structures and shall not obstruct pedestrian or vehicular circulation.

3. Reverse vending machines shall not be located within 500 feet of a residential use.

4. Reverse vending machines shall be constructed and maintained with durable, waterproof, and rustproof material and maintained in a clean, litter-free condition on a daily basis.

5. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

6. Reverse vending machines located within a commercial structure do not require discretionary permits.
C. Small Collection Facilities Requirements.

1. Small collection facilities shall be established only in conjunction with an existing commercial or community service facility that complies with the planning, building, and fire codes of the City.

3. Small collection facilities shall be no larger than 500 square feet, not including space that will be periodically needed for removal of materials or exchange of containers.

4. One parking space shall be required for the attendant.

5. Occupation of parking spaces by the facility and the attendant may not reduce the available parking spaces below the minimum number required for the primary use.

3. Additional parking spaces shall not be required for customers of a small collection facility located in an established parking lot.

4. Small collection facilities shall be set back at least 10 feet from property lines and shall not obstruct pedestrian or vehicular circulation.

5. Small collection facilities shall accept only glass metals, plastic containers, papers, and reusable items. Used motor oil containers may be accepted with the approval of the local Public Health Official.

6. Small collection facilities shall use no power-driven processing equipment, except for reverse vending machines.

D. Container Requirements.

1. Containers shall be used that are constructed and maintained with durable waterproof and rustproof materials, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule.

2. Recyclable material shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when the attendant is not present.

3. The site shall be maintained free of litter and other undesirable materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

4. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 AM and 7:00 PM.

5. Containers for the 24-hour donation of materials shall be at least 100 feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and the residential use that, in the opinion of the Director, provides adequate shielding for noise impacts.

6. Containers shall be clearly marked to identify the type of material which may be deposited.

7. The facility shall be marked clearly to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

17.28.240 Schools—Private

In addition to other provisions of this Zoning Code, all of the following requirements shall apply to private academic schools.

1. Side setbacks: minimum 10 feet.
2. Fences shall be constructed and maintained as required by the entitlement permit.
3. Minimum play area: 100 square feet per child.

17.28.250 Senior Citizen Housing

A. Applicability. Senior citizen housing projects and residential care facilities shall be subject to the standards in this Section.

B. Development Requirements.

1. Parking. Off-street parking shall be provided for each project in compliance with the standards in Chapter 17.22 (Parking and Loading).

2. Compliance with Zone Development Standards. At a minimum, proposed developments shall comply with the applicable zone regulations relative to structure setbacks, lot coverage, landscaping, and other development standards.

3. Different Abutting Uses. New projects proposed on property abutting lots that are zoned or developed commercially or industrially shall include specific measures approved by the Planning Commission to mitigate potential impacts from adjacent uses.

4. Sound Attenuation Measures. Sound attenuation measures shall be provided for new senior housing projects that comply with State requirements for residential occupancy.

5. Dwelling Unit Density. For senior housing developments in a residential zone, the density standards of that zone shall apply. For senior housing developments and residential care facilities in all other zones, where such uses are permitted, no density limit shall apply.

6. Dwelling Unit Size. Minimum and maximum dwelling unit size shall be governed by the Uniform Building Code and Department of Housing and Urban Development regulations. The Planning Commission may increase these standards upon review of the proposed occupancy and on-site amenities.
17.28.260 Single Room Occupancy Units

A. Purpose. This Section identifies development standards for single room occupancy (SRO) units.

B. Development Standards.

1. Each room shall have a minimum floor area of 150 square feet and a maximum floor area of 350 square feet.

2. Dwelling units shall be offered for rent on a monthly basis or longer.

3. An SRO unit shall accommodate a maximum of two persons.

4. Each SRO development shall provide a minimum common area of 10 square feet for each unit or 250 square feet, whichever is greater. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the Development Services Director may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities, common hallways, and other similar types of areas shall not be considered as common areas.

5. If a full kitchen is not provided in each SRO unit, common kitchen facilities shall be provided in the development. A full kitchen includes a sink, refrigerator, and a stove, range top, and/or oven.

6. Each SRO unit shall have a private toilet in an enclosed compartment with a door and a sink (not including a kitchen sink, if any). The compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in compliance with the most recent edition of the California Building Code for congregate residences. However, in no event shall there be less than one full shower or bathtub for every three units, and shower and bathtub facilities shall be located on each floor. Shared shower and bathtub facilities shall be accessible from a common area or hallway and shall be provided with an interior lockable door.

7. Each SRO unit shall have a separate closet.

8. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units.

9. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.

10. A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the director of community development. The management plan may be reviewed as needed by the City with revisions made by the operator.

11. An SRO development shall not be located within 300 feet of another SRO development.

17.28.265 Swimming Pools

A. Location.

1. Swimming pools in the R-1, R-2, and R-3 zones shall be constructed on the rear one-half of the parcel or 50 feet from the front property line, whichever is the less, or unless a different location is approved by the Director.
2. Swimming pools shall not be located closer than five feet from any rear or side parcel line.

3. On the street side of any corner parcel, where the rear parcel line abuts a side parcel line, the pool shall not be located closer than 10 feet from the side parcel line.

4. Filter and heating systems for swimming pools, spas, Jacuzzis, and hot tubs shall not be located closer than 15 feet to any dwelling other than the dwelling on which the pool is located.

B. Parcel Coverage. Swimming pools shall not occupy more than 40 percent of the required rear setback. Coverage by a swimming pool shall not be considered in measuring maximum parcel coverage.

C. Enclosure Required. Swimming pools, spas, Jacuzzis, and hot tubs shall be completely enclosed by a fence at least five feet in height, and gates shall be self-closing and self-latching.

17.28.270 Wireless Communications Facilities

A. Purpose and Intent. The purpose of this Section is to regulate the installation of antennas and other wireless communications facilities consistent with Federal law. The City acknowledges the community benefit associated with the provision of wireless communications service and potential public benefit from leasing of publicly owned properties. It is also recognized that unrestricted installations are contrary to the City’s efforts to promote safety and aesthetic considerations. It is not the intent of this Section to unreasonably limit the reception or transmission of signals or to add excessive permit costs. Rather, it is the intent of this Section to permit antennas and wireless communications facilities where they can be installed without creating adverse safety and aesthetic impacts on abutting and nearby properties and the overall community.

B. Definitions. Terms unique to this Section are contained in Chapter 17.74 (Definitions).

C. Applicability. Wireless telecommunication facilities that are erected, located or modified within the City shall comply with the requirements of this Chapter unless exempt pursuant to the provisions of subsection D of this Section. This Chapter shall also apply to facilities for which building permits and an extension have expired.

D. Exemptions. The following wireless communications facilities are exempt from the requirements of this Section and are subject to compliance with other provisions of the Municipal Code:

1. A wireless communications facility shall be exempt from the provisions of this Section if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communications Commission (FCC) specifically provide that the antenna is exempt from local regulation.

2. Satellite earth station (SES) antennas which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any nonresidential zone. In order to avoid the creation of an attractive public nuisance, mitigate accidental tripping hazards, and maximize stability of the structure, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.

3. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas which are one meter (3.2808 feet) or less in diameter or diagonal measurement and Television Broadcast Service (TVBS) antennas, so long as said antennas are located entirely on private property and
are not located within the required front setback area. This locational requirement is necessary to ensure that such antenna installations do not become attractive nuisances and/or result in accidental tripping hazards if located adjacent to a street or other public right-of-way.

4. Antenna structures designed to receive broadcast satellite service, AM/FM radio signals, UHF/VHF radio signals, or multipoint distribution service ("MDS") ("wireless cable") as defined by the Federal Communications Commission.

5. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit provisions of this Section in compliance with the following standards:

   a. **Height Limits.** In residential zones, the height limit shall be 45 feet. In nonresidential zones, the height limit is 60 feet. However, amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum allowed height when not in operation.

   b. **Location Parameters.** All antenna structures shall be located outside of required front and street side setback areas. Antenna structures shall also be set back a minimum distance of five feet from interior property lines. If any portion of the antenna overhangs any property line, an Administrative Use Permit is required to obtain the authorized signature of all affected property owners on the required application form.

   c. **Tower Safety.** All ground-mounted antennas shall be located within an enclosed fenced area or have a minimum five-foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.

E. **Co-location Facilities.** Co-location facilities that have been granted a valid permit from the designated review authority are exempt from the requirements of this Section if they meet on all of the following requirements:

1. Such co-locations shall not increase the height of the tower as previously approved, nor shall they include any new equipment beyond the physical enclosure(s) of the prior approval(s);

2. Improvements to existing wireless facilities that deviate from the prior approval or result in new visual or noise impacts as determined by the Director shall require new permits; and

3. Development of the facility may be phased without being required to obtain additional Site Development Permit – Minor for each antenna or service located on the structure, provided that the maximum height of the structure(s), the location of the structure(s), and design of the structure(s) are consistent with the approved permit.

F. **Application Requirements.** In addition to the application materials required for an Administrative Use Permit or Conditional Use Permit, the following information shall be provided for a wireless communications facility:

1. A map showing the location of existing facilities within the City limits that are currently used by the operator of the proposed facility, whether or not the facilities are subject to the requirements of this Chapter, along with a brief narrative describing each facility.

2. A written description demonstrating how the facilities will comply with screening and site selection criteria set forth in this Section.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

G. Conditions. The designated review authority may impose conditions on wireless communications facility applications to ensure compliance with all provisions and purposes of this Section.

H. Findings for Approval. The review authority may approve or conditionally approve a permit for a wireless communications facility only upon making the following written findings based on substantial evidence in the record.

1. All of the following findings are required for the approval of an Administrative Use Permit or Conditional Use Permit for any wireless communications facility:
   a. The establishment or expansion of the facility demonstrates a reasonable attempt by the applicant to minimize stand-alone facilities.
   b. All applicable development standards in this Section have been met, or, if the application includes a request for an exception to those standards, then the review authority finds that lack of compliance with the development standards would not create adverse visual, noise, or aesthetic impacts to adjacent property.

2. Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one finding required):
   a. Co-location is not reasonably feasible;
   b. Co-location would have greater adverse effects on views, noise or aesthetics as compared with a stand-alone installation; or
   c. Co-location is not allowed by the property owner.

I. Findings for Denial. Findings to deny any permit for a wireless communications facility as regulated by the Municipal Code shall be done in writing and supported by substantial evidence contained in the written record. Denial shall not be based on the environmental effects of radio frequency emissions that comply with the Federal Communications Commission emission regulations.

J. Development Standards, General. Unless otherwise exempt subject to Subsection 17.28.270(D) (Exemptions), the following general development standards shall apply to all wireless communications facilities:

1. All wireless communications facilities shall comply with all applicable requirements of the current uniform codes as adopted by the City and shall be consistent with the General Plan and Municipal Code, as well as other standards and guidelines adopted by the City.

2. Facilities shall not bear signs or other advertising devices other than certification, warning, or other seals or signage required by law.

3. Accessory equipment associated with operation of the facility shall be located within a structure, enclosure, or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located. If the equipment is to be located above ground, it shall include sufficient
K. Major Facilities – Additional Development Standards. In addition to the general development standards in J, above, major facilities shall comply with the following standards:

1. Major facilities shall not be located within 200 feet of a property containing a residential structure. For the purposes of this provision, distance shall be measured in straight line without regard to intervening structures from the nearest point of the proposed major facility to the nearest relevant property line.

2. No major facility shall be located within 500 feet of another existing, legally established major facility unless co-located on the same structure.

3. Lattice towers shall not be allowed.

4. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator’s coverage objective.

5. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way.

6. Major facilities shall not exceed the maximum structure height for the zoning district in which it is located. For the purposes of this subsection, height shall be measured from the ground to the tallest part of the facility. The Commission may grant a higher structure height if the Commission can make the following findings:

   a. The Commission has reviewed the alternative options provided by the applicant and staff, including but not limited to additional and/or different locations and designs, and has determined that the proposed location has a lesser impact on the aesthetics and welfare of the surrounding community compare to other alternatives; and

   b. Based on the documented evidence presented, the additional height above the maximum structure height is reasonably necessary for co-location of facilities or for the efficient and technologically necessary operation of the proposed facility.

L. Minor Facilities – Additional Development Standards. In addition to the general development standards in J, above, and other provisions of the Los Alamitos Municipal Code, all minor facilities shall comply with the following standards:

1. A minor facility shall not exceed the maximum height for the zoning district in which it is located.

2. All screening and stealth features shall be well integrated into the design of the buildings and/or sites on which they are located in terms of architecture, materials, colors, building textures, and landscape palette.

N. Facility Removal.

1. Abandonment. A wireless communications facility that is inoperative or unused for a period of six continuous months shall be deemed abandoned. Upon reasonable suspicion of abandonment, the City shall provide a preliminary notice of abandonment to the operator of the facility and the owner(s) of the premises upon which the facility is located. The preliminary notice of abandonment may be delivered in person or mailed to the
address(es) stated on the facility permit application and shall be deemed given at the time delivered or placed in the mail.

2. **Removal of Abandoned Facility.**

   a. Within 30 days after preliminary notice of abandonment is given, the operator of the facility and the owner(s) of the property on which it is located shall either: (1) remove the facility and restore the premises, or (2) provide the Department with written objection to the City's preliminary notice of abandonment and submit a request for administrative hearing to reconsider the abandonment. If after this time the facility is not properly removed or the City does not receive an objection to its preliminary notice of abandonment and request for administrative hearing, the Director may make a determination of abandonment and provide notice in the same manner as the preliminary notice of abandonment.

   b. If the City receives a timely written objection to the preliminary notice of abandonment and a request for administrative hearing, the Director shall schedule an administrative hearing to commence within 15 days of receiving the objection. At the time and place scheduled for the administrative hearing, the operator of the facility or the owner(s) of the property on which it is located may present documents and other evidence that the facility was in use during the relevant six month period and that it is presently operational. The Director shall review the evidence, determine whether or not the facility was properly deemed abandoned, and make a determination of abandonment or a finding of continued use and provide notice in the same manner as provided for the preliminary notice of abandonment.

3. **Removal by City.** If the facility is not properly removed following 30 days after the determination of abandonment, the facility shall be deemed a public nuisance and may be abated in compliance with Chapter 8.32 of the Los Alamitos Municipal Code.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

Chapter 17.30 Review Authority and Permit Processing Procedures

Sections:

17.30.010 Purpose
17.30.020 Discretionary Permits and Actions - Authority
17.30.030 Application Filing
17.30.040 Application Fees
17.30.050 Burden of Proof and Precedence
17.30.060 Determination of Application Completeness
17.30.070 Environmental Compliance
17.30.080 Staff Reports and Recommendations
17.30.090 Alterations or Modifications

17.30.010 Purpose

A. Procedures. This Chapter provides procedures and requirements for the preparation, filing, initial processing, and review of applications for the land use entitlements required by this Zoning Code.

B. Discretionary Land Use Entitlements. Receiving approval of a discretionary land use entitlement identified in this Article 5 is considered a privilege, not a right. The applicable review authority shall make the required findings in a positive manner before approving the application.

C. Failure to Follow Requirements. Failure to follow the procedural requirements shall not invalidate City actions taken, in the absence of a clear showing of intent not to comply with this Zoning Code.

17.30.020 Discretionary Permits and Actions - Authority

Table 5-01 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Zoning Code.
Table 5-01
Review Authority

<table>
<thead>
<tr>
<th>Type of Entitlement or Decision</th>
<th>Chapter</th>
<th>Director (1)</th>
<th>Planning Commission</th>
<th>City Council</th>
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<td></td>
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<td>Appeal</td>
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Notes:
1. The Director may defer action on entitlement applications and refer the item(s) to the Planning Commission for final decision.

17.30.030 Application Filing

A. Application Contents. Applications for amendments, entitlements, and other matters pertaining to this Zoning Code shall be filed with the Development Services Department in the following manner:

1. The application shall be made on forms furnished by the Department.

2. The necessary fees shall be paid in compliance with the City’s fee resolution.

3. The application shall be accompanied by the information identified in the Department handout for the particular application. The requested information may include exhibits, maps, materials, plans, reports, and other information required by the Department that describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.
4. Acceptance of the application does not constitute an indication of approval by the City.

B. Pre-Application Conference

1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director or designee before completing and filing a permit application required by this Zoning Code.

2. The purpose of a pre-application conference is to generally:
   a. Inform the applicant of City requirements as they apply to the proposed project;
   b. Discuss the City's review process, possible project alternatives, or modifications; and
   c. Identify information and materials the City will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project.

3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by the City’s representative.

4. Failure of the City’s representative to identify all required studies or all applicable requirements at the time of pre-application review shall not constitute a waiver of those studies or requirement.

C. Eligible Applicants. Applications shall be made by the owners of a property or their agents with the written consent of the owner.

D. Concurrent Application Filing and Processing.

1. An applicant for a development project that requires the filing of more than one application shall file related applications concurrently, unless waived by the Director, and shall submit appropriate processing fees as set forth by Council resolution.

2. Permit processing and environmental review shall be concurrent, and the final decision on the project shall be made by the appropriate review authority in compliance with Table 17.30.020 (Review Authority).

E. Applicant’s Responsibility. It shall be the responsibility of the applicant to establish the evidence in support of the findings required by the applicable sections entitled “Findings and Decision.”

F. Application Not Eligible for Filing.

1. If the Director determines that the application is not eligible for filing because it lacks the proper components for the granting of the application (e.g., a request for a zoning map amendment or tentative map that could not be granted in absence of a required General Plan Amendment application, a request for a Conditional Use Permit allowing a use that is not allowable in the subject zoning district, etc.), the applicant shall be so informed.

2. If the application is subsequently filed and the required fee(s) paid, the fact that the applicant was so informed shall be noted on the application and the signature of the applicant shall constitute verification of being informed.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

3. Acceptance of the application does not constitute an indication of approval by the City.

G. Filing Date. The filing date of an application for any non-legislative permit or action shall be the date on which:

1. The Department receives the last submission, map, plan, or other material required as a part of that application by subsection A (Application contents) of this section; and

2. The application is deemed complete by the Director in compliance with Section 17.62.060 (Preapplication Review).

17.30.040 Application Fees

A. Filing Fees Required.

1. The Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Zoning Code, referred to as the City’s fee resolution or schedule of fees.

2. The schedule of fees may be changed or modified only by resolution of the Council.

3. The City’s processing fees are cumulative (e.g., if an application for a parcel line adjustment also requires a minor modification, both fees shall be charged).

4. Processing shall not commence on an application until required fees have been paid.

5. Without the application fee, the application shall not be deemed complete.

6. As a matter of policy, the Council may waive certain fees for nonprofit organizations.

B. Refunds and Withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, refunds due to a disapproval are not allowed.

2. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to date and determination of the status of the application at the time of withdrawal. The Council may establish a refund schedule in the City’s fee resolution.

17.30.050 Burden of Proof and Precedence

A. Burden of Proof. The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with these Zoning Regulations is the responsibility of the applicant.

B. Precedence.

1. Each permit or approval shall be evaluated on a case-by-case basis.
2. The granting of a prior permit or approval, or the denial of a permit, either on the subject property or any other property within the City does not create a precedent and is not justification for the granting or denial of a new permit under current review.

17.30.060 Determination of Application Completeness

Applications filed with the Department shall be initially processed as follows:

A. Completeness Review. The Director, or designee, shall review applications for completeness and accuracy before they are accepted as being complete and officially filed. This shall include information required for the environmental review of the project in compliance with Section 17.30.070 (Environmental Compliance).

1. The applicant shall be informed in writing within 30 days of submittal either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided.

2. Where the Director has determined that an application is incomplete and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.60 (Appeals). Any such appeal shall stay the timeline for determining the application to be complete.

3. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(4) of this section.

4. Expiration of Application.
   a. If a pending application is not able to be deemed complete within 180 days after the first filing with the Department, the application shall expire and be deemed withdrawn.
   b. The Director may grant one 180-day extension, provided the applicant requests an extension in writing prior to expiration of the application submittal period.
   c. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

B. Referral of Application. At the discretion of the Director, or where otherwise required by this Zoning Code, State, or federal law, an application may be referred to a public agency that may be affected by or have an interest in the proposed/requested land use activity.

17.30.070 Environmental Compliance

A. CEQA Review. After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:

1. The proposed project is exempt from the requirements of CEQA;

2. The proposed project is not a project as defined by CEQA;

3. Whether a negative declaration or mitigated negative declaration may be issued, or
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

4. Whether an environmental impact report (EIR) shall be required.

B. **CEQA Guidelines.** These determinations and, where required, the preparation of EIRs, shall be in compliance with the State CEQA Guidelines.

C. **Special Studies Required.** One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

17.30.080 **Staff Reports and Recommendations**

A. **Application Evaluation.** The Director shall review applications to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, the General Plan, applicable Specific Plan, and CEQA.

B. **Staff Report Preparation.** For those application approvals requiring a public hearing, a staff report shall be prepared describing the conclusions about the proposed land use and development as to its compliance and consistency with the provisions of the Zoning Code, other applicable provisions of the Municipal Code, and the actions, goals, objectives, and policies of the General Plan.

C. **Report Distribution.** Staff reports shall be furnished to applicants at the same time that they are provided to the members of the Commission and/or Council before a hearing on the application.

17.30.090 **Alterations or Modifications**

A. Any person holding a permit or other approval granted under this Title may request a modification or amendment to that permit or approval via an application provided by the Department. For the purpose of this Section, the modification of a permit or approval may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or approval.

B. If the Director determines that a proposed project action substantially conforms with the original approval, the Director shall have the authority to approve the alteration or modification. Such approval shall be issued in writing.

C. If the Director determines that a proposed project action is not in substantial conformance with the original approval, the Director or designee shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same review authority as the original permit or approval.

D. A permit or approval modification may be granted only when the review authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

E. Any permit or approval modification is subject to the same hearing and notice requirements as the original permit or approval.
Chapter 17.32 Administrative Use Permits and Conditional Use Permits

Sections:

17.32.010 Purpose and Intent
17.32.020 Applicability
17.32.030 Application Requirements
17.32.040 Action by Development Services Director for Administrative Use Permits
17.32.050 Review Procedures for Conditional Use Permits
17.32.060 Conditions of Approval
17.32.070 Required Findings for Administrative Use Permits and Conditional Use Permits
17.32.080 Permit to Run with the Land

17.32.010 Purpose and Intent

A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The Administrative Use Permit and Conditional Use Permit are provided for this purpose.

B. The Director is empowered to grant and deny applications for Administrative Use Permits and to impose reasonable conditions upon the granting of such permit.

C. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.

17.32.020 Applicability

Approval of an Administrative Use Permit or a Conditional Use Permit is required to authorize proposed land uses specified by Division 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of an Administrative Use Permit or a Conditional Use Permit.

17.32.030 Application Requirements

A. Generally. An application for an Administrative Use Permit or a Conditional Use Permit shall be filed and processed in compliance with Sections 17.30.030 (Application Filing) through 17.30.080 (Staff Reports and Recommendations). The application shall include the information and materials specified in the most up-to-date Department handout for Administrative Use Permit and Conditional Use Permit applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.32.070 (Required Findings for Administrative Use Permits and Conditional Use Permits), below.

B. For Massage Establishments. In addition to the requirements of subsection A above, an application for a massage establishment shall include a floor plan drawn to scale and showing entrances; exits; windows; interior doors; restrooms; all other separately enclosed rooms with dimensions including but not limited to closets, storerooms, break rooms, and changing rooms; and the location of all massage tables and chairs. All massage establishments shall comply with Chapter 5.32 (Massage) of the Municipal Code.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.32.040  Action by Development Services Director for Administrative Use Permits

A. The Director shall review the process an application in accordance with the standards set forth in this Division 5 and may impose reasonable conditions of approval.

B. No public notice and no public hearing shall be required for an Administrative Use Permit. Within 10 working days from the date an application is deemed complete, the Director shall issue a written determination as to the approval, conditional approval, or denial of the application. The written determination shall state the findings for decisions.

17.32.050  Review Procedures for Conditional Use Permits

A. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter. A staff report shall be prepared pursuant to Section 17.30.080 (Staff Reports and Recommendations).

B. Notice and Hearings.

1. A public hearing before the Planning Commission shall be required for all Conditional Use Permits.

2. A public hearing shall be scheduled once the Director has determined the application complete.

3. Noticing of the public hearing shall be given in compliance with Chapter 17.56 (Public Hearings and Notices).

17.32.060  Conditions of Approval

In approving an Administrative Use Permit or Conditional Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this Chapter, State law, and with the findings required by Section 17.32.070 (Required Findings for Administrative Use Permits and Conditional Use Permits).

17.32.070  Required Findings for Administrative Use Permits and Conditional Use Permits

Before an Administrative Use Permit or Conditional Use Permit may be granted, review authority shall make the following findings:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

D. The site is physically suitable in terms of:
1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

3. Public protection services (e.g., fire protection, police protection, etc.); and

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

17.32.080 Permit to Run with the Land

A. An Administrative Use Permit or Conditional Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter.

B. In addition to securing a business license, any new applicant seeking to operate a previously approved use in substantial compliance with an existing Administrative Use Permit or Conditional Use Permit shall submit a project description (e.g., narrative and/or a site and floor plan) to the Director ensuring that the new operation would be in compliance with the previous use and that the new applicant agrees to operate in full compliance with the previously issued conditions of approval. A fee may be imposed for the review of the project description and conditions of approval in compliance with the City's fee resolution.
Chapter 17.34 Covenants for Easements

Sections:

17.34.010 Purpose and Applicability
17.34.020 Procedure
17.34.030 Content of Covenant
17.34.040 Release of Covenant

17.34.010 Purpose and Applicability

A. This Chapter is established in compliance with Government Code Sections 65870 through 65875 for the purpose of providing a mechanism for the City to create an easement independent of the subdivision process.

B. This Chapter shall apply to development projects approved by the Council, Commission, Director, and voters, and acts independently from other authority or method for the City to require an easement.

C. The covenant for easement may be for:

1. Parking;
2. Ingress, egress, or emergency access;
3. Light or air access;
4. Landscaping;
5. Right-of-way for public road or alley; or
6. Open space purposes.

D. At the time of recording the covenant of easement, the real property benefited or burdened by the covenant shall be in common ownership.

17.34.020 Procedure

A. Permits and Approvals Contingent Upon Recordation of Covenant. Whenever the Council, Commission, or Director determines that a covenant of easement is needed for one or more of the purposes identified in Section 17.34.010 (Purpose and Applicability), the approval, permit, or designation shall not become effective unless or until the covenant of easement is recorded.

B. Preparation of Covenant. Whenever a covenant of easement is required in this Chapter, the covenant shall either:

1. Be in a form and manner approved by the City Attorney based upon the advice of the City Engineer and Director; or
2. Be prepared by the City Attorney. Whenever the City Attorney prepares a covenant of easement, the City shall be entitled to reimbursement from the applicant for the costs associated with its preparation.
17.34.030 Content of Covenant

A covenant of easement prepared in compliance with this Chapter shall contain, at a minimum, the following elements:

A. Identification of the owner or owners of the real property to be burdened, including a statement that both the burdened and benefited parcels are under common ownership;

B. A consent to the covenant of easement and its recordation by the record owner or owners who are parties to the covenant;

C. Identification of the real property to be benefited and to be burdened by the covenant including a legal description of the property;

D. A statement that the covenant shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the California Civil Code, including an express statement that the easement and covenant of easement shall not merge into any other interest in real property in compliance with Government Code Section 65871, subdivision (b);

E. A statement that the covenant of easement shall run with the land, be binding upon successors in interest to the burdened real property, inure to successors in interest to the real property benefited, and shall be subject to California Civil Code Section 1104;

F. Identify the approval, permit, or designation granted which required the covenant;

G. A statement identifying the Los Alamitos Municipal Code section that identifies the procedure for release of the covenant;

H. An appropriate section for execution of the covenant of easement by the record owner or owners of the subject real property.

17.34.040 Release of Covenant

A. Any person may request that the City make a determination as to whether or not the restriction imposed by the covenant of easement is still necessary to achieve the City’s land use goals. The determination of the need for the covenant of easement shall be made by the body or department that took final action on the original application. A person shall be entitled to only one determination in any 12-month period.

B. To obtain a determination mentioned above, a request for determination application shall be made and filed with the city clerk. The application shall include a fee as set by the city’s fee resolution.

C. Upon receipt of a completed application, the City Clerk shall set the matter for public hearing before the Commission or Council or appropriate department head, as appropriate, and cause notice of it to be given in compliance with Government Code Section 65090, and a copy of the notice shall be mailed to the record property owner or owners as shown on the tax assessor’s latest equalized roll if other than the applicant and to record property owners within 300 feet of the property.

D. At the conclusion of the public hearing, the Commission, or Council, or Department head, as appropriate, shall determine and make a finding, based upon substantial evidence in the record, whether or not the restriction imposed by the covenant for easement is still necessary to achieve the land use goals of the City. If a determination
is made that the covenant for easement is still required, the commission or council, as appropriate, shall by resolution determine that the need still exists.

E. If a determination is made that the covenant of easement is no longer necessary, the Commission, or Council, or Department head, as appropriate, shall by resolution make the determination and finding and direct the City Attorney to prepare a release and transmit the same to the City Clerk for recording.

F. The department head or Commission action on the continuing need for the covenant of easement is subject to appeal in compliance with Chapter 17.60 (Appeals).

G. The Council’s determination in subsections D and E of this Section shall be final and conclusive.
Chapter 17.36 Home Occupation Permits

Sections:

17.36.010  Purpose and Intent
17.36.020  Allowed and Prohibited Home Occupations
17.36.030  Permit Required
17.36.040  Permit Process
17.36.050  Business License Required
17.36.060  Permit Expiration; Nontransferable
17.36.070  Inspections
17.36.080  Changes in Home Occupation

17.36.010  Purpose and Intent

A.  Purpose.  It is the purpose of this Chapter to:

1.  Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;

2.  Recognize that a residential property owner or resident has a limited right to conduct a small business from a residence and that a neighbor, under normal circumstances, would not be aware of its existence;

3.  Maintain the residential character of residential neighborhoods; and

4.  Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.

B.  Incidental and Secondary Use.  The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone or the residential component of a mixed-use zone and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

17.36.020  Allowed and Prohibited Home Occupations

A.  Where Allowed.  Home occupations are allowed in residential and the residential component of mixed-use zones in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

B.  Allowed Home Occupations.  Allowed home occupations include any activity producing income, or intended to produce income, conducted entirely within a residential dwelling by the inhabitants of the dwelling, which use is clearly incidental and secondary to the use of the structure for residential purposes, which does not change the character of the dwelling, and only when conducted in compliance with the applicable locational and operational standards identified in Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones).  This shall include cottage food operations as set forth in the California Health and Safety Code, Chapter 11.5 (Cottage Food Operations) et seq.

C.  Prohibited Home Occupations.  The following uses are not incidental to or compatible with residential activities and are prohibited as home occupations:

1.  Adult businesses;
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

2. Alcohol sales;

3. Ammunition, explosives, or fireworks, sales, use, or manufacturing;

4. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;

5. Carpentry (on-site) and cabinet making (does not prohibit a normal wood-working hobby operation);

6. Fortune telling (Psychic);

7. Lawn mower and/or small engine repair;

8. Massage establishments (on-site);

9. Medical and dental offices, clinics, and laboratories;

10. Mini storage;

11. Plant nursery;

12. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;

13. Tattoo parlors;

14. Television, radio, or appliance repair;

15. Tobacco/hookah lounges-parlors;

16. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" or resident-conducted minor repair or detailing at the customer's location);

17. Vehicle sales whereby any vehicle is stored on the premises for any period of time;

18. Welding and machining; and

19. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

17.36.030 Permit Required

A. Home Occupation Prohibited Without a Permit. No person shall engage in business or transact and carry on any business, calling, profession, occupation, or trade, on any property zoned for residential purposes without an approved and unrevoked or unsuspended Home Occupation Permit.

B. No Permit on Site with Violations. No permit shall be issued for a property on which there exists a violation of the law.
C. Permit Required. The establishment of a home occupation within a residence (single-family, multifamily, mixed use, or accessory dwelling) shall be regulated by a one-time application and fee, in compliance with the fee schedule adopted by the Council.

17.36.040 Permit Process

A. Filing. An application for a Home Occupation Permit shall be filed and processed in compliance with Section 17.44.030 (Application Processing, Filing, and Review – Generally). The application shall include the information and materials specified in the most up-to-date Department handout for Home Occupation Permit applications, together with the required fee in compliance with the fee schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.40.040 (Required Findings and Decision). Initial review of the application, including time requirements and requests for information, shall be in compliance with Section 17.62.060 (Preapplication Review).

B. Project Review Procedures. Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section.

C. Public Notice Not Required. A public notice and hearing shall not be required for the Director’s decision on a Home Occupation Permit application.

D. Director’s Actions. The Director may approve a Home Occupation Permit that would be operated in compliance with Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones), or the Director may defer action and refer the application to the Commission for review and final decision. The Director shall review all Home Occupation Permit applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only upon first making all of the following findings. Failure to make all of the following findings shall result in denial of the Home Occupation Permit application:

1. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject zone;

2. The proposed home occupation shall meet all of the requirements of this Section and will be located and conducted in full compliance with all of the standards specified in Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones) and all conditions imposed on the Home Occupation Permit;

3. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and

4. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential developments and will not create traffic or pedestrian hazards.

E. Conditions of Approval. In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required above.
F. **Acknowledgement.** A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

17.36.050 **Business License Required**

Immediately following the effective date of an approved Home Occupation Permit, when no appeal has been filed, the applicant shall obtain a Business License in compliance with Municipal Code Title 5 (Business Licenses and Regulations).

17.36.060 **Permit Expiration; Nontransferable**

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation. Home Occupation Permits are not transferable to a new owner or resident of a premises, nor to another property.

17.36.070 **Inspections**

The Director shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a Home Occupation Permit to verify compliance with the provisions of this Chapter.

17.36.080 **Changes in Home Occupation**

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.
Chapter 17.38 Local Landmarks

Sections:

17.38.010 Purpose and Intent
17.38.020 Duties of the Planning Commission
17.38.030 Register of Local Landmarks
17.38.040 Procedure for Review of Requests for Local Landmark Designations
17.38.050 Criteria for Designation
17.38.060 Alteration of a Local Landmark

17.38.010 Purpose and Intent

This Chapter is established to assist in the identification and preservation of historic and cultural resources within the City. These regulations are necessary to preserve those elements of Los Alamitos’ heritage which may now or in the future be endangered as to their very existence or in maintaining their historic or cultural integrity.

17.38.020 Duties of the Planning Commission

The Planning Commission shall have the authority to review and make determinations and/or recommendations on various matters relating to a local landmark, as provided in this Chapter.

17.38.030 Register of Local Landmarks

There shall be created a Los Alamitos Register of Local Landmarks that shall contain the name, location, pertinent historic data, and date of entry on the register of structures or natural or manmade features receiving a local landmark designation. The Los Alamitos Register of Local Landmarks shall be maintained in the City Clerk’s office.

17.38.040 Procedure for Review of Requests for Local Landmark Designations

A. Authority. Upon the written consent of the property owner, the Planning Commission may upon its own initiative or upon request of a person or government agency, approve a local landmark designation for a historic or cultural resource in the City.

B. Public Hearing. The Planning Commission shall hold a public hearing for any request for a local landmark designation in compliance with Chapter 17.56 (Public Hearings and Notices).

C. Findings and Decision. The Planning Commission, after due consideration and public hearing, shall by resolution approve or disapprove the request for local landmark designation, stating the reasons for the action.

D. Appeal of Decision. The decision of the Planning Commission shall be final unless appealed to the Council pursuant to Chapter 17.60 (Appeals).

E. Notice with City Clerk. Upon approval of a local landmark, notice shall be placed with the City Clerk for inclusion in the Register of Local Landmarks and in the building permit address file for consideration before issuance of future requested building permits.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.38.050 Criteria for Designation

In considering a request for a local landmark designation, the Planning Commission, or Council on appeal, shall use the following criteria in determining eligibility:

A. Character, interest, or value as part of the heritage of the City;

B. Location as a site of historical event;

C. Identification with a person or persons or groups who significantly contributed to the culture and development of the City;

D. Exemplification of a particular architectural style or way of life important to the City;

E. Identification as the work of a person or persons whose work has influenced the heritage of the City, the state of California, or the United States;

F. Embodiment of elements of outstanding attention to architectural design, detail, materials, craftsmanship, or the best remaining architectural type in an area;

G. Relationship to other landmarks, where the preservation of one has a bearing on the preservation of another;

H. A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood; and/or

I. Integrity as a natural environment that strongly contributes to the wellbeing of the people of the City.

17.38.060 Alteration of a Local Landmark

A. Rehabilitation Criteria. Any alteration of a local landmark shall comply with the Secretary of the Interior's “Standards for Rehabilitation of Historic Properties,” the State Historic Building Code, and other design criteria and standards established by resolution of the Council. The primary concern is with the exterior of the local landmark unless there are interior features that greatly contribute to the significance of the property.

B. Maintain Historic Nature. Every attempt shall be made to restore or modify the local landmark in a way to maintain the historic nature of the property, but not so as to burden the owner of the local landmark with the requirements that are not practically or economically available in current markets, as determined by the Director.

C. Alterations. Alterations of a local landmark shall be subject to review and approval in compliance with the following procedures.

1. Director Review. The following projects shall be reviewed by the Director:

   a. Minor alterations, including the addition, change, or removal of exterior architectural features and existing hardscape;
b. Minor exterior improvements (e.g., air conditioning units, skylights, solar panels, greenhouse windows, roof mounted equipment, arbors, and fences);

c. Expansion of a local landmark by less than 10 percent of the existing floor area, provided the expansion is not readily visible from the public street;

d. The construction or demolition of an accessory structure that has a floor area less than 500 square feet.

2. Planning Commission Review. The following projects shall be reviewed by the Planning Commission:

a. A proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior’s “Standards for Rehabilitation of Historic Properties” and/or the State Historic Building Code;

b. A proposed alteration that involves the construction of a new, detached structure that has a floor area of 500 square feet or more;

c. Expansion of a local landmark by more than 10 percent but less than fifty 50 percent of the existing floor area, provided such expansion does not exceed 500 square feet;

d. An alteration of a local landmark whereby the alteration is readily visible from the public street.

3. Site Development Permit - Major Review Required. The following projects shall be reviewed by the Planning Commission and shall require Site Plan Review – Major in compliance with Chapter 17.44 (Site Development Permit – Major and Minor). The Planning Commission may approve such projects with conditions that the local landmark be memorialized by providing a written history of the site, photo documentation, placement of a historic marker signifying the importance of the site, or other means as deemed appropriate by the Commission.

a. On appeal, a proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior’s “Standards for Rehabilitation of Historic Properties” and/or the State Historic Building Code;

b. An alteration that results in a local landmark being enlarged by more than 50 percent of the existing floor area or more than 500 square feet.

c. The demolition of a local landmark wherein all or part of it will be removed from a site either by relocation or destruction.
Chapter 17.40 Minor Modifications

Sections:

17.40.010 Purpose and Intent
17.40.020 Applicability
17.40.030 Application Filing, Processing, and Review
17.40.040 Required Findings and Decision
17.40.050 Post-decision Procedures

17.40.010 Purpose and Intent

The Minor Modification process is established to authorize the Director to act on certain applications on an administrative basis, without a public hearing, due to the minor nature of a proposed and allowed deviation from specified development standards, as further described in this Chapter.

17.40.020 Applicability

When in the public interest and when it has been determined that there will be no significant adverse impact on surrounding property, the Director may consider and render a decision on slight variations from the provisions of this Zoning Code, limited to the following:

A. Reduction in Parcel Area or Dimension. Where an existing or proposed parcel is substandard in land area or dimensions, with respect to the regulations of the zoning district in which the parcel is located, a reduction in parcel area or dimension by not more than five percent may be allowed.

B. Reduction of Setback Requirements or Separation Distances. Where an existing or proposed parcel is so irregularly shaped as to render strict compliance with setbacks and distances between structure regulations of the zoning district in which the parcel is located difficult to maintain or where a situation imposes an onerous burden on the development of the parcel, a reduction of setback requirements or distance between structures of not more than 10 percent may be allowed.

C. Fence, Wall, and Hedge Heights. Up to 10 percent of a fence, wall, or hedge height above the stated maximum height may be allowed.

17.40.030 Application Filing, Processing, and Review

A. Application. An application for a Minor Modification shall be filed and processed in compliance with Sections 17.40.030 (Application Filing, Processing, and Review). The application shall include the information and materials specified in the most up-to-date Department handout for Minor Modification applications, together with any required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.40.040 (Required Findings and Decision), below.

B. Review. A completed application shall be reviewed and analyzed by the Director to ensure the application is consistent with the purpose and intent of this Chapter and otherwise conforms to the requirements of the General Plan and this Title 17.
C. **Public Notice and Hearing Not Required.** A public notice and hearing shall not be required for the Director’s action on a Minor Modification.

### 17.40.040 Required Findings and Decision

A. **Decision.** Within 10 days of deeming a Minor Modification application complete, the Director shall act to approve, approve with conditions, or deny the application.

B. **Required Findings:** Before a Minor Modification may be approved, the Director, or the Commission or Council on appeal, shall make the following findings:

1. There are special circumstances applicable to the property (i.e., substandard size or irregular shape), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. Granting the Minor Modification would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

3. Granting the minor modification is consistent with the General Plan and any applicable specific plan; and

4. The proposed Minor Modification would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

### 17.40.050 Post-decision Procedures

A. **Notice to Commission.** Within one day of issuing the decision, the Director shall transmit a copy of the proceedings and findings of the Director to all owners of properties immediately abutting the subject property/properties.

B. **Substantial Compliance.** Once approved, the Minor Modification shall not be substantially altered. Substantial changes shall require review and approval by the Director before commencement of construction.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

Chapter 17.42 Reasonable Accommodation

Sections:

17.42.010 Purpose
17.42.020 Review Authority
17.42.030 Application Requirements
17.42.040 Decision
17.42.050 Violation, Discontinuance, and Removal
17.42.060 Amendments

17.42.010 Purpose

In accordance with Federal and State Fair Housing laws, this Chapter establishes regulations to provide reasonable accommodations in the City’s zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

17.42.020 Review Authority

A. Director. The Development Services Director shall review all applications for a reasonable accommodation pursuant to the provisions of this Chapter.

B. No Public Hearing Required. No public hearing is required for any reasonable accommodation request unless a decision of the Director is appealed or called for review pursuant to the provisions of this Title 17.

17.42.030 Application Requirements

A. Applicant. A request for reasonable accommodation from any zoning provision, rule, practice, or policy may be made by any person with a disability, his/her representative, a developer of housing for individuals with disabilities, or a provider of residential care to individuals with disabilities. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.

B. Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form provided by the Development Services Department and shall be accompanied by a fee in an amount set by resolution of the Council.

C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit, then the applicant shall file the request for reasonable accommodation together with the application for the other discretionary permit. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation request and the discretionary permit. Nothing herein prevents an applicant from requesting a reasonable accommodation at a later time.

D. Required Submittals. In addition to materials required under other applicable provisions of this Zoning Code, an application for a reasonable accommodation shall include the following:
1. Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability.

2. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant.

3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability equal opportunity to use and enjoy the residence.

4. Any other information that the Director reasonably concludes is necessary to determine whether the findings required by Section 17.42.040(B) can be made, so long as any request for information regarding the disability of the individuals benefited complies with Fair Housing Law protections and the privacy rights of the individuals affected.

17.42.040 Decision

A. Director Action. The Director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with subsection B.

B. Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the Director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

1. The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under State or Federal law.

2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.

4. The requested accommodation will not result in a fundamental alteration in the nature of the City’s Zoning Code, as “fundamental alteration” is defined in Fair Housing Laws and interpretive case law.

5. The requested accommodation will not fundamentally alter the character of the community, as “fundamental alteration” is defined in Fair Housing Laws and interpretive case law, including creating a substantial increase in traffic or insufficient parking.

6. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health, safety, or general welfare of other individuals or substantial physical damage to the property of others.

C. The Director may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.

3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.

4. In the case of a residential care facility, whether the existing supply of facilities of similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

D. The Director may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City’s Zoning Code:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether granting the requested accommodation would substantially alter the character of the community.

3. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

4. Whether granting the requested accommodation would substantially undermine any express purpose of either the general plan or an applicable specific plan.

5. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

E. Rules While Decision Is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

F. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of the time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made on such appeal.

17.42.050 Violation, Discontinuance, and Removal

A. Violation of Terms/Revocation. Any reasonable accommodation approved in accordance with the terms of this Title may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith, pursuant to the provisions set forth in Chapter 17.68 (Revocations and City-initiated Modifications) of this Title.
B. **Discontinuance.** A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.

C. **Removal.** All improvements constructed under a reasonable accommodation authorized by this Chapter which deviate from the applicable development standards at the time that the improvement is constructed shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted, unless the Director makes one of the findings below. If neither of the findings can be made, nothing herein prevents a person from filing for a Variance in order to keep the improvement.

1. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The Director may request the applicant or his/her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

2. The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined by the City’s building official, or such costs of removal equal or exceed 25 percent of the market value of the structure, as determined by the City’s Building Official.

**17.42.060 Amendments**

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval, shall be treated as a new application. The Director may waive the requirement for a new application if, as determined by the Director, the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.
Chapter 17.44 Site Development Permit – Major and Minor

Sections:

17.44.010 Purpose and Intent
17.44.020 Two Types of Site Development Permits – Major and Minor
17.44.030 Application Processing, Filing, and Review – Generally
17.44.040 Application Processing, Filing, and Review – Housing Development Projects
17.44.050 Conditions of Approval
17.44.060 Required Findings and Decision
17.44.070 Issuance of Building Permits and Certificate of Occupancy

17.44.010 Purpose and Intent

A. Purpose. The purpose of this Section is to provide a process for the appropriate review of development projects.

B. Intent. The intent of this Section is to ensure that all approved site and structural development:

1. Respects the physical and environmental characteristics of the site;
2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
3. Exemplifies the best professional high-quality design practices;
4. Allows for and encourages individual identity for specific uses and structures;
5. Encourages the maintenance of a distinct neighborhood and/or community identity;
6. Minimizes or eliminates negative or undesirable visual impacts; and
7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure associated with the subject development.

17.44.020 Two Types of Site Development Permits – Major and Minor

A. Two Levels. Two levels of Site Development Permits are established, and the thresholds set forth below shall apply.

B. Major. A Major Site Development Permit requires a discretionary Planning Commission review process that includes public notice with a public hearing conducted as is required for all Planning Commission actions. The following projects shall require a Major Site Development Permit:

1. Any new construction or addition to an existing commercial, mixed-use, industrial, or private institutional structure or group of structures involving greater than 2,500 square feet of gross floor area.
2. Any structural project involving a tentative parcel map or tentative subdivision map, with the Commission’s review of any multi-family residential subdivision limited to adherence of the project to the objective design criteria established in this Title 17 and any applicable design guidelines.

3. Any project requiring a Conditional Use Permit.

4. Any multi-family residential development project, including duplex developments, with the Commission’s review limited to adherence of the project to the objective design criteria established in this Title 17 and any applicable design guidelines.

C. Minor. A Minor Site Development Permit consists of a staff-level review with public notice provided but with no public hearing required. A Minor Site Development Permit shall be required for any proposed addition to an existing multi-family residential, commercial, mixed-use, industrial, or private institutional structure or group of related structures whereby the addition is 2,500 square feet or less of gross floor area.

17.44.030 Application Processing, Filing, and Review - Generally

A. Application. An application for Site Development Permit shall be filed and processed in compliance with Sections 17.30.030 (Application Filing). The application shall include the information and materials specified in the most up-to-date Department handout for Site Development Permit applications, together with any required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.44.060 (Required Findings and Decision), below.

B. Review. The following criteria shall be considered during the review of a Site Development Permit application, including but not limited to:

1. Compliance with this Title 17 and all other applicable City regulations and policies;
2. Efficient site layout and design;
3. Applicable environmental review;
4. Compatibility with neighboring properties and developments with regard to setbacks, building heights, massing, location of parking facilities, and similar site design and building design features that shape how a property appears within a broader, definable neighborhood or zone context;
5. Efficiency and safety of public access and parking and loading facilities;
6. The compatibility in scale and aesthetic treatment of proposed structures with public areas;
7. The adequacy of proposed driveways, landscaping, parking spaces, onsite and off-site parking, pedestrian improvements;
8. The placement and use of private open spaces;
9. The use of design techniques such as façade articulation, use of varied building finishes and materials, varied rooflines, and stepped-back stories to break up building massing;
10. Privacy considerations with regard to the placement and orientation balconies and windows;
11. Appropriate open space and use of water-efficient landscaping both to enhance overall site design and to provide privacy screening;
12. Consistency with the General Plan and any applicable specific plan; and

13. Consistency with any adopted design guidelines, policies, and standards applicable to the property and in particular, the provisions of Section 17.08.045 (Design Standards).

**17.44.040 Application Processing, Filing, and Review – Housing Development Projects**

The provisions of Government Code Section 65589.5(jj)(2)(A), as it may be amended from time to time, shall apply to the review of applicable housing development projects with regard to consistency and conformance with applicable plans, policies, programs, ordinances, standards, requirements, or similar local land use regulations.

**17.44.050 Conditions of Approval**

In approving a Site Development Permit application, the responsible review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this Chapter, State law, and with the findings required by Section 17.44.060 (Required Findings and Decision).

**17.44.060 Required Findings and Decision**

A. **Decision – Minor Site Development Permit.** Within 21 days of deeming a Minor Site Development Permit application complete, the Director shall act to approve, approve with conditions, or deny the application.

B. **Decision – Major Site Development Permit.** Decisions on Major Site Development Permit applications shall be made by the Commission through the public hearing process specified in Section 17.44.020(B) (Two Types of Site Development Permits – Major and Minor).

C. **Required Findings:** Before a Site Development Permit application may be approved, the responsible review authority shall make the following findings:

1. The proposed project is allowed within the subject zone;

2. The proposed project complies with all of the applicable criteria identified in 17.44.030(B) (Application Processing, Filing, and Review - Generally), above;

3. The proposed project is in keeping with the character of the neighborhood, in terms of the structure(s) general appearance;

4. The design of the proposed development will provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and will remain aesthetically appealing and retain an appropriate level of maintenance; and

5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

**17.44.070 Issuance of Building Permits and Certificate of Occupancy**
No building permits shall be issued unless the site plans have been approved in compliance with this Chapter. Certificates of occupancy shall not be issued unless development complies with approved site plans and conditions.
Chapter 17.46 Temporary Use Permits

Sections:

17.46.010 Purpose and Intent
This Chapter provides a process for reviewing proposed temporary uses conducted on privately owned property outside of a private structure (e.g., carnivals, car washes, outside displays/sales, etc.) to ensure that:

A. Basic public convenience, health, interest, safety, or community welfare standards are maintained and protected from adverse impacts;

B. The integrity of the applicable zone is preserved;

C. The compatibility between the temporary land use and the surrounding neighborhood is maintained; and

D. Suitable temporary uses are approved with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

17.46.020 Applicability and Permit Requirements

A. Minor Short-Term Activities. A Temporary Use Permit allows short-term activities that might not meet the development or use standards of the applicable zone but may otherwise be acceptable because of their temporary nature.

B. Categories of Uses. The following three categories of temporary uses identify the level of permit required based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in 17.46.030 (Exempt Temporary Uses);

2. Uses requiring Temporary Use Permits for one-day events are identified in 17.46.040 (Allowed Temporary Uses). One-day events are defined to be “special events.” The City may establish a distinct application fee for Temporary Use Permits issued for special events.

3. Uses requiring Temporary Use Permits for multi-day events are identified in 17.46.040 (Allowed Temporary Uses).

C. Temporary Use Permit Required. Allowed temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit.
17.46.030 Exempt Temporary Uses

The following temporary uses are exempt from the requirement for a Temporary Use Permit.

A. Construction Yards—On-Site. On-site contractors’ construction yard(s) in conjunction with an approved construction project on the same site, subject to the following operational provisions.

1. Security personnel may be present at any time.

2. The construction yard shall be removed immediately upon completion of the construction project or the expiration of the companion building permit authorizing the construction project.

3. An event conducted entirely inside of a building if no special parking arrangements are required and all activities will adhere to all noise standards in Chapter 17.20 (Noise) and other performance standards specified in Chapter 17.24 (Performance Standards).

B. Emergency Facilities. Emergency public health and safety needs/land use activities.

17.46.040 Allowed Temporary Uses

The following temporary uses may be allowed, subject to the issuance of a Temporary Use Permit by the Director and subject to the following operational standards and any additional standards that may be stated in the applicable Temporary Use Permit. Other temporary uses which, in the opinion of the Director, are similar in nature to those described here, may be permitted.

A. Car Washes.

1. Any one permitted car wash activity shall be limited to six totals days within any one 12-month period.

2. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501 (c) of the Federal Revenue and Taxation Code.

3. All permitted car washes shall comply with water quality and runoff control requirements specified by the Development Services Department.

B. Construction Yards – Off-site.

1. Off-site contractor construction yards shall only be permitted in conjunction with an approved construction project.

2. Security personnel may be present at any time.

3. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project or the expiration of the companion building permit authorizing the construction project.

C. Estate Sales. Estate, garage, or yard sale events on a single residential property or group of residential properties shall be limited to no more than three events within a 12-month period and for no more than three consecutive days for each event.
D. Filming Activities.

1. The temporary use of a specified site or group of sites for outdoor activities of filmmaking on private property shall require review by the Fire Department and shall be subject to the issuance of any other required City, County, or State permits or authorizations (such as health permits for food service).

2. In lieu of the Temporary Use Permit application, the applicant shall complete the Special Filming application form provided by the Development Services Department and shall adhere to the specific requirements set forth in that application and any additional conditions imposed.

E. Outdoor Events. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer’s markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, swap meets, rummage sales, second-hand sales, and the like shall be limited in duration to six consecutive days or fewer, or three two-day weekends, within a 12-month period.

F. Outdoor Meetings. Outdoor meetings within parking areas shall be limited to seven consecutive days or fewer within a 12-month period. The applicant shall be required to demonstrate that adequate parking will be available for both the outdoor meeting event and the use which the parking area serves.

G. Parking Lot Sales.

1. The temporary outdoor display/sales of merchandise in private parking lots shall be allowed only if the merchandise is regularly sold on the premises.

2. The duration of such sales shall be limited to either one 18-day event or two nine-day events within a 12-month period.

3. The applicant shall be required to demonstrate that adequate parking will be available for both the outdoor sales event and the use which the parking area serves.

H. Seasonal Sales Lots.

1. Seasonal holiday sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) may include the use of a temporary residence/security trailer.

2. All such events shall be conducted only on nonresidential properties.

3. The duration of the event shall be limited to for 45 days or fewer within a 12-month period.

I. Temporary Model Homes.

1. Temporary model homes and related facilities (e.g., parking lots) may be established within the area of an approved residential subdivision project, solely for the first sale of homes.

2. The application may be approved for a maximum time period of 12 months; extensions of time of up to 12 additional months may be granted as long as homes are still being constructed.
J. **Temporary Structures.** In the commercial and industrial districts, a temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved for a maximum 12-month period as an accessory use or as the first phase of a development project.

K. **Temporary On-site Work Trailers.**

1. A trailer, modular structure, or mobile home may be used as a temporary work site for employees of a business:
   a. During construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force; or
   b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

2. A permit for temporary work trailer(s) may be granted for up to 12 months. The permit may be extended up to a second 12-month period upon demonstration by the applicant that additional time is required due to construction delays.

17.46.050 **Application Processing, Filing, and Review**

A. **Application Filing.** An application for a Temporary Use Permit shall be filed in the following manner:

1. For events proposed within nonresidential zones, including mixed-use zones: At least 15 days before the date that the proposed use is scheduled to take place.

2. For events proposed within residential zones: At least 30 days before the date that the proposed use is scheduled to take place.

B. **Review.** The Development Services Director shall review the application for compliance with the provisions of this Chapter for the specific proposed temporary use. The Director may impose conditions (e.g., buffers, hours of operation, lighting, parking, property maintenance, signs, traffic circulation, removal upon cessation, etc.) deemed reasonable and necessary to:

1. Ensure compliance with the general purpose of this Chapter;

2. Ensure that the approval would be in compliance with the findings required by Section 17.46.060 (Findings and Decision; Acknowledgement by Applicant); and

3. Protect the best interests of the surrounding property or neighborhood.

C. **Evidence.** It is the responsibility of the applicant to establish evidence in support of the findings required by 17.46.060 (Findings and Decision; Acknowledgement by Applicant).
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.46.060  Findings and Decision; Acknowledgement by Applicant

A.  Findings. A Temporary Use Permit may be approved, modified, conditioned, or denied by the Director. The Director, or the Commission on appeal, may approve, modify, or conditionally approve a Temporary Use Permit application only for a time period no greater than the duration identified in Section 17.46.040 (Allowed Temporary Uses), above, and only if the following findings of fact can be made in a positive manner:

1. The temporary use would be located, operated, and maintained in compliance with the applicable provisions of the Municipal Code and this Zoning Code;

2. The location, operation, or maintenance of the temporary use would not be detrimental to the public convenience, health, interest, safety, or welfare of persons residing or working in the surrounding neighborhood or business district;

3. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;

4. The temporary use would be compatible with adjoining properties and the surrounding neighborhood and would not alter the integrity of the zone in which it is to be located;

5. The applicant has provided evidence that the applicant's liability insurance names or will name the City as additional insured; and

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

B.  Acknowledgment.

1. The applicant shall sign an approved Temporary Use Permit acknowledging receipt, full understanding, and agreement with the conditions.

2. By signing the written acknowledgment, the applicant acknowledges acceptance of the benefits of the Temporary Use Permit and agrees to waive a right to later challenge a condition(s) imposed as unfair, unnecessary, or unreasonable.

17.46.070  Post-Activity Requirements

A. Each site occupied by a temporary use shall be cleaned of debris, litter, temporary structures, or other evidence of the temporary use within three days after the termination of the use, expiration of the Temporary Use Permit, and/or revocation of the Temporary Use Permit, whichever comes first, and shall thereafter be used in compliance with the provisions of this Zoning Code.

B. A bond or other security approved by the Director may be required before initiation of the use to ensure cleanup and restoration after the use is finished.

C. The Director or designee shall have the responsibility to verify that the cleanup and restoration has been completed in a satisfactory manner.
Chapter 17.48 Variances

Sections:

17.48.010 Purpose and Intent
17.48.020 Application Filing, Processing, and Review
17.48.030 Burden of Proof
17.48.040 Required Findings

17.48.010 Purpose and Intent

A. Purpose. The Variance procedure is established to allow minor relaxation of certain standards by the Commission which, with the strict application of this Zoning Code, would otherwise prevent a property from being used in the same manner as other, similar property because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, where the intent of these regulations would not be compromised by such minor relaxation.

B. Applicability. Setbacks, height limits, lot coverage, floor area ratio, and parking space requirements may be relaxed. No Variance to land use regulations or density standards may be granted.

C. Limitations. A Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zone, or which is contrary to the public convenience, health, interest, safety, or welfare.

17.48.020 Application Filing, Processing, and Review

A. Filing. An application for a Variance shall be filed and processed in compliance with Sections 17.30.030 (Application Filing). An application shall state the precise nature of the grounds for the Variance sought and shall be accompanied by any required fees.

B. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter. A staff report shall be prepared pursuant to Section 17.30.080 (Staff Reports and Recommendations).

C. Notice and Hearings.

1. A public hearing before the Commission shall be required for all Variances.

2. A public hearing shall be scheduled once the Director has determined the application complete.

3. Noticing of the public hearing shall be given in compliance with Chapter 17.56 (Public Hearings and Notices).
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.48.030  Burden of Proof

It shall be the responsibility of the applicant to provide evidence in support of the findings required in Section 17.48.040 (Required Findings).

17.48.040  Required Findings

To approve a Variance, the Commission, or the Council on appeal, must make each of the following findings:

A. That there are special circumstances applying to the site, such as size, shape, or topography, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning;

B. That the Variance will not be in conflict with the purpose and intent of this Zoning Code, the General Plan, or any applicable specific plan;

C. That the Variance will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and

D. That the Variance will not adversely affect the health, safety, or general welfare of persons residing or working on the site or in the vicinity.
Chapter 17.50 Zoning Consistency Review

Sections:

17.50.010 Purpose and Intent
17.50.020 Applicability
17.50.030 Review Process

17.50.010 Purpose and Intent

Zoning Consistency Review is a ministerial process used by the Director to verify that a proposed land use activity complies with the list of allowed activities in the applicable zone for the subject site. Zoning Consistency Review is conducted in conjunction with the City's business license issuance process.

17.50.020 Applicability

Zoning Consistency Review shall be required as part of the City's review of any business license for a proposed use of property.

17.50.030 Review Process

Upon the City's receipt of a business license application, the Director or designee shall review the proposed business use to determine whether that use complies with all applicable land use regulations for the zone of the subject parcel. Where the use is found to comply, the Director or designee shall issue, in writing, a determination of compliance.
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

Chapter 17.52 Administrative Responsibilities

Sections:

17.52.010 Purpose
17.52.020 Development Services Director
17.52.030 Planning Commission
17.52.040 City Council

17.52.010 Purpose

The purpose of this Chapter is to describe and establish the authority and responsibilities of the Development Services Director, Planning Commission, and City Council in the administration of this Zoning Code.

17.52.020 Development Services Director

A. Definition of the Term "Director." When used in this Zoning Code or any permit or condition approved in compliance with this Zoning Code, the term "Director" shall be as defined in Article 7 (Definitions) and shall include designee(s) of the Director.

B. Duties and Authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:

   a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;

   b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and

   c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
2. Perform the duties and functions prescribed in this Zoning Code, including the review of administrative development projects, in compliance with Table 5-1: Review Authority, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);

3. Defer action on matters where the Director is the Review Authority and refer the matter to the Planning Commission for final determination;

4. Perform other responsibilities assigned by the Council or City Manager;

5. Delegate the responsibilities of the Director to Development Services Department staff under the supervision of the Director; and

6. Serve in an advisory capacity, in compliance with State law (Map Act Section 66415). The Director is charged with the responsibility of making investigations and reports on the design and improvement of proposed divisions of real property.

17.52.030 Planning Commission

A. Appointment. The appointment, terms, removal, and the filling of vacancies of the Planning Commission shall be in compliance with Chapter 2.38 (Planning Commission) of the Municipal Code.

B. Duties and Authority. The Planning Commission shall perform the duties and functions prescribed by State law and this Zoning Code, including the following:

1. The review of development projects;

2. The recommendation to the Council for final decisions on Development Agreements, Zoning Code Amendments, General Plan amendments, specific plans, zoning map amendments, and other applicable policy or ordinance matters related to the City's planning process;

3. Reviewing and acting upon environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) for those projects for which the Planning Commission has final authority.

4. The investigation and preparation of an annual report to the Council regarding the status of the General Plan, and the Housing Element in particular, and progress in its implementation in compliance with State law; and

5. The above-listed functions shall be performed in compliance with Section 17.30.020 (Discretionary Permits and Actions - Authority), Table 5-01 (Review Authority), and CEQA.

17.52.040 City Council

The City Council, referred to in this Zoning Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in the Municipal Code and this Zoning Code, which include the following:

A. Review Authority on Specific Planning Matters. Final decisions on Development Agreements, Zoning Code amendments, General Plan amendments, specific plans, zoning map amendments, environmental documents prepared pursuant CEQA for those projects for which the Council has final authority, and other applicable policy or ordinance matters related to the City's planning process;
B. **Appeals.** The review of appeals filed from Planning Commission decisions; and

C. **Compliance.** The above-listed functions shall be performed in compliance with Section 17.30.020 (Discretionary Permits and Actions - Authority), Table 5-01 (Review Authority), and the California Environmental Quality Act (CEQA).
Chapter 17.54 Permit Implementation, Time Limits, and Extensions

Sections:

17.54.010 Purpose
17.54.020 Conformance with Approved Plans
17.54.030 Effective Date of Permits
17.54.040 Performance Guarantees
17.54.050 Time Limits and Extensions
17.54.060 Changes to an Approved Project
17.54.070 Resubmittals

17.54.010 Purpose

This Chapter establishes the requirements for implementing, or “exercising,” the permits or entitlements identified in this Zoning Code, including time limits and procedures for granting extensions of time.

17.54.020 Conformance with Approved Plans

A. Compliance. Work performed under a building permit, for which project drawings and plans have received approval by the Director, Planning Commission, or Council, shall be in substantial compliance with the approved drawings and plans, statements (written or oral) made in support of the application, and conditions of approval imposed by the Review Authority.

B. Changes. Changes to an approved project shall be submitted and processed in compliance with Section 17.30.090 (Alterations and Modifications).

17.54.030 Effective Date of Permits

A. Permits and Variances.

1. An Administrative Use Permit, Conditional Use Permit, Site Development Permit, Variance, or designation of a Local Landmark shall become effective on the tenth day following the date the decision is rendered by the applicable review authority and upon recordation by the Orange County Recorder, unless appealed.

2. A Home Occupation Permit and Temporary Use Permit shall become effective immediately upon written approval by the Director or designee.

B. General Plan Amendments. An amendment to the General Plan shall become effective immediately upon the signing of the Council resolution approving the amendment.

C. Plans and Code Amendments. Council actions to adopt or amend a Development Agreement, Specific Plan, the zoning map, or this Zoning Code shall become effective on the 30th day following the second reading by the Council.

D. Effective Date. Certificates of occupancy, building permits, and other permits shall not be issued until the effective date, provided that no appeal of the Review Authority’s decision has been filed in compliance with Chapter 17.60 (Appeals). In the event of an appeal, permits shall not be issued until after the Planning Commission’s or Council’s final determination. Permits shall not have force or effect until the applicant actually receives the permit, signed by
the Director designating the conditions of its issue, and executes a written consent on a form prescribed by the Department to the conditions imposed.

17.54.040 Performance Guarantees

A permit applicant may be required by conditions of approval, or by action of the Director, to provide adequate security to guarantee the faithful performance of conditions of approval imposed by the Review Authority. The Director, in consultation with the Building Official, shall be responsible for setting the amount of the required security.

17.54.050 Time Limits and Extensions

A. Time Limits

1. When Permits Expire. To ensure continued compliance with the provisions of this Title, each approved permit or entitlement shall expire 24 months from the date of approval—unless otherwise specified in the permit or entitlement or unless an extension has been granted pursuant to the provisions of this Chapter—if the use or entitlement has not been exercised.

2. Approval Voided. If a permit or entitlement has not been exercised within the established time frame and a time extension is not granted pursuant to the provisions of subsection C (Extensions of Time) and subsection D (Action on Expiration/Extension), the permit or entitlement shall be deemed void.

B. Permit Implementation—Exercising the Permit or Entitlement

1. “Exercised” Defined. An approved permit or entitlement shall be exercised before its expiration. The permit or entitlement shall not be deemed exercised until the applicant has completed one of the following:

   a. Obtained a building permit and a grading permit (if a grading permit is required) and has initiated grading where a grading permit is required or initiated construction where no grading permit is required. The Director shall have the authority to determine whether grading or construction has been initiated;

   b. Obtained a permit authorizing occupancy of the improvements to the site or structure(s), or has occupied the site or structure(s) where no building permit or certificate of occupancy is required by the City; or

   c. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

2. Project Phasing

   a. Two or More Phases. Where the permit or entitlement provides for development in two or more phases or units in sequence, the permit or entitlement shall not be approved until the Director has approved a phasing plan for the entire project site. The applicant shall not be allowed to develop a portion of the proposed development under the original approval, and then develop the remaining portion(s) in compliance with this section, without first obtaining Director approval.

   b. Commencement for Each Phase. If a project is to be built in preapproved phases, each subsequent phase shall have 18 months from the previous phase’s date of construction commencement to the next phase’s date of construction commencement to have occurred, unless otherwise specified in the permit or entitlement, or the permit or entitlement shall expire and be deemed void, unless an extension has been granted pursuant to the provisions of this section.
c. **Tentative Map.** If the application for the permit or entitlement also involves the approval of a tentative map, the phasing shall be consistent with the tentative map, and the permit or entitlement shall be exercised before the expiration of the companion tentative map.

C. **Extensions of Time**

1. **Application.** On the applicant’s own motion and on the timely filing of a request for extension by the applicant at least 30 days before the expiration date, the applicable review authority may extend the time to establish the approved permit or entitlement.

2. **Substantial Evidence**

   a. The applicant shall file a written request for an extension of time with the Department, together with the filing fee established by the City’s fee resolution.

   b. The review authority that approved the original permit or entitlement shall consider the application for the extension of time. Such review authority shall determine whether the applicant has made a good faith effort to establish the permit. Criteria the review authority shall use to determine whether a good faith effort has been made include, but are not limited to:

   i. Granting of building permits and where applicable, grading permits
   ii. Initiation of grading
   iii. Initiation of construction
   iv. Issuance of a business license where no grading or building permits are required
   v. Execution of a lease

   c. The burden of proof shall be on the applicant to establish, with substantial evidence beyond the control of the applicant (e.g., demonstration of financial hardship, legal problems with the closure of the sale of the parcel, poor weather conditions in which to complete construction activities, etc.), why the permit should be extended.

D. **Maximum Extension.** An applicant may request up to three separate 12-month extensions. The maximum period of time that a permit or entitlement may be extended shall not exceed 36 months beyond the expiration of the original approval.

17.54.060 **Changes to an Approved Project**

A. **Applicability**

1. A development or land use allowed through a Conditional Use Permit, Home Occupation Permit, Site Development Permit, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, statements (written or oral) made in support of the application, and conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.

2. An applicant shall request desired changes in writing, shall furnish appropriate supporting materials, including an explanation of the reasons for the request; and shall pay the appropriate fee required by the City’s fee resolution.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the entitlement (e.g., hours of operation, expansion of use, etc.) as originally proposed by the applicant or approved by the Review Authority.

4. Changes shall be approved before implementation of the changes and may be requested either before or after construction or establishment and operation of the approved use.

B. Public Hearing - When Required. If the matter originally required a noticed public hearing, the review authority shall hold a public hearing on the requested change(s) and give notice in compliance with Chapter 17.56 (Public Hearings and Notice).

C. Minor Changes. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with applicable provisions of this Zoning Code and the spirit and intent of the original approval;

2. Do not involve a feature of the project that was:
   a. A basis for findings in a negative declaration or environmental impact report for the project,
   b. A basis for conditions of approval for the project, or
   c. A specific consideration by the Review Authority (e.g., the Director, Planning Commission, or Council) in the approval of the entitlement.

3. Do not result in an expansion of the use.

D. Major Changes. Major modifications are changes to the project that do not meet the definition of minor changes in subsection C, above, of this Section. Major changes shall only be approved by the Review Authority through a new entitlement application or modification and payment of applicable fees and shall be processed in compliance with this Zoning Code.

17.54.070 Resubmittals

A. Resubmittals Prohibited within Six Months. For a period of six months following the approval, disapproval, or revocation/modification of a discretionary land use permit or entitlement, no application for the same or substantially similar discretionary permit or entitlement for the same site shall be filed. For the purposes of this Section, substantially similar shall mean a use with similar operating characteristic and/or a building or site development involving similar lot coverage, orientation to the streets and surroundings, or layout of proposed structures and other improvements.

B. Director’s Determination. The Director shall determine whether the new application is for a discretionary permit or entitlement that is the same or substantially similar to the previously approved or disapproved permit or entitlement. The determination of the Director may be appealed to the Planning Commission in compliance with Chapter 17.60 (Appeals).

C. Council Waiver. The Council may waive the prohibition identified in subsection A of this Section upon finding that by reason of changed legal, physical, or sociological circumstances, reconsideration would be in the best interests of the City.
Chapter 17.56 Public Hearings and Notice

Sections:

17.56.010 Purpose
17.56.020 Notice of Hearing
17.56.030 Scheduling of Hearing
17.56.040 Hearing Procedure

17.56.010 Purpose

This Chapter provides procedures for public hearings required by this Zoning Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted in compliance with this Chapter.

17.56.020 Notice of Hearing

A. Generally. When this Zoning Code requires a public hearing before a decision on a permit or other discretionary entitlement, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, 65096, and 66451.3; Public Resources Code 21000 et seq.; and as required by this Chapter.

B. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. Hearing Information. The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number, street address, and email or website address of the City Development Services Department where an interested person could call or visit to obtain additional information.

2. Project Information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the property that is the subject of the hearing.

3. Statement on Environmental Document. If a proposed Negative Declaration, Mitigated Negative Declaration, final Environmental Impact Report, or statement of exemption from the requirements of California Environmental Quality Act (CEQA) has been prepared for the project in compliance CEQA, the hearing notice shall include a statement that the Review Authority will also consider approval (or recommendation of adoption/approval for an application requiring Council action) of the proposed Negative Declaration, Mitigated Negative Declaration, certification of the final Environmental Impact Report, or statement of exemption.

4. Statement Regarding Challenges of City Actions. A notice substantially stating all of the following: "If you challenge the (nature of the proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (public entity conducting the hearing) at, or before, the public hearing" in compliance with Government Code Section 65009(b)(2).

5. Statement Regarding Commission's Recommendations. For Council items that involve a recommendation from the Planning Commission, the notice shall contain the Planning Commission’s recommendations.
C. **Method of Notice Distribution.** Notice of a public hearing required by this Chapter, and any other type of notice specified in Article 6 (Permit Processing Procedures), shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing.** Notice shall be mailed or delivered not less than 10 calendar days before the scheduled hearing to the following:
   
a. **Project Site Owners, Agent(s), and Applicant.** The owners of the property being considered in the application, the owners' agent(s), and the applicant.
   
b. **Local Agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected;
   
c. **Affected Owners.** All owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 500 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; the 500-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels, without reference to structures existing on any of the parcels;
   
d. **Commercial and Industrial Tenants.** All occupants of commercial and industrial space within 500 feet of the real property that is the subject of the notice; the 500-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels, without reference to structures existing on any of the parcels; and
   
e. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director or City Clerk.

2. **Alternative to Mailing.** If the number of property owners and occupants of commercial and industrial space to whom notice would be mailed in compliance with subparagraph C. 1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).

3. **Additional Notice.** In addition to the types of notice required above, the Director may require any additional notice with content or using a distribution method (e.g., posting on the City’s web site) as the Director determines is necessary or desirable, including posting a notice on the property.

4. **Newspaper Notice.** Notices of public hearings shall also be given by publication in a newspaper of general circulation in the City at least 10 calendar days prior to the hearing.

D. **Affidavit of Method of Notice.** Upon completion of publication or other notice required by this Section, the secretary of the Planning Commission, if the hearing is held by the Commission, or the City Clerk, if the hearing is held by the Council, shall provide proof of the mailing or publication that shall be filed in the permanent records of the particular proceedings to which the notices pertain.

E. **Failure to Receive Notice.** Failure to receive the mailed notice or failure to post notice shall not invalidate any proceedings.
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

17.56.030  Scheduling of Hearing

After the completion of any environmental document required by CEQA, a matter requiring a public hearing shall be scheduled on the next available agenda (Planning Commission or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

17.56.040  Hearing Procedure

A. Time and Place of Hearing. A hearing shall be held at the date, time, and place for which notice was given.

B. Continued Hearing. Any hearing may be continued from time to time without further notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. Deferral of Final Decision.

   1. The Review Authority may announce a tentative decision and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.

   2. The date of the final action shall be as described in the motion, ordinance, or resolution that incorporates the findings and/or conditions.

D. Summary Information. A summary of all pertinent testimony offered at a public hearing, together with the information of all persons testifying, shall be recorded and made a part of the permanent files of the case.

E. Formal Rules of Evidence or Procedure Not Applicable. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to these Zoning Regulations, except as otherwise required by the City Charter or the Municipal Code, in compliance with Government Code Section 65010.
Chapter 17.58 Amendments

Sections:

17.58.010 Purpose
17.58.020 Authority to Initiate an Amendment
17.58.030 Application and Hearing Notice
17.58.040 Planning Commission Proceedings
17.58.050 Council Proceedings
17.58.060 Findings and Decision

17.58.010 Purpose

A. This Chapter provides processing procedures for amendments to:

1. Zoning Map. Zoning map amendment that has the effect of rezoning property from one zone to another;

2. Zoning Code. Zoning Code amendment that may modify procedures, requirements, or standards applicable to the development, and/or use of property within the City; and

3. Specific Plans. Specific Plan amendment that may modify procedures, requirements, or standards applicable to the development and/or use of property within the boundaries of the specific plan area.

B. Approval of Amendments. The amendments may be approved by the Council whenever required by public convenience, health, interest, safety, or welfare of the City.

17.58.020 Authority to Initiate an Amendment

An amendment may be initiated by:

A. City Council. Notification to the Development Services Director via a minute action of the Council;

B. Planning Commission. Notification to the Development Services Director via a minute action of the Planning Commission;

C. Development Services Director. Notification to the Council; or

D. Property Owners. Filing with the Director an application from one or more record owners of land that is the subject of the proposed amendment, or their authorized agents.

17.58.030 Application and Hearing Notice

A. Application. For those amendments requested by owners of land or their authorized agents, the application shall be filed in compliance with 17.30.030 (Application Filing) and shall be accompanied by the information identified in the Department handout for amendment applications and by a fee established by the City’s fee resolution.
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

B. Notice and Hearing.

1. Date of Hearing. Upon receipt of a complete application to amend the zoning map or this Zoning Code, or on initiation by the Director, Planning Commission, or Council, and following Director review, public hearings shall be set before the Planning Commission.

2. Notice. Notice of the hearing shall be given in compliance with Section 17.56.020 (Notice of Hearing) of this Chapter.

17.58.040 Planning Commission Proceedings

A. Planning Commission Action. After the close of the public hearing, the Planning Commission shall forward a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment based on the findings contained in Section 17.58.060 (Findings and Decision). The recommendations of the Planning Commission on proposed amendments shall be adopted by a majority of the total voting members of the Planning Commission.

B. Planning Commission Report. The Planning Commission report of the hearing shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, the findings of the Planning Commission, and copies of maps or other data and documentary evidence submitted in connection with the proposed amendment. The recommendation shall include the findings of the Planning Commission constituting the basis for the recommendation.

C. Notice of Planning Commission’s Action. The secretary of the Planning Commission shall transmit the recommendation (together with the staff report) to the Council.

D. Applicant’s Copy. The applicant’s copy of the recommendation shall be mailed to the address shown upon the application or provided to the applicant via electronic delivery.

17.58.050 Council Proceedings

A. Hearing. Following the receipt of either of the following, the City Clerk shall schedule a hearing in compliance with State law and this Zoning Code, and the Council shall conduct at least one public hearing on the amendment:

1. Approval. A written recommendation from the Planning Commission recommending the approval of the amendment; or

2. Disapproval. A written recommendation from the Planning Commission recommending disapproval of the amendment.

B. Effect of Commission’s Recommendation to Disapprove Amendment. If the matter under consideration is an amendment to the Zoning Code to change property from one zone to another and the Planning Commission has recommended against the adoption of the amendment, the Council shall not be required to take further action on it unless otherwise provided by ordinance or unless an interested party requests a hearing before the Council by filing a written request with the City Clerk within 10 days after the Planning Commission files its recommendations with the Council.

C. Council’s Action. The Council shall approve, approve in modified form, or disapprove the recommendation of the Planning Commission.
D. **Referral to Planning Commission.** If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred back to the Planning Commission for its recommendation, in compliance with State law, but the Planning Commission shall not be required to hold a public hearing on the referral. Failure of the Planning Commission to report within 40 days after the reference, or a longer period as may be designated by the Council, shall be deemed to be approval of the proposed modification.

17.58.060 **Findings and Decision**

A. **Findings Required.** An amendment to the zoning map or this Zoning Code may be approved only if the following findings of fact can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the applicant to establish evidence in support of the required findings.

B. **Mandatory Findings Required for All Amendments**

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with this Zoning Code, in the case of a Zoning Code amendment;

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the City; and

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures.

B. **Additional Finding for Zoning Map Amendments:** The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zone and anticipated land use development(s).

C. **Additional Finding for Zoning Code Amendments:** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
Chapter 17.60 Appeals

Sections:

17.60.010    Standing to Appeal
Any person may appeal a decision of any official body, except that administrative decisions requiring no discretionary judgment may not be appealed.

17.60.020    Time to File Appeal
Appeals must be filed within 10 business days of the rendering of a decision which is being appealed.

17.60.030    Content of Appeal Filing
The appeal shall concern a specific action and shall state the grounds for appeal. Applicable fees for the appeal shall be paid as established by Council resolution.

17.60.040    Course of Appeals
A. Decisions of the Director shall be appealed to the Planning Commission. Such appeals shall be filed with the Director.
B. Decisions of the Planning Commission shall be appealed to the Council. Such appeals shall be filed with the City Clerk.
C. The Director or City Clerk, as applicable, shall have the authority to combine multiple appeal filings for a single public hearing.

17.60.050    Hearings and Notice
A. Within 30 days after the receipt of a notice of appeal and fee, or after the Planning Commission or Council has voted for a call for review, the appeal shall be transmitted to either:
   1. Appeals to the Planning Commission. The Director, who shall place the item on the commission agenda for a public hearing; or
   2. Appeals to the Council. The City Clerk, who shall place the item on the Council agenda for a public hearing.
B. Action on appeals shall be “de novo” review and shall be considered at the same type of hearing and after the same notice that is required for the original decision.
C. In the event new or different evidence is presented on appeal, the Council may, but shall not be required to return the matter to the Planning Commission for further consideration.
Chapter 17.62 Development Agreements

Sections:

17.62.010  Purpose and Scope
17.62.020  Authority
17.62.030  Initiation of Hearings
17.62.040  Applications – Legal Interest
17.62.050  Fees
17.62.060  Preapplication Review
17.62.070  Application – Contents
17.62.080  Public Notice
17.62.090  Failure to Receive Notice
17.62.100  Planning Commission Hearing and Recommendation
17.62.110  City Council Hearing
17.62.120  City Council Action
17.62.130  Development Agreement – Contents
17.62.140  Development Agreement – Adoption by Ordinance – Execution of Contract
17.62.150  Recordation of Executed Agreement
17.62.160  Ordinance, Regulations, and Requirements Applicable to Development
17.62.170  Subsequently Enacted State and Federal Laws
17.62.180  Enforcement – Continuing Validity
17.62.190  Amendment – Time Extension – Cancellation
17.62.200  Review for Compliance – Director’s Authority
17.62.210  Violation of Agreement – Council Review and Action
17.62.220  Modification or Termination for Violations
17.62.230  Consequences of Termination
17.62.240  Irregularity of Proceedings
17.62.250  Coordination of Approvals

17.62.010  Purpose and Scope

Development Agreements specify the rights and responsibilities of the City and developers. Used in conjunction with subdivision approval, annexation, rezoning, or architectural approval, Development Agreements establish the terms and conditions under which development projects may proceed. Development Agreements are best used for large, complex, or phased projects which require extended construction time and which involve numerous public improvements such as streets, utilities, flood improvements, schools, parks and open space, and other improvements of community-wide benefit. Under a Development Agreement, projects may proceed under the rules, standards, policies, and regulations in effect at the time of original project approval.

17.62.020  Authority

This Chapter establishes procedures and requirements for Development Agreements for the purposes specified in and as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code, Sections 65864 et seq. The Planning Commission may recommend and the Council may enter into a Development Agreement for the development of real property with any person having a legal or equitable interest in such property, as provided in this Chapter. At its sole discretion, the Council may, but is not required to, approve a Development Agreement where a clear public benefit or public purpose can be demonstrated.
**17.62.030 Initiation of Hearings**

Hearings on a Development Agreement may be initiated upon the filing of an application as provided below or by the Council by a simple majority vote.

**17.62.040 Applications – Legal Interest**

Any person having a legal or equitable interest in real property or such other interest as specified in Section 17.62.070(A)(3)(b) may apply for a Development Agreement, except that a person may not file, and the Director shall not accept, an application which is the same as, or substantially the same as, an application which was denied within the previous year, unless the application is initiated or otherwise authorized by the Council.

**17.62.050 Fees**

The Council shall establish, and from time to time may amend, a schedule of fees to cover the City’s costs of processing applications for development agreements and conducting an annual review as required by the Government Code.

**17.62.060 Preapplication Review**

Before submitting an application and support materials, applicants shall discuss the proposal with the Director. At such review, the applicant should present a preliminary site plan and show basic features of the proposed project, including its public purposes and/or benefits. For large or complex projects, the applicant may request Council review of the preliminary concept. Such a review shall be at the Council’s sole discretion and would allow the Council to review and comment on a proposal early in the review process.

**17.62.070 Application – Contents**

A. A Development Agreement application shall include the following information:

1. A planning application and processing fee;

2. The names and addresses of the applicant and of all persons having a legal or equitable interest in all or a part of the property proposed to be used;

3. Evidence that the applicant:
   a. Has a legal or equitable interest in the property involved, or
   b. Has written permission from a person having a legal or equitable interest to make such application;

4. Location of the subject property by address and vicinity map;

5. Legal description of the property, including a statement of total area involved;

6. A plan showing the location of all property included in the request for action, existing and proposed land uses, property lines and dimensions, topography, significant natural features, setbacks, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 300 feet from the exterior boundaries of the property described in the application;
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

7. Mailing list including addresses of all tenants occupying the subject property and properties within 500 feet from the subject property boundaries; and a mailing list of owners of adjacent properties within 500 feet from the subject property boundaries, as shown on the County Assessor’s latest available assessment roll;

8. The proposed Development Agreement, together with all explanatory text, plans, maps, drawings, pictures and other information as may be required to evaluate such proposal, and as further described in Section 17.62.130; and

9. Such other information as the Director may require.

B. The Director may waive the filing of one or more of the above items where the required information is filed with an application for a rezoning, use permit, variance, subdivision approval, or other development entitlement to be considered concurrently with the Development Agreement.

1. The Director may reject any application that does not supply the required information or may reject incomplete applications.

2. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant.

17.62.080 Public Notice

A. Director Responsibilities. When the Director certifies that the application is complete, the item shall be scheduled for Planning Commission hearing, and the Director shall give notice of the public hearing, as provided below.

B. Manner of Giving Public Notice. Public notice shall be provided in compliance with Chapter 17.56 (Public Hearings and Notice).

17.62.090 Failure to Receive Notice

The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

17.62.100 Planning Commission Hearing and Recommendation

The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the Council. The recommendation shall include whether or not the proposed Development Agreement meets the following findings:

A. The proposed Development Agreement is consistent with the General Plan and any applicable specific plan;

B. The proposed Development Agreement complies with this Zoning Code, the subdivision ordinance, and other applicable ordinances and regulations;

C. The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning, and provides substantial public benefits or necessary public improvements, making it in the City’s interest to enter into the Development Agreement with the applicant; and
D. The proposed project and Development Agreement:

1. Will not adversely affect the health, safety, or welfare of persons living or working in the surrounding area; and
2. Will be appropriate at the proposed location and will be compatible with adjacent land uses.

17.62.110 City Council Hearing

After the recommendation of the Planning Commission, the City Clerk shall give notice of a public hearing before the Council in the manner provided for in Chapter 17.56 (Public Hearings and Notice).

17.62.120 City Council Action

A. Referral. After it completes the public hearing and considers the Planning Commission’s recommendation, the Council may approve, conditionally approve, modify, or disapprove the proposed Development Agreement. The Council may refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for review and recommendation.

B. Approval. The Development Agreement may be approved if the Council makes the findings for approval listed in Section 17.62.100.

17.62.130 Development Agreement – Contents

A. Development Agreements shall include the following:

1. The duration of the agreement, including a specified termination date if appropriate;
2. The uses to be permitted on the property;
3. The density or intensity of use permitted;
4. The maximum height, size, and location of buildings permitted, as well as other pertinent development standards;
5. The reservation or dedication of land for public purposes to be secured, including, but not limited to, rights-of-way, open space preservation, and public access easements;
6. Proposed exceptions from the Zoning Code or other development standard, and findings where required;
7. The time schedule established for periodic review as required by Section 17.62.200.

B. Development Agreements may also include additional terms, conditions, and restrictions in addition to those listed in subsection A of this Section. These additional terms may include, but are not limited to:

1. Development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

2. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, public art and other landscape amenities, drainage and flood-control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;

3. Method of financing such improvements and, where applicable, reimbursement to developer or City;

4. Prohibition of one or more uses normally listed as permitted, accessory, or subject to a Conditional Use Permit in the zone normally allowed by right;

5. Limitations on future development or special terms or conditions under which subsequent development approvals not included in the agreement may occur;

6. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of a bond, the applicant may deposit with the City Clerk certificates of deposit or other security acceptable to the finance director;

7. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping, and signs;

8. Special setbacks, opens spaces, trails, staging areas, buffer areas, fences and walls, public art, landscaping, and parking facilities, including vehicular and pedestrian ingress and egress;

9. Performance standards regulating such items as noise, vibration, smoke, odors, gases, garbage, and the prevention of glare or direct illumination of adjacent properties;

10. Limitations on operating hours and other characteristics of operation which the Council determines could adversely affect the reasonable use and enjoyment of surrounding properties.

11. Incorporate or reference any environmental mitigation measures to reduce potentially significant environmental impacts, if applicable.

17.62.140 Development Agreement – Adoption by Ordinance – Execution of Contract

A. The Development Agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the City shall enter into the Development Agreement by the execution thereof by the Mayor or City Manager.

B. No ordinance shall be finally adopted until it has been executed by the applicant and all other parties to the agreement. If the applicant has not executed the agreement or agreement as modified by the Council and returned the executed agreement to the City Clerk within 60 days following Council approval, the approval shall be deemed withdrawn, and the Council shall not finally adopt such ordinance, nor shall the City Manager execute the agreement.

C. Such 60-day time period may be extended upon approval of the Council.

17.62.150 Recordation of Executed Agreement

Following the execution of a Development Agreement, the City Clerk shall cause the executed agreement to be recorded with the County Recorder.
17.62.160 Ordinance, Regulations, and Requirements Applicable to Development

Development projects covered by a Development Agreement shall comply with the General Plan, Zoning Code, subdivision ordinance, and other applicable codes, ordinances, rules, regulations, and official policies in effect on the date of execution of the Development Agreement, provided, however, that a Development Agreement shall not:

A. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations, and policies which do not conflict with such existing ordinances, rules, regulations and policies under the development agreement;

B. Prevent the approval, conditional approval, or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations, and policies; or

C. Preclude the City from adopting and implementing emergency measures regarding water or sewer deficiencies when the Council determines that such action is necessary to protect public health and safety. If such action becomes necessary, the Council reserves the right to suspend water or sewer service on an equitable basis until such deficiencies are corrected.

17.62.170 Subsequently Enacted State and Federal Laws

In the event that State or Federal laws or regulations enacted after execution of a Development Agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions of such agreement shall be deemed modified or suspended to the extent necessary to comply with such laws or regulations.

17.62.180 Enforcement – Continuing Validity

A. Unless and until amended or canceled in whole or in part as provided in Sections 17.62.190 or 17.62.210, a Development Agreement shall be enforceable by any party to the agreement, regardless of any change in regulations which alters or amends the regulations applicable to the project covered by a Development Agreement, except as specified in Sections 17.62.160 and 17.62.170.

B. The Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

17.62.190 Amendment – Time Extension – Cancellation

A Development Agreement may be amended, extended, or cancelled, in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions, or cancellation of the Development Agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement.

17.62.200 Review for Compliance – Director’s Authority

A. Every Development Agreement entered into by the Council shall provide for Director review of compliance with the Development Agreement at time intervals as specified in the agreement, but not less than once every 12 months.

B. The Director shall determine whether the applicant or his or her successor in interest has or has not complied with the agreement. If the Director determines that the terms or conditions of the agreement are not being met, all parties to the agreement shall be notified by registered or certified mail or other method guaranteeing proof of
delivery, also indicating that failure to comply within a period specified may result in legal action to enforce compliance, termination, or modification of the agreement.

C. It is the duty of the applicant or his or her successor in interest to provide evidence of good faith compliance with the agreement to the Director’s satisfaction at the time of the Director’s review. Refusal by the applicant or his or her successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.

D. If, at the end of the time period established by the Director, the applicant or his or her successor in interest has failed to comply with the terms of the agreement or has not submitted evidence substantiating such compliance, the Director shall notify the Council of his or her findings, recommending such action as he or she deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement.

17.62.210 Violation of Agreement – Council Review and Action

A. When the Director notifies the Council that a Development Agreement is being violated, a public hearing shall be scheduled before the Council to consider the matter. Procedures for conduct of such hearing shall be the same as provided for initiation and consideration of a Development Agreement.

B. If the Council determines that the applicant or his or her successor in interest is in violation of a Development Agreement, it may take one of the following actions:

1. Schedule the matter for Council hearing for modification or possible termination of the agreement. Procedures for hearing notice shall be the same as provided in Section 17.62.080; or

2. Continue the matter for further consideration.

17.62.220 Modification or Termination for Violations

A. After the hearing required by Section 17.62.210 (A), the Council may terminate or modify the agreement upon finding that:

1. Terms, conditions, and obligations of any party to the Development Agreement have not been met; or

2. The scope, design, intensity, or environmental effects of a project were represented inaccurately; or

3. The project has been or is being built, operated, or used in a manner that differs significantly from approved plans, permits, or other entitlements; or

4. Parties to the agreement have engaged in unlawful activity or have used bad faith in the performance of or the failure to perform their obligations under the agreement.

B. Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary onsite or off-site improvements which are determined to be reasonably necessary to protect public health, safety, or welfare, and to correct problems caused by or related to noncompliance with the terms of the agreement.
17.62.230 Consequences of Termination

Upon termination of the Development Agreement, the owner shall otherwise comply with City codes, regulations, development standards, and other applicable laws in effect at the time of termination of the agreement.

17.62.240 Irregularity of Proceedings

No action, inaction, or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed.

17.62.250 Coordination of Approvals

A. Public Hearings. Where an application for a Development Agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map, or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.

B. Zoning or Subdivision Exceptions. Yards, permit height, coverage, parking requirements, density, and other design standards may be modified or relaxed during consideration of a Development Agreement. The Council may modify or relax development or subdivision standards when: (1) such modification or relaxation is otherwise allowed by this Municipal Code, (2) the Council makes findings as required by zoning and subdivision regulations, and (3) the Council determines that such modification or relaxation of standards is consistent with the General Plan and reasonably necessary to allow the safe, efficient, and/or attractive development of the subject property.
Chapter 17.64 General Plan Amendments

Sections:

17.64.010 Purpose
17.64.020 Authority to Initiate an Amendment
17.64.030 Consultation, Notice, and Hearings

17.64.010 Purpose

The purpose of this Chapter is to provide for the orderly processing of General Plan amendments in a manner consistent with the overall goals of the community’s planning program and the requirements of the California law. In particular, this Chapter is intended to:

A. Assure that the General Plan is amended for good reason and with due consideration of community-wide interests;
B. Help achieve and maintain internal consistency of General Plan elements and conformance between the Plan and implementing techniques, such as zoning; and
C. Establish rights and assign responsibilities for the persons and agencies involved in General Plan administration so each can perform fairly and effectively.

17.64.020 Authority to Initiate an Amendment

A. Initiation of Amendment by the City Council. The Council may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

B. Initiation of Amendment by the Planning Commission. The Planning Commission, by a majority vote of all voting members, may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

C. Initiation of Amendment by the Director. The Development Services Director may initiate General Plan amendments at any time by preparing the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

D. Applications to Initiate Amendments. Any person may request an amendment of the General Plan by filing an application with the Development Services Department. Such application shall include:

1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted General Plan elements or reports.
2. A statement explaining how the proposed change will better reflect community desires as expressed in General Plan goals and policies.
3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs.

Public Hearing Draft
April 2019
4. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements.

5. Such other supporting data as the Director may require to help with evaluation of the proposal.

6. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the Council.

E. Early Council Consideration of an Application. The Director shall have the authority, prior to processing a General Plan Amendment application in conformance with the provisions of this Chapter, to forward any such application to the Council for early policy consideration to allow the Council to determine whether the proposed amendment is consistent with overall policy direction in the General Plan. The Council, upon making specific findings in reference to specific General Plan provisions, may direct the Director to reject the application as inconsistent with overall General Plan policy direction.

17.64.030 Consultation, Notice, and Hearings

A. Planning Commission Actions.

1. Consultation. Pursuant to Government Code Section 65352.3, the City shall consult with California Native American tribes prior to scheduling the General Plan amendment for public hearing.

2. Public Hearings—Notice. The Planning Commission shall hold at least one public hearing before taking action on any General Plan amendment.

3. Recommendation. The recommendation for approval of the Planning Commission of any amendment to the General Plan shall be by resolution of the Planning Commission adopted by the affirmative vote of not less than a majority of its total voting members.

4. Transmittal to Council. The Planning Commission’s recommendation shall be transmitted to the Council in the form of a resolution with findings.

5. Other Situations. When neither a majority of the Planning Commission recommends approval nor a majority of a quorum recommends denial, the Planning Commission may transmit the amendment to the Council with a report explaining the situation and stating the recommendations of the individual commissioners.

B. City Council Actions.

1. Public Hearings—Notice. Upon transmittal of the resolution from the Planning Commission, the Council shall hold at least one public hearing on proposed General Plan amendments.

2. Resolution. Any amendment of the General Plan shall be adopted by resolution of the Council, adopted by the affirmative vote of not less than a majority of the total membership of the Council.

3. Referral of Council Changes. In adopting any General Plan amendment which has been approved by the Planning Commission, the Council shall not make any substantive changes or additions involving issues not considered by the Planning Commission in their review until the proposed change or addition has been referred to the Planning Commission for a report and the report has been filed with the Council. Failure of the Planning Commission to report within 40 calendar days after the referral, or such longer period as may be designated by the Council, shall be deemed to be approval of the change or addition.
Chapter 17.66 Nonconformities

Sections:

17.66.010 Purpose
17.66.020 Applicability
17.66.030 Nonconforming Uses
17.66.040 Nonconforming Structures
17.66.050 Nonconforming Lots
17.66.060 Continuation of Nonconformity
17.66.070 Abandonment
17.66.080 Exceptions: Public Facilities and Uses

17.66.010 Purpose

A. This Chapter is established to permit the continuation of nonconformities on real properties relative 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 17. To this 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, safety, and general welfare.

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

C. Nothing in this Chapter shall prevent the City from declaring a nonconformity to constitute a danger to the public health, safety, or general welfare and to take lawful action to remedy that danger.

17.66.020 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 zones 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.

B. For purposes of this Chapter, the terms “nonconformity” or “nonconformities” shall refer to legal nonconforming uses, legal nonconforming structures, and legal nonconforming lots, all as more specifically defined in Chapter 17. (Definitions) of this Title.

17.66.030 Nonconforming Uses

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

B. A nonconforming use may not expand the area of its use beyond that for which it was legally approved.

C. 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 is provided.
D. Once a nonconforming use is terminated, discontinued, or abandoned, the occupancy afterwards may not revert to the same or another nonconforming use.

17.66.040 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. Maintenance, 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. Exterior improvements, such as a façade improvement, which are intended to better the appearance of the property, are included in these types of allowed changes. Nothing herein supersedes the requirement to obtain site plan review approval if otherwise required.

C. A structure shall not be considered nonconforming if the nonconformity is caused due to a condemnation of a portion of the property by the City.

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

E. If any nonconforming structure is destroyed by fire, explosion, act of God, or the public enemy such that the cost of restoration or replacement exceeds 50 percent of the replacement cost of the entire structure, the replacement shall conform to current regulations, or a Conditional Use Permit shall be obtained to allow a deviation from current standards. The City Building Official shall determine the extent of destruction and costs of replacement.

17.66.050 Nonconforming Lots

A. Any lot that is smaller than the minimum lot size required by this Title 17 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.

17.66.060 Continuation of Nonconformity

A. Legal nonconformities 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. The Building Official is authorized to impose conditions on the nonconformity to eliminate or reduce 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.

17.66.070 Abandonment

A. A nonconforming use of land or a structure shall be considered to be abandoned after 180 days of nonuse, unless the interruption in use is involuntary due to casualty or other events outside the control of the owner or operator of
the land or structure, as determined by the Director. Once abandoned, all subsequent uses of such land and structure shall conform to the regulations specified for the zone in which the land or structure is located.

B. Upon determination that a use has been abandoned, the Director shall send a notice to the owner. If the owner disagrees with the Director’s determination, an appeal may be filed with the Planning Commission in accordance with Chapter 17.60 (Appeals). The burden of proof shall be on the owner to show that the use has not been abandoned. 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. However, lack of a business license may be considered as a factor in determining discontinuation of the use. A broker agreement to solicit tenants or purchasers to continue a nonconforming use shall be sufficient evidence that the nonconforming use has not been abandoned.

17.66.080 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., 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 Planning Commission, and further provided that all setback requirements of the zone which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the Planning Commission.
Chapter 17.68 Revocations and City-initiated Modifications

Sections:

17.68.010  Purpose and Authority

17.68.020  Procedures

17.68.010  Purpose and Authority

A. This Chapter provides procedures for the City to secure revocation or modification of previously approved applications and entitlements.

B. The City’s action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

C. The City’s action to modify an entitlement, rather than revoke it, shall have the effect of changing the operational aspects of the entitlement. The changes may include the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, property maintenance, signs, surfacing, traffic circulation, etc.

17.68.030  Procedures

A. Notice

1. An application, permit, or entitlement may by revoked or modified utilizing the same procedure used to approve an application, permit, or entitlement granted in compliance with the provisions of this Zoning Code.

2. Ten days before the revocation/modification process begins (except for Temporary Use Permits that require only 24-hour notice), notice shall be delivered in writing via certified mail, return receipt requested, or any other method providing proof of delivery, to the owner of the property for which the permit or entitlement was granted, as shown on the County’s latest equalized assessment roll, and/or the project applicant if not the owner of the subject property.

B. Review Authority Action. A land use permit or entitlement may be revoked or modified by the Review Authority (i.e., Director, Planning Commission, Council) that originally approved the permit or entitlement, with public notice and hearings conducted as required for the originally approved permit or entitlement, if any one of the following findings of fact can be made in a positive manner:

1. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner;

2. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant’s testimony presented during the public hearing, for the permit or entitlement;

3. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

4. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute;

5. The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance; or

6. There is a compelling public necessity.

C. Appeals. The decision of a Review Authority to revoke or modify a land use permit or entitlement may be appealed as authorized by Chapter 17.60 (Appeals).
Chapter 17.70 Enforcement

Sections:

17.70.010 Purpose
17.70.020 Duty to Comply
17.70.030 Types of Violations and Penalties
17.70.040 Violations and Remedies: Abatement, Removal, Injunction

17.70.010 Purpose

This Chapter provides procedures that are intended to ensure compliance with the requirements of this Zoning Code and the conditions of land use permit and other entitlement approval.

17.70.020 Duty to Comply

Departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall not issue permits or licenses for uses, structures, or purposes in conflict with the provisions of this Zoning Code. A permit or license issued in conflict with the provisions of this Zoning Code shall be null and void.

17.70.030 Types of Violations and Penalties

A. Violations or Failure to Comply. It is unlawful for a person to violate a provision or to fail to comply with a requirement of this Zoning Code.

B. Misdemeanor. A violation of any of the provisions or a failure to comply with a mandatory requirement of this Zoning Code shall constitute a misdemeanor. Any violation constituting a misdemeanor or under this Zoning Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. A person convicted of a misdemeanor under the provisions of this Zoning Code shall be punishable by a fine of not more than $1,000.00 or by imprisonment in the county jail for a period of not more than six months or by both fine and imprisonment.

C. Infraction. A person convicted of an infraction under the provisions of this Zoning Code shall be punished by fine in accordance with applicable Council resolutions.

D. Separate Offenses. Each person shall be charged with a separate offense for each and every day during a portion of which a violation of a provision of this Zoning Code is committed, continued, or allowed by a person and shall upon conviction be punished accordingly.

17.70.040 Violations and Remedies: Abatement, Removal, Injunction

A. Public Nuisance. A structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Code, and any use of land, structures, or premises established, conducted, operated, or maintained contrary to the provisions of this Zoning Code shall be, and is declared to be, unlawful and a public nuisance.

B. Remedies. The City Attorney shall, upon order of the Council:
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

1. Immediately commence action or proceedings for and removal and enjoinment of the unlawful structure or use in the manner prescribed by law;

2. Take other steps; and

3. Apply to the courts that have jurisdiction to grant relief that will abate and remove the structure and that will restrain and enjoin a person, firm, or corporation from setting up, erecting, building, maintaining, or using a structure contrary to the provisions of this Zoning Code.

C. **Cumulative.** The remedies provided in this Zoning Code shall be cumulative and not exclusive.
ARTICLE 7: DEFINITIONS

Chapter 17.72 Purpose

Sections:

17.72.010 Purpose

17.72.010 Purpose

This Chapter provides definitions of terms and phrases used in these Zoning Regulations that are technical or specialized, or that may not reflect common usage. If definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall apply for the purposes of these Zoning Regulations. If a word is not defined in this Chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

Chapter 17.74 Definitions

Sections:

17.74.010 – A Definitions
17.74.020 – B Definitions
17.74.030 – C Definitions
17.74.040 – D Definitions
17.74.050 – E Definitions
17.74.060 – F Definitions
17.74.070 – G Definitions
17.74.080 – H Definitions
17.74.090 – I Definitions
17.74.100 – J Definitions
17.74.110 – K Definitions
17.74.120 – L Definitions
17.74.130 – M Definitions
17.74.140 – N Definitions
17.74.150 – O Definitions
17.74.160 – P Definitions
17.74.170 – Q Definitions
17.74.180 – R Definitions
17.74.190 – S Definitions
17.74.200 – T Definitions
17.74.210 – U Definitions
17.74.220 – V Definitions
17.74.230 – W Definitions
ARTICLE 7: DEFINITIONS

17.74.240 – X Definitions
17.74.250 – Y Definitions
17.74.260 – Z Definitions
17.74.010 – A Definitions

Abutting. Two or more parcels of land sharing a common boundary line, or two or more objects in contact with each other.

Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property and/or use.

Accessory Dwelling Unit (ADU). An attached or detached dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with another primary, single-unit dwelling. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary unit. An ADU may be structured as one efficiency unit, as defined in of the Health and Safety Code Section 17958.1, and/or a manufactured home, as defined in of the Health and Safety Code Section 18007, among other formats.

Accessory Dwelling Unit, Attached. An ADU that is either attached to (by a minimum of one shared wall), or completely contained within, the primary existing space of the single-unit dwelling unit or existing accessory structure.

Accessory Dwelling Unit, Detached. An ADU that provides new residential square footage not attached or sharing any walls with the primary existing single-unit dwelling.

Accessory Structures and Uses.

Accessory Structures. A structure that is located upon the same site as the structure or use to which it is accessory. Accessory structures may consist of detached structures or additions to primary structures. The use of an accessory structure is incidental and subordinate to the use of the principal structure, or to the primary land use of the site. Does not include habitable accessory structures such as accessory dwelling units (ADUs).

Accessory Uses. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use. Accessory Use includes active or passive solar heating systems and cogeneration facilities.

Addition. The result of work that increases the volume of an existing structure or replaces a demolished portion.

Adjacent. Two or more parcels of land separated only by an alley, street, highway or recorded easement, or two or more objects that lie near or close to each other.

Adult Businesses. A business where employees or patrons expose specified anatomical areas or engage in specified sexual activities, or a business that offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

Adult-oriented businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients. In determining whether a use is an adult-oriented business, only conduct or activities which constitute a regular and substantial course of conduct or a use which has a majority of its floor area, stock-in-trade, or revenue derived from material characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas shall be considered. Isolated instances of conduct or activities
ARTICLE 7: DEFINITIONS

described in this Section as characterizing an adult-oriented business shall not be considered except where these activities, taken together, constitute a regular and substantial course of conduct.

Adult-oriented businesses include, but are not limited to, the following:

**Adult Arcade.** A place to which the public is allowed or invited and coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projections, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Adult Bookstore.** An establishment that has as a substantial portion of its stock-in-trade, a majority of its floor area, or revenue derived from and offering for sale for any form of consideration, any one or more of the following:

- Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by an emphasis upon the depiction or description of specified anatomical areas.
- Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- Goods which are replicas of, or which simulate, specified anatomical areas, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities to cause sexual excitement.

**Adult Cabaret.** A bar, nightclub, or similar establishment which features dancers, strippers, or similar entertainers who expose specified anatomical areas of their bodies.

**Adult Motel.** A hotel, motel, or similar commercial establishment which:

- Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions;
- Offers a sleeping room for rent for a period of time i.e., less than 10 hours; or
- Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time i.e., less than 10 hours.

**Adult Motion Picture Arcade.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depictions or description of specified sexual activities or specified anatomical areas.

**Adult Tanning Salon or Parlor.** A business establishment where patrons receive tanning services in groups of two or more and where patrons or employees of the establishment expose specified anatomical areas. Adult tanning salon or parlor also includes a business establishment where a patron and an employee of the establishment are nude or expose specified anatomical areas. An adult tanning salon or
parlor also includes a business establishment where the employees are nude or expose specified anatomical areas.

**Adult Theater.** A place, building, enclosure, theater, concert hall, auditorium, or structure, partially or entirely used for live performances or presentations, which place, building, enclosure, theater, concert hall, auditorium, or structure is used for presenting matter characterized by an emphasis on depicting, exposing, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons. This place shall also include an adult theater where persons are regularly featured appearing in a state of nudity or giving live performances which are characterized by the exposure of specified sexual activities or by specified anatomical areas.

**Nude Model Studio.** Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be conversed with or be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, for any form of consideration. Nude model studio shall not include any classroom of any school licensed under state law to provide art education, while the classroom is being used in a manner consistent with a state license.

**Private Viewing Area.** An area or areas in an adult-oriented business designed to accommodate no more than five or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation. Private viewing areas shall not be established, maintained, or authorized, and there shall be no doors, curtains, stalls, or other enclosures creating a private viewing area.

**Semi-Nude.** A state of dress in which clothing, including supporting straps or devices, covers no more than the genitals, pubic region, and areolae of the female breast.

**Sex Supermarket/Sex Mini-Mall.** The establishment or operation of more than one type of adult-oriented business or use as defined in these Zoning Regulations within the same structure.

**Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers, in any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex and/or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

**Sexual Novelty Store.** An establishment having, as a substantial portion of its stock-in-trade, a majority of its floor area or a majority of its revenue derived from goods which are replicas of or which simulate, specified anatomical areas, or specified sexual activities, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities, to cause sexual excitement.

**Sexually-Oriented Business.** A business where employees or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, or a business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

**Specified Anatomical Areas.** Includes any of the following human anatomical areas:

- Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areolae.
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
ARTICLE 7: DEFINITIONS

Specified Criminal Act. Sexual crime against children; sexual abuse; rape; or crime connected with another adult-oriented business including, but not limited to, the distribution of obscenity; violations involving the distribution, display, or sale of material harmful to minors; prostitution; or pandering. Specified criminal acts shall exclude those acts that are authorized or required to be kept confidential in compliance with Welfare and Institutions Code Sections 600 to 900.

Specified Sexual Activities. Includes all of the following:

- The fondling or other erotic touching of the following human anatomical areas: genitals, pubic regions, buttocks, anuses, or female breasts.
- Human sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- Human masturbation, actual or simulated.
- The actual or simulated infliction of pain by one human upon another, or by an individual upon him or herself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking, or touching of an erogenous zone, including without limitation, the thigh, genitals, buttock, pubic region or, if the person is a female, a breast.
- Sexual intercourse, actual or simulated, between a human being and an animal.
- Excretory functions as part of or in connection with any of the activities detailed in “Specified Sexual Activities.”

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Council, regarding matters regulated by these Zoning Regulations.

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing.

Agriculture, Commercial Indoor. An establishment engaged in the growth and sale of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants conducted within an enclosed structure. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, commercial greenhouses, nurseries, and a temporary stand for the sale of products grown on the premises, but specifically not including cannabis growth and sale.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption.

Alcohol Sales, Off-Site. Any business selling alcoholic beverages as a primary use, including beer, wine, distilled spirits, hard liquor, and/or any other alcoholic beverages. Does not include grocery stores, convenience stores, warehouse stores, or other alcohol sales authorized as part of an off-site wine tasting room or food and beverage product manufacturing.
Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Figure 7-01: Alley

Allowed Use. See “Permitted Use.”

Alteration. An exterior change or modification, through public or private action, to the character defining or significant physical features of a local landmark. Changes may include modification of the structure, architectural details, or visual characteristics, surface paving, addition of new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, or the placement or removal of significant objects such as signs, plaques, light fixtures, walls, fences, steps, plantings, and landscape accessories affecting the visual or historical qualities of the property. Alteration shall not mean routine maintenance that does not require a building permit; landscaping, including sprinkler system work; flat concrete work; and replacement of existing screens, awnings, or windows with the same materials, where the purpose or effect of maintenance work is:

1. To correct deterioration of or minor damage to a structure or part of it and to restore it to its condition prior to the occurrence of the deterioration or damage.

2. Does not result to any addition to the structure.

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amusement and Recreation Establishments, Indoor. See “Commercial Recreation – Indoors”

Amusement and Recreation Establishments, Outdoor. See “Commercial Recreation – Outdoors”
ARTICLE 7: DEFINITIONS

Animal Care, Sales, and Services.

Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by the Municipal Code. Overnight boarding is not included with this use (see “Animal Boarding/Kennels”).

Animal Retail Sales. The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale (see “Animal Boarding/Kennels”).

Animal Shelter. An establishment that provides a temporary home for dogs, cats, and other animals that are commonly offered for adoption with the provision of adequate heat, ventilation, sanitary shelter and wholesome and adequate food and water, in each case consistent with the normal requirements and feeding habits of the animal’s size, age, species, breed, and physical condition.

Veterinary Services, Large Animal. Veterinary services for livestock, farm animals, and other large animals. This classification allows 24-hour accommodation of animals receiving medical services.

Veterinary Services, Small Animal. Veterinary services for household pets. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kenneling of animals not receiving medical services (see “Animal Boarding/Kennels”).

Antenna. See “Antennas/Wireless Communication Facilities.”

Antiques, Art, Collectibles, and Gifts. See “Retail Sales – General.”

Apartment. See “Multiple-Unit Dwelling.”

Appeal. Wherever there is a reference to an appeal being filed or available to be filed, the right of appeal shall also include the right to appeal administrative determinations made by the Director in compliance with this Chapter to the Planning Commission and Council.

Arcade (Electronic Game Center). An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using. This use may also include internet/cyber cafes, where three or more computers and/or other electronic devices, for access to that system commonly referred to as the "internet," e-mail, playing video games over the Internet or other network system, and/or access to other computer software programs, is provided to the public for compensation and/or for public access. Internet cafe is also synonymous with PC cafe, cyber cafe, internet gaming center, computer/internet rental and cyber centers.

Art and Art Supply Store. See “Retail Sales – General.”
Artificial Turf. Any variety of synthetic, carpetlike materials made to resemble grass or similar ground cover and used as a replacement for live plant materials as permitted by this Title, and specifically having an appearance of live grass or similar ground cover.

Assisted Living Facility. See “Residential Care Facility.”

Association. The organization of persons who own parcels, areas, airspace, or rights of exclusive occupancy in units of condominiums or other developments or tracts and who may have interests in the control of common areas of a project.

Attached Structure. A structure having at least five lineal feet of wall serving as a common wall with the structure to which it is attached, or connected to by a continuous roof of at least eight feet wide.

Auditoriums, Meeting Halls, and Theaters. See “Clubs, Lodges, Private Meeting Halls.”

Automated Teller Machines (ATMs). An unstaffed computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers. These machines may be located at or within banks, or in other locations. See also “Drive-Through or Drive-Up Facilities.”

Automobile Accessories and Installation Facility. An establishment in the commercial business of installing “aftermarket” parts and accessories into motor vehicles (e.g., lift kits, upholstery work, alarms, stereo equipment, or cellular telephones). See also “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Automobile Dismantling. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials from automobiles, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. See also “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Automobile Repair. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Auto Parts Store. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Awning. A canopy made of fabric to shelter people or things from rain or sun or as decoration (supported entirely from the exterior wall of a structure).

17.74.020 – B Definitions

Banks and Financial Services. See “Financial Institutions and Related Services (without drive-through facilities).”

Bar. See “Eating and Drinking Establishments – Bars, Lounges, Nightclubs, and Tasting Rooms.”

Bingo. A game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player’s possession and that conform to numbers or symbols, selected at random and announced by a live caller, as further defined by Penal Code Section 326.5(o), as the same may be amended from time to time.

Bingo, Remote Caller. A game of bingo in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its instate facilities for the purpose of transmitting the
remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization, as further defined by Penal Code Section 326.3(u)(1), as the same may be amended from time to time.

**Boarding House.** A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms, with or without individual or group cooking facilities, are rented to three or more individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in the residence. Meals may also be included. This use type includes convents, monasteries, and student dormitories, but does not include fraternities and sororities. Notwithstanding this definition, no single-unit dwelling operated as a group home pursuant to the Community Care Facilities Act, which is otherwise exempt from local Zoning Regulations, shall be considered a boarding house.

**Brewery, Winery, or Distillery.** An establishment which produces ales, beers, meads, hard ciders, wine, liquor and/or similar beverages on-site. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials. See also “Structure.”

**Building Materials and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This classification includes the accessory retail sale of nursery and garden products, as defined under “Nursery and Garden Centers”.

- **Indoor.** Storage and display of commercial goods or materials entirely within an enclosed building.
- **Outdoor.** Storage and display of commercial goods or materials in open lots, outside of a structure other than fencing, either as an accessory or principal use.

**Business, Retail.** See “Retail Sales – General.”

**Business Support Services.** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, model building, taxi, or delivery services with two or fewer fleet vehicles on site.

**Business, Wholesale.** See “Warehouse, Wholesaling and Distribution.”

**17.74.030 – C Definitions**

**Cannabis Definitions.**

- **Authorized Grower.** A person 21 years and older who is authorized by, and in compliance with, state law and the provisions of this Chapter relating to the cultivation of cannabis for personal use.

- **Cannabis.** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis, and any product containing cannabis. “Cannabis” includes cannabis that is used for medical, non-medical, or other
purposes. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” also does not include industrial hemp, as defined in California Health and Safety Code Section 11018.5.

Commercial Cannabis Activities The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products for non-medical, medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code or any other provision of State law that regulates the licensing of cannabis businesses. Notwithstanding any of the foregoing, “Commercial Cannabis Activity” shall not include: (1) an individual aged 21 years or older who possesses, processes, transports, purchases, obtains, or gives away to adults aged 21 years or older without compensation whatsoever, non-medical recreational cannabis; or (2) personal cultivation of cannabis in accordance with Section 17.39.040.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Delivery. The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the retailer.

Fully Enclosed and Secure Structure. A space within a building that complies with the California Building Code (“CBC”) as adopted by the City, or if exempt from the permit requirements of the CBC, a structure that has a complete roof, a foundation, slab, or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two-inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of the mil or inches, or similar products do not satisfy this requirement. If skylights are used, security bars shall be added to the skylights. The structure must provide complete visual screening.

Indoors. Space within a fully enclosed and secure structure.

MAUCRSA. The Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in Division 10 of the California Business and Professions Code (Section 26000 et seq.) as the same may be amended from time to time.

Outdoors. Any location that is not within a fully enclosed and secure structure.

Person. Any person, firm, corporation, partnership, joint venture, limited liability company, collective, cooperative, non-profit, trust, estate, association, club, receiver, syndicate, society, or other organization. “Person” shall include any owner, manager, proprietor, employee, volunteer, or salesperson.

Private Residence. A house, apartment unit, condominium, mobile home, or other similar dwelling that is lawfully used as a residence.

Cabinet Shop. See “Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops.”
ARTICLE 7: DEFINITIONS

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, before allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the state.

Call Center. An establishment designed and equipped to handle a large volume of telephone calls (especially for taking orders or serving customers).

Car Sharing – Parking. The provision of parking spaces for membership-based car sharing vehicles that charges a use-based fee related to a specific vehicle, primarily for hourly or other short-term use through a self-service fully automated reservation system, but not by means of a separate written agreement that is entered into each time a vehicle is transferred to a customer.

Car Wash. See “Vehicle Repair and Services – Vehicle Washing/Detailing.”

Caretaker Quarters. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any nonresidential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carpet Cleaning and Dyeing Plants. See “Laundries and Dry-Cleaning Plants.”

Carport. See “Garage or Carport.”

Catering Service. See “Food Preparation/Catering (No On-Site Sales or Service).”

Cemeteries, Crematories, Columbaria, and Related Facilities. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, memorial gardens, columbaria, and crematories.

Crematory. A structure designed, intended to be used, or used for the cremation of human or animal remains.

Columbarium. A structure or building substantially exposed above ground intended to be used for the inurnment of the cremated remains of a deceased person(s).

Check Cashing and/or Payday Loans. A commercial land use that generally includes some or all of a variety of financial services, including cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; deferred deposit of personal checks whereby the check cashier refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement; money transfers; payday advances; issuance of money orders; making consumer or auto-title loans; and similar uses. This category does not include State or Federally chartered banks, savings associations, credit unions, or industrial loan companies. It also does not include retail sellers that are primarily engaged in the business of selling consumer goods, such as consumables to retail buyers, and that cashes checks or issues money orders as a service to its customers (for a fee not exceeding two dollars) incidental to their main purpose or business.

Child Day Care Centers. See “Day Care Center.”

Church. See “Religious Assembly Facilities.”
City. The City of Los Alamitos, State of California, referred to in these Zoning Regulations as the “City.”

City Council. The Los Alamitos City Council, referred to in these Zoning Regulations as the “Council.”

Clinics and/or Urgent Care. See “Hospitals and Clinic/Urgent Care.”

Clubs, Lodges, Private Meeting Halls. See “Public Assembly Facilities.”

Columbarium. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Commercial. An enterprise that is carried on for profit by the owner, lessee, or licensee.

Commercial Property. A parcel of real property that is developed and used either in part or in whole for commercial purposes.

Commercial Recreation. Recreational facilities where visitors are participant actors rather than spectators. Examples include outdoor facilities such as amusement and theme parks, water parks, swimming pools; driving ranges, golf courses, miniature golf courses, riding stables; and indoor facilities such as large fitness centers, gymnasiums, handball, badminton, racquetball, dance hall and tennis club facilities; ice or roller skating rinks; trampoline and bounce house establishments; bowling alleys; pool and billiards lounges; and electronic game and amusement centers. This classification may include snack bars and other incidental food and beverage services to patrons. Bars or restaurants with alcohol sales shall be treated as a separate use and shall be regulated accordingly, even when operated in conjunction with the entertainment and recreation use.

Commercial Recreation – Indoors. Privately owned facilities for various indoor spectator or participant sports and types of recreation where a fee is charged for use. Indoor Commercial Recreation uses include, but are not limited to:

- Arcades
- Archery and gun ranges
- Batting cages
- Bowling alleys
- Billiard parlors/poolhalls
- Dance halls
- Ice rinks
- Laser tag
- Skateboarding, skating, and roller hockey rinks
- Theaters

Commercial Recreation – Outdoors. Privately owned facilities for various outdoor spectator or participant sports and types of recreation where a fee is charged for use. Outdoor Commercial Recreation uses include, but are not limited to:

- Amphitheaters
- Amusement parks
- Batting cages
- Bocce ball
ARTICLE 7: DEFINITIONS

- Drive-in theaters
- Go-cart and miniature auto race tracks
- Golf driving ranges (separate from golf courses)
- Miniature golf courses
- Motorcycle racing and drag strips
- Race tracks
- Shooting ranges
- Skateboard parks
- Stadiums and coliseums
- Swim and tennis clubs
- Swimming pools
- Tennis courts
- Water slides
- Zoos

Commission or Planning Commission. The Planning Commission of the City of Los Alamitos.

Common Area or Property. A portion of land within a development, together with improvements on the land, that is not individually owned or dedicated for public use and that is intended for the common use or enjoyment of all property owners within the development.

Common Use. The utilization of common areas by the owners of condominium interests within a condominium or the lot owners or residents of a development or a tract.

Community/Cultural Center. See “Cultural Institutions.”

Community Gardens. A site used for growing plants for food, fiber, herbs, flowers, and others which is shared and maintained by community residents, either as an accessory or principal use of property.

Completely Enclosed Structure. A structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrances and exit doors.

Consignment Store. See “Secondhand Store.”

Conditional Use. A use of land identified by Article 2 (Zoning Districts, Allowable Land Uses and Development Regulations) as being allowed in a particular zoning district subject to a conditional use permit approval in compliance with Chapter 17.42 (Conditional Use Permits).

Condominium. A condominium project as defined in Civil Code Section 1350, containing two or more condominiums, as defined in Civil Code Section 783; a community apartment project, as defined in Business and Professions Code Section 11004, containing two or more rights of exclusive occupancy; stock cooperative, as defined in Business and Professions Code Section 11003.2, containing two or more rights of exclusive occupancy or another project as defined by law.

Construction Equipment Rental/Sales. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Contractor’s Storage Yard. See “Storage.”

Convalescent Home. See “Residential Care Facilities.”
Convenience Store. A retail establishment with not more than 4,500 square feet of gross floor area, offering for-sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Sale of alcoholic beverages is limited to beer and wine only in conjunction with an ABC License Type 20.

Corner Cut-Off. See “Sight Safety Triangle.”

Corporation Yard. Base facility for City construction and property maintenance services including administrative offices, mechanical equipment, motor vehicles, trucks, and other items associated with the care, repair, and maintenance of City-owned real and personal property. Not open to the public. See also “Utility Facilities.”

Couch Dancing/Straddle Dancing. An employee of an adult-oriented business intentionally touching a patron while engaged in the display or exposure of specified anatomical areas, or while simulating specified sexual activities.

County. The County of Orange, California.

Court. A space, open and unobstructed to the sky, bounded on three or more sides by walls of a structure or structures. An inner court is a court entirely enclosed within the exterior walls of a structure. Other courts are outer courts.

Coverage. See “Site Coverage.”

Crematorium. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Cultural Institutions. A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use includes libraries, museums, and art galleries. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Cumulative Period. An additive period of time composed of individual time segments that may be continuous or interrupted.

17.74.040 – D Definitions

Data Centers. An industrial building containing floor space that houses computer mainframes, servers, and IT equipment primarily for the purpose of storing data and distributing data stored on-site. Data centers also contain all associated power distribution, cooling, cabling, fire suppression, and physical security systems.

Day Care Center. Establishments providing non-medical care for persons (children or adults) on a less than 24-hour basis other than “Family Day Care Homes.” This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State.

Decibel (dB). A unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio. This definition includes dB(A).

Density. The number of dwelling units that may be constructed per acre measured in density units. This definition of density does not preclude the requirements of other property development standards such as maintenance of required
ARTICLE 7: DEFINITIONS

yard setbacks, maximum site coverage, off-street parking, outdoor living space, structure height, structure intensity, and vehicular access.

Density Bonus. An increase in the number of dwelling units normally allowed on a parcel by the applicable zoning district, granted by the City in compliance with Section 17.28.050 (Affordable Housing).

Department. The Los Alamitos Development Services Department.

Developer. Individuals, firms, or corporations that buy land in order to build on it or to sell it to others who want to build on it.

Dining, Outside Seating Areas. See “Eating and Drinking Establishments.”

Director. The City of Los Alamitos Development Services Director, referred to in these Zoning Regulations as the “Director.”

Discretionary Permits and Actions. Authority granted by the City to use a specified site for a particular purpose, including conditional use permits, home occupation permits, planned development permits, site development permit, temporary use permits, and variances, as established by Article 5 (Land Use and Permit Procedures) of these Zoning Regulations.

Domestic Animals. Various animals customarily kept as household pets such as dogs, cats, rabbits, and birds.

Donation Boxes. A bin, storage shed, or similar facility established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including automated teller machines, drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies. Does not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service (see “Retail Sales – General”). Does not include drive-in theaters or “Vehicle Services - Washing.”

Driveway. A paved portion of a parcel located between the public right-of-way and the garage or carport designed and intended as an accessway between the public right-of-way and the garage or carport.

Drought Tolerant Plant Material. Plants that tolerate heavy clay to sandy soil with use of limited supplemental water. These plants are able to thrive with deep infrequent watering once their root systems are established. These plants include those that grow naturally in areas of limited natural water supply and are adaptable to weather and soil conditions prevalent in Los Alamitos.

Dry Cleaning Establishments. See “Laundries and Dry-Cleaning Plants.”

Duplex. See “Two-Unit Dwelling (Duplex).”

Dwelling. A structure designed or used for the shelter or housing of one or more persons, including single-unit and multi-unit dwellings, but not including hotels, boarding houses, or rooming houses.

Dwelling, Single Family. See “Single Family Dwelling.”

Dwelling, Multiple Family. See “Multiple Family Dwelling.”
Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

17.74.050 – E Definitions

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars, Lounges, Nightclubs, and Tasting Rooms. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. This use includes wine tasting rooms and micro-breweries where alcoholic beverages are sold and consumed on-site and any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses.

Food Preparation/Catering (No On-Site Sales or Service). Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries, and small-scale specialty food production. Food Preparation may also be considered accessory to allowed restaurant uses.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered.

Restaurant – Full or Limited Service, Serving Alcohol. A restaurant that provides alcohol service.

Restaurant – with Drive-Through Facilities. See “Drive-Through or Drive-Up Facilities.”

Snack Bar. A food facility limited to serving labeled prepackaged food, including, but not limited to, candy, chips, prepackaged cookies, canned beverages, hot dogs, sandwiches, or comparable items which are considered nonpotentially hazardous and limited to single service utensils.

Educational and Research Institutions. See “Schools” and “Research and Development.”

Emergency Machinery, Vehicle, or Alarm. Machinery, vehicle, or alarm that is used, employed, performed, or operated in an effort to protect, provide, or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

Emergency Shelter. See “Lodging – Homeless Shelters.”

Emergency Work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use or activity occupies more floor or site area than before the expansion.
ARTICLE 7: DEFINITIONS

Entertainment, Indoor. An establishment offering predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, live performance theaters, meeting halls, and dance halls.

Establishment. Includes any of the following:

- The opening or commencement of an adult-oriented business as a new business.
- The conversion of an existing business, whether or not an adult-oriented business, to an adult-oriented business.
- The addition of an adult-oriented business to another existing adult-oriented business; or to another existing nonadult-oriented business, with or without expansion of floor area.
- The relocation of an adult-oriented business.
- The expansion or enlargement of the premises by ten (10) percent or more of the existing floor area.

Exaction. A contribution or payment required as an authorized precondition for receiving a development permit.

17.74.060 – F Definitions

Family. A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. Notwithstanding the foregoing, any group of persons required to be considered as a “family” for zoning purposes pursuant to California Health & Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.65, 11834.23, or any other state law shall be deemed to be a family for purposes of these Zoning Regulations.

Family Day Care Homes. A day care facility licensed by the State that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of fewer than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

Large. A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

Farmers’ Market. A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. A freestanding structure made of a combination of metal, masonry, or wood that rests on or is partially buried in the ground and rises above ground level; used for confinement, privacy, protection, screening, or partition purposes.

Financial Institutions and Related Services (without drive-through facilities). Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but does not include “Check Cashing Shops and/or Payday Loans” or any facility exchanging valuables for payment.
Fixed Noise Source. A stationary device that creates sounds while fixed or motionless, including but not limited to, industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners, and refrigeration equipment.

Flood Control Facility. A structure designed and constructed to control floodwaters.

Floor-Area Ratio (FAR). The numerical value obtained by dividing the aboveground floor area of any building(s) located on a lot by the net area of the lot. See Figure 7-02: Floor-Area Ratio.

Figure 7-02: Floor-Area Ratio

NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.
ARTICLE 7: DEFINITIONS

Florist. A retail establishment engaged in selling cut flowers, floral arrangements, and potted plants purchased from others. These establishments customarily prepare the arrangements they sell.

Food Preparation. See “Eating and Drinking Establishments.”

Food Processing. Food processing establishment includes any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants.

Fortune-Telling/Palm Reading/Psychic Readers. See “Personal Services, Restricted.”

Fraternities and Sororities. See “Organizational Houses.”

Freight/Truck Terminals. Transportation facilities furnishing services incidental to freight, courier, and postal services by truck, airplane, or rail. This classification does not include local messenger and local delivery services (see “Light Fleet-Based Services”).

Frozen Food Locker. Refrigerated warehousing and storage facilities. The services provided by these establishments include blast freezing, tempering, and modified atmosphere storage services.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops. Manufacturing establishments that produce wood and metal household furniture and appliances; bed-springs and mattresses; office furniture and partitions, lockers, shelving and store furniture; and miscellaneous drapery, hardware, window blinds, and shades. Also includes wood and cabinet shops, but not sawmills or planing mills.

17.74.070 – G Definitions

Gas/Fueling Station. See “Service/Fueling Station.”

Garage or Carport. Parking space and shelter for automobiles or other motor vehicles, where the size of the parking space complies with the provisions of Chapter 17.22 (Parking and Loading).

Carport. An attached or detached accessory structure enclosed on no more than two sides.

Garage. An attached or detached accessory structure enclosed on no more than two sides

Garage Sale. A temporary event, generally only one or two days held for the sale or offering for sale, to the general public, of over five items of personal property on a portion of a parcel in a residential zoning district, whether within or outside a structure.

General Plan. A comprehensive declaration of goals, policies, and programs for the development of the City and including, where applicable, diagrams, maps, and text identifying objectives, principles, standards, and other features, and which has been adopted by the Council.

General Retail. See “Retail Sales - General”
Golf Courses/Country Clubs. A tract of land which is laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. Country clubs provide private recreational, social, and multi-purpose uses associated with a private golf course for the benefit and enjoyment of members and their guests. Typical uses include clubhouses, tennis courts, playgrounds, and swimming pools.

Government Facilities. A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the structure.

Grading. Excavating or filling of earth material, or any combination conducted to prepare the site for construction or the placement of the improvements on the site.

Granny Flat. A residential unit that was approved in accordance with Government Code Section 65852.1 and is grandfathered under state law.

Grocery Store. A retail establishment where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Gross Floor Area. The total horizontal area of the floor of a structure included within the surrounding walls, exclusive of vent shafts and courts.

Group Home – 6 residents or fewer. A facility which provides 24-hour care and supervision to children, provides services to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

17.74.080 – H Definitions

Hazardous Waste Facilities. See also “Hazardous Waste Facilities.”

Applicant. Any person applying to the City for a Conditional Use Permit or a land use decision concerning a specified hazardous waste facility, as defined under the term “proponent” of State Health and Safety Code Section 25199.1 (i).

Governor’s Appeal Board. A board formed to review the appeal of an “Applicant,” as defined in this section, of a specified hazardous waste facility land use decisions disapproved by the City or of one or more conditions of approval placed on an approved specified hazardous waste facility or an appeal by an “Interested Person,” as defined in this section, based solely on the ground that the conditions imposed do not adequately protect the public health, safety, or welfare. The Governor’s Appeals Board’s membership, purpose, and procedures are defined by State Health and Safety Code Sections 25199.9 through 25199.14.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration, toxicity, corrosiveness, mutagenicity or flammability, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.
Health and Safety Assessment. A technical and environmental evaluation of a proposed facility, site, and surrounding area before approval of a Conditional Use Permit. The assessment shall consider the qualities and the physical and chemical characteristics of the specific types of waste that would be handled. The assessment shall include a hydraulic evaluation as well as risks due to flooding, earthquakes, and potential water or air pollution. It is not intended that the health and safety assessment duplicate information developed for environmental impact reports or risk assessments required under local, state, or federal regulations.

Immobile populations. Occupants associated with schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, and other similar facilities.

Interested Person. A person who participated in one or more public meetings or hearings held to consider an application for a land use decision for a specified hazardous waste facility project. “Participation” as defined in State Health and Safety Code Section 25199.1 (c) includes, but is not limited to, the giving of oral or written testimony at a meeting or hearing, submission of questions at a meeting or hearing, or attendance at the meeting or hearing.

Land Use Decision. A discretionary decision of the City concerning a specified hazardous waste facility including the issuance of a permit, a Conditional Use Permit, the granting of a variance, the subdivision of property, and the modification of existing property lines in compliance with Title 7 (commencing with Section 65000) of the Government Code.

Local Assessment Committee (LAC). A state-required committee of locally appointed representatives, designed to represent, generally, the interests of the residents in the City and residents in adjacent communities in meetings with the applicants of a proposed hazardous waste facility. The membership, duties, and mission of the committee are defined by State Health and Safety Code Section 25199.7(d), as reiterated in this chapter under (Local Assessment Committee).

Off-Site Hazardous Waste Facility. Any structures, other appurtenances, and improvements on the land, and all contiguous land serving more than one producer of hazardous waste and used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste including, but not limited to:

- Incineration facility (i.e., rotary kiln, fluid bed, etc.)
- Residual repository (receives only residuals from hazardous waste treatment facilities)
- Stabilization/solidification facilities
- Chemical oxidation facilities
- Neutralization/precipitation facilities
- Transfer/storage facilities;

Residuals Repository. A waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities.

Specified Hazardous Waste Facility. A specific off-site facility project proposal.

Health Facilities, Therapy and Rehabilitation. Establishments of independent health practitioners primarily engaged in one of the following:
Rehabilitation. Planning and administering educational, recreational, and social activities designed to help patients or individuals with disabilities, regain physical or mental functioning or to adapt to their disabilities;

Specialized Sensory Treatments. Diagnosing and treating speech, language, or hearing problems. These practitioners operated private; and

Therapy. Administering medically prescribed physical therapy treatment for patients suffering from injuries or muscle, nerve, joint, and bone disease.

Health/Fitness Facilities.

Small. An indoor facility of 2,500 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, dance, yoga, and martial arts studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 2,500 square feet in size and may include any of the following: sauna, spa, or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; rock climbing wall, boxing ring, cheerleading, aerobic classes and other indoor sports activities; locker rooms, and showers.

Height (of Structures). The vertical distance from the top of the nearest curb to the highest point of the roof.

Historical Landmark. An individual structure or group of structures having a special historical, architectural, cultural, or aesthetic value.

Home Occupation. The conduct of a business within a legal dwelling unit, with the business activity being incidental and clearly accessory to the primary residential use of the property.

Homeless Shelters. Churches, public buildings, or quasi-public facilities that provide emergency or temporary shelter for more than 31 days in any six-month period to homeless individuals and/or groups. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

Hospitals and Clinic/Urgent Care. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see “Animal Care, Sales, and Services”).

Clinic/Urgent Care. A facility other than a hospital, providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis such as urgent care centers. Typically operates beyond standard medical office hours and may provide emergency treatment. May include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale, see “Office, Medical and Dental Office.”
ARTICLE 7: DEFINITIONS

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Hotel. See “Lodging – Hotel and Motel.”

Hydrozone. A portion of the landscaped area having plants with similar water needs that are served by a valve or a set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated, such as a naturalized area planted with native vegetation that will not need supplemental irrigation once established in a nonirrigated hydrozone.

17.74.090 – I Definitions

Impact Noise. The noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

Impound Yard. See “Vehicle Storage.”

Industrial Property. A parcel of real property that is developed and used either in part or in whole for manufacturing purposes including research and development uses.

Improvement. An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements are distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

Instructional Services. Commercial establishments that offer specialized programs in personal growth and development served provided on an individual or group setting. Typical uses include classes or instruction in music, art, or academics. Instructional Services also include rehearsal studios as an accessory use.

Intensification of Use. A change in the use of a structure or site, where the new use is required by Chapter 17.26 (Off-street Parking and Loading) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

Internet Café. See “Arcade (Electronic Game Center).”

17.74.100 – J Definitions

Jewelry Store. See “Retail Sales – General.”

Junk or Salvage Yard. See “Recycling facilities—Scrap and Dismantling Yards.”

17.74.110 – K Definitions

Kennel. See “Animal Care, Sales, and Services.”

Kitchen/Kitchenette. A room used for preparation of food. A complete kitchen contains a sink, refrigerator, stove or range top, and oven or microwave. A partial kitchen is missing one of the above components.
17.74.120 – L Definitions

Laboratory – Medical, Analytical, Research, Testing. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs. This type of facility is distinguished from industrial research and development (see “Research and Development”) in its orientation more toward testing and analysis than product development or prototyping; an industrial research and development facility may typically include this type of lab. The “medical lab” subset of this land use type is oriented more toward specimen analysis and processing than direct blood drawing and specimen collection from patients (see “Hospitals” and “Clinics”), but may also include incidental specimen collection.

Laboratory, Medical and Dental. See “Office, Medical and Dental.”

Landscaping. Any combination of native or exotic plants, lawn, green walls, landscaped roofs, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements such as pools, fountains, water features, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to structures typically are not considered landscaping.

Landscaping Screen. The planting and continued maintenance of a compact screen of evergreen shrubbery forming a physical barrier or enclosure not less than six feet in height.

Land Use Permit. See “Discretionary Permits and Actions.”

Laundries and Dry-Cleaning Plants. Establishments engaged in high volume laundry and garment cleaning services, including power laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries (“laundromat”) or dry-cleaning drop-off/pick-up stores (“personal services”) without dry cleaning equipment.

Laundromat. An establishment engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment for customer use on the premises.

Library. See “Cultural Institutions.”

Live Entertainment. A musical act (including karaoke), theatrical act (including standup comedy), play, revue, scene, dance act, or combination, performed by one or more persons, whether or not they are compensated for the performance, in a privately-owned premise that is open to the public, whether or not admission is charged.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-unit or multiple-unit, and may include only commercial activities and pursuits that are compatible with the character of a residential environment. May be designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: (1) complete kitchen space and sanitary facilities in compliance with the City building code and (2) working space reserved for and regularly used by one or more occupants of the unit.

Loading Space/Area. An off-street space or berth on the same parcel with a main structure, or contiguous to a group of structures, for the temporary parking of commercial vehicles while loading or unloading. The space shall not abut a street, alley, or other appropriate means of ingress or egress.
ARTICLE 7: DEFINITIONS

**Local Landmark.** A designated structure, natural, or manmade feature having a historic character or historic, cultural, architectural, or aesthetic value relating to the heritage of the City that is shown to merit preservation, restoration, and/or protection.

**Locksmith.** An establishment that can install and repairs locks; make or sell locks and keys; or open locks when keys are lost, misplaced, or stolen.

**Lodging.** An establishment providing overnight accommodations to transient patrons for payment for periods of fewer than 30 consecutive calendar days.

**Hotel and Motel.** An establishment with guest rooms or suites, with or without kitchen facilities, rented to the general public for overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, personal services, retail services, or recreational facilities available to guests or to the general public. This use classification includes short-term residential rental, which is a dwelling unit that are shared, in whole or in part, for transient occupancy for periods of up to 30 consecutive days as a way of generating rental income. This use classification does not include boarding or rooming housings (see “Boarding Houses”) or bed and breakfasts (see “Bed and Breakfast Inns”), or hostels (see “Hostels”) which are separately defined and regulated.

**Lot.** A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including these Zoning Regulations. See Figure 7-03 (Lot Types) for various lot types.

**Figure 7-03: Lot Types**

![Lot Types Diagram](image-url)
**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

**Cul-de-Sac Lot.** A lot located on the curving portion of a cul-de-sac street.

**Flag Lot.** A lot that is located to the rear of another lot and is shaped such that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 25 feet of width.

*Figure 7-04: Flag Lot*

**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees.

**Irregular Lot.** A lot of irregular, rather than rectangular, shape.
ARTICLE 7: DEFINITIONS

Figure 7-05: Irregular Lots

Key Lot. An interior lot, the front of which adjoins the side property line of a corner lot.

Reverse Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Lot Area. The total area measured in a horizontal plane, included within the lot lines of a lot.

Lot Area, Gross. The area of a lot including planned or existing right-of-way dedications, private street easements, and all other easements.

Lot Area, Net. The ultimate lot area after the area of right-of-way dedications and private street easements have been subtracted.

Lot Coverage. The percentage of the net area of the lot covered by structures. This includes the perimeter of the building as viewed from a plan view, plus the area of all accessory buildings and structures, including...
but not limited to: covered porches and patios (including trellis covers), carports, porte-cochères, storage sheds, and permanent playhouses.

**Lot Depth.** Lot depth is the measured distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

**Lot Frontage.** The boundary of a parcel adjacent to a public street right-of-way.

**Lot Line.** The boundary between a lot and other property or the public right-of-way. See Figure 7-06 (Lot Lines) for various lot lines.

![Figure 7-06: Lot Lines](image)

**Lot Line, Front.** On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Side.** Any lot boundary line that is not a front lot line or a rear lot line.
ARTICLE 7: DEFINITIONS

Lot Line, Street Side. On a corner lot, the longer lot line abutting a street.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line (or from a straight line drawn at a tangent to the midpoint of a front lot line on a curved street), will be deemed the rear lot line for the purpose of establishing the minimum rear setback.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth line, measured from the front property line or at the required front setback line, whichever is greater.

Low and Very Low Income Households. Persons and families of incomes as defined by California Health and Safety Code Sections 50093 and 50105.

Low Water Flow Irrigation. A system of watering plant material using drip or other reduced water emitting devices that restrict the amount of water in gallons per minute to allow for deep percolation into the soil.

Lumber Yards, Retail and Wholesale. See “Building Materials and Services.”

17.74.130 – M Definitions

Machine Shop. See “Vehicle Service, Major.”

Maintenance and Repair Services – Indoor Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see “Vehicle Sales and Services”) and personal apparel (see “Personal Services”).

Manufactured Home. See “Accessory Dwelling Unit (ADU).”

Manufacturing – Heavy. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; textile mills; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing (such as sand, gravel, or clay into products for intermediate or final consumption); primary metal manufacturing; fabricated metal product manufacturing; petroleum refining and related industries; and automotive, ship, aircraft, and heavy equipment manufacturing. Includes accessory office uses associated with the on-site use. This classification does not include recycling (see “Recycling”) or the processing of animals.

Manufacturing – Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, and treatment packaging, taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. Includes accessory wholesale and/or direct retail sale to consumers of only those goods produced on-site. Includes accessory office uses associated with the on-site use. Examples of light industrial uses include, but are not limited to the manufacture of electronic instruments, equipment, and appliances; brewery and alcohol production, pharmaceutical manufacturing; and production apparel manufacturing.

Massage. See “Personal Services.”

Massage Establishment. See “Personal Services.”
Materials Storage Yard. See “Building Materials and Services.”

Mausoleum. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Medical Services. See “Hospitals and Clinics” and “Office, Medical and Dental Office.”

Metal Plating. See “Manufacturing – Heavy.”

Metal Working/Fabrication. See “Manufacturing – Heavy.”

Mixed-Use. A development project, containing both residential and commercial floor space, which is conceived and designed as a single integrated environment and in which both residential and commercial amenities are provided. A residential and commercial mixed-use development project shall be contained within one structure or on one site.

Mobile Noise Source. A noise source other than a fixed noise source.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach, or factory-built housing. A mobile home on a permanent foundation is included under the definition of “Single Family Dwelling.”

Mobile Home Parks. A parcel of land under one or more ownerships that has been planned and improved for the placement of two or more mobile homes, as the term “mobile home” is defined in Civil Code Section 798.3 or successor provision of the State Mobile home Residency Law, for nontransient use.

Mobile Home Space. The portion of a mobile home park set aside and designated for the occupancy of a mobile home or a manufactured home, including the area set aside for parking or structures which are accessory to the mobile home such as awnings, cabanas, and armadas.

Mortuary. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Motel. See “Lodging – Hotel and Motel.”

Moving Companies. An establishment that moves the possessions of a family or business from one site to another. The company may also provide storage, or incidental sales of moving supplies.

Mulch. Shredded or chipped wood from tree branches and trunks and from uncontaminated wood products or lumber; this matter is often mixed with leaves and grass clippings for optimal effect.

Multiple Family Dwelling. Two or more dwelling units attached or detached on a site or lot, which does not include an accessory dwelling unit. Types of multiple unit dwellings include a duplex, triplex, fourplex, townhouses, common interest subdivisions, garden apartments, senior housing developments, and multistory apartment buildings. Multiple-unit dwellings may also be combined with nonresidential uses as part of a mixed-use development.

Museum. See “Cultural Institutions.”
ARTICLE 7: DEFINITIONS

17.74.140 – N Definitions

Nightclub. See “Eating and Drinking Establishments.”

Noise Level. The “A” weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals (micronewtons per square meter). The unit of measurement shall be designated as dB(A).

Nonconforming Lot or Parcel. Any property created by a legal subdivision of land that was created in compliance with all applicable ordinances and laws at the time the property was subdivided but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the property is located.

Nonconforming Structure. Any structure, building, or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time it was erected but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the structure is located.

Nonconforming Use. See “Use, Nonconforming.”

Nudity/State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. This classification also includes farm supply and feed stores.

Nursery School. See “Day Care Centers.”

Nursing Home. See “Residential Care Facilities.”

17.74.150 – O Definitions

Offices.

Business and Professional (Non-Medical and Dental Office). Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, and tax preparation offices, but excluding banks and savings and loan associations (see “Financial Institutions and Related Services” and “Check Cashing and/or Payday Loans”).

Medical and Dental Office. Office use providing consultation, diagnosis, therapeutic, preventive, or corrective services by doctors, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, medical and dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see “Hospitals and Clinics”), and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.
Public Utility Commercial. A workplace for a government establishment engaged in the administration, regulation, licensing, and inspection of utilities, such as communications, electric power (including fossil, nuclear, solar, water, and wind), gas and water supply, and sewerage.

Office Supply Store. See “Retail Sales – General.”

Open Space.

Open Space, Common. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests. Examples include barbecue and picnicking areas, play areas, swimming pools, tennis courts, turf areas, and other recreational or leisure features and facilities. Common Open Space does not typically include enclosed spaces/facilities such as a community center, meeting rooms, etc.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. May include a combination of landscape and hardscape.

Open Space, Usable or Improved. Outdoor space that serves a recreational function or provides visual relief from the building mass. May include a combination of landscape and hardscape.

Open Space, Unimproved. Any open space that has not been landscaped or otherwise provided with amenities, and is generally kept in a natural state.

Organizational Houses. Residential lodging houses operated by educational and religious institutions and/or membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, convents, monasteries, and religious residential retreats. Does not include living quarters for ministers and staff serving a religious facility.

Outdoor Commercial Recreation Facilities. See “Commercial Recreation.”

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including auction yards, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure. Does not include the sale of motor vehicles. See “Motor vehicle sales/rentals.”

Outdoor Temporary and/or Seasonal Sales. The temporary outdoor use of property for retail sales.

Outside Storage Area. See “Storage.”

17.74.160 – P Definitions

Paper Product Fabrication. See “Manufacturing – Heavy.”

Parcel. See “Lot.”

Park and Recreation Facilities. Parks with playgrounds and recreation facilities, all of which are noncommercial and intended for neighborhood or community use. This classification also includes noncommercial playing fields, courts,
gymnasiums, public swimming pools, picnic facilities, tennis courts, and golf courses, as well as related food
concessions or community centers within the facilities.

Parking. The act of stopping and leaving a vehicle; usually with the intention of leaving it for some time.

Parking Facility. A surface parking lot or parking structure that is a primary use of a site.

Parking Facility – Temporary. The temporary use of property for the parking of vehicles.

Parking Lot. A ground level, outdoor area where operative cars, buses, recreational vehicles, trucks, vans, and other
motor vehicles are stored.

Parking Structure. A structure for the temporary indoor storing of operative cars, buses, recreational vehicles, trucks,
vans, and other motor vehicles are stored.

Patio. Typically, a paved outdoor area on the site of a dwelling that is used for lounging, dining, etc.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides
loans secured by such personal property.

Pedestrian Amenities/Orientation. A use that is intended to encourage walk-in customers and which generally does
not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian
oriented use provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high
customer turnover, and intense social interaction. Physical structures or places with design qualities and elements that
contribute to an active, inviting and pleasant place for pedestrians including:

- Design amenities related to the street level such as awnings, paseos, arcades;
- Continuity of structure facades along the street with few interruptions in the progression of structures and
  stores;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;
- Landscaping;
- Signage oriented and scaled to the pedestrian rather than the motorist;
- Street furniture;
- Visibility into structures at the street level.

Permitted Use. Land uses that are listed as allowed or conditionally allowed in Article 2 (Zoning Districts, Allowable
Uses, and Development Regulations), subject to compliance with applicable provisions of these Zoning Regulations.

Person. Any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate,
trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as
the singular.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber
shops and beauty salons, seamstresses, tailors, day spas, massage services where all persons engaged in the
practice of massage are certified pursuant to the Business and Professions Code Section 4612, dry cleaning agents
(excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, tattoo and body piercing
services, video rental stores, photocopying, photo finishing services, and travel agencies mainly intended for the
consumer.
Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- barber shops, hair salon
- clothing rental shops
- day spa without massage
- dry-cleaning pick-up stores with limited on-site cleaning equipment
- laundromats (self-service laundries)
- locksmiths
- nail salon
- shoe repair shops
- tailors and seamstresses
- ticket services shops

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- day spa with massage
- fortune-telling, palm reading, and psychic services
- massage establishments
- palm and card readers
- tanning salons
- tattoo and body piercing services

Pet Store. An establishment that sells birds, cats, dogs, fish, and other common household pets, including supplies for the care and feeding of the animals sold. This use may include pet grooming, but not the boarding of animals other than those for sale.

Pharmacy. An establishment where a licensed pharmacist prepares prescription medicines for sale, which may also sell over-the-counter medicines, personal care products, and other miscellaneous products.

Photofinishing Shop. See “Personal Services, General.”

Planned Development. As defined by Civil Code Section 1351(k), a development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or

2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section 1367.

Postal Service. An establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Predominant Tone Noise. A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.
ARTICLE 7: DEFINITIONS

Primary Use. See “Use, Primary.”

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade, including bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. See also “Business Support Services.”

Property Line. A boundary line separating parcels of real property having separate legal descriptions.

Property Maintenance Service. An establishment engaged in cleaning structure interiors and/or windows, ensuring trash removal, maintaining landscaping, etc.

Public Assembly Facilities. A facility for public or private assembly and meetings, exclusive of “Religious Assembly Facilities,” which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

Public Assembly Facilities do not include gymnasiums or other “Sports and Entertainment Assembly” facilities, or “Day Care Centers” or “Schools,” which are all separately classified and regulated.

Public Facility. A facility or structure including outdoor recreation areas owned by a local, regional, state, or federal agency.

Public Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Public Safety Facilities. A facility operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.


17.74.170 – Q Definitions
Reserved.

17.74.180 – R Definitions

Rear Yard. See “Yard, Rear.”

Recording Studio. Workplaces where movies, television shows or radio programs are produced and recorded, including administrative and technical production, administrative and production support offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
Recreation Facilities, Private – Indoor or Outdoor. A building, structure, or open space designed as an accessory recreational use to a permitted principal use. Private recreational facilities include such uses as swimming pools and tennis courts and are not open to the general public and not operated for profit.

Recreational Equipment Rentals. Rental of bicycles, scooters, skate board, ice skate, snow boards, surf boards, and similar recreational vehicles and equipment that are manpowered and do not include a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recycling Facilities. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include facilities that deal with animal matter nor does it include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations, which are classified as utilities.

Collection Facility. A facility available for the general public for the recycling of California Redemption Value (CRV) products such as glass, aluminum cans, and plastic beverage containers as defined by the State’s Department of Resources Recycling and Recovery. Also includes reverse vending machines, where an automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip. Processing and sorting is not conducted on site.

Mobile Recycling Unit. An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

Large Collection Facility. A facility that occupies an area of more than 500 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Reverse Vending Machine(s). An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container’s redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Small Collection Facility. A facility that occupies an area of 500 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

- A mobile unit;
ARTICLE 7: DEFINITIONS

- Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.
- Kiosk-type units that may include permanent structures.
- Unattended containers placed for the donation of recyclable materials.

**Processing Facility.** A facility used for the collection and processing of recyclable materials for shipment, or to an end user’s specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of “Recycling facilities—Scrap and Dismantling Yards”:

**Light Processing Facility.** A facility that occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

**Heavy Processing Facility.** A facility that occupies an area at 45,000 square feet and over of collection, processing and storage area, and averages more than two outbound truck shipments each day.

**Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include junk or salvage yards (“Junk and salvage yards”); places where these activities are conducted entirely within structures; pawnshops (“Pawnshops”) and other secondhand stores (“Secondhand/ consignment stores”); the sale of operative used cars; or landfills or other waste disposal sites.

**Recyclable Materials.** Those materials separated from solid waste and designated as recyclable under City sponsored recycling programs or source-separated, individual solid waste materials such as paper, cardboard, glass, plastics, or metals.

**Recycling or Recyclable Material.** Reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

**Recycling Area.** The space allocated in a development project for collecting and loading of recyclable materials. If source separation of recyclable materials is required, this area shall accommodate the necessary receptacles for the recyclable materials. Recycling areas shall be accessible and convenient to deposit recyclable materials, and for the collection of recyclable materials.

**Religious Assembly Facilities.** Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Other
establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

Repair/Maintenance, Consumer Products. See “Maintenance and Repair Services – Indoor.”

Research and Development. A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see “Laboratory – Medical, Analytical, Research, Testing”), or blood drawing and specimen collection from patients (see “Hospitals and Clinics, Clinic”), or testing of computer software (see “Office”). Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

Resident Manager’s Unit. A dwelling unit within a residential housing project or a multiple-family development in which a manager, acting as agent for the owner-lessee(s) of the residential housing project or the multiple-family development, resides.

Residential Care Facilities – 7 or more persons. Facilities that are licensed by the State to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for seven or more persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes “Supportive and/or Transitional Housing.”

Residential Property. A parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

Restaurant. See “Eating and Drinking Establishments.”

Retail Carts and Kiosks. The retail sale or viewing of merchandise located in a non-motorized pushcart or stand, designed to be portable and not permanently affixed to a structure or location.

Retail Sales – General. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. Does not include swap meet, pawn shop, or secondhand stores.

Retail Sales – Restricted. The retail sale of gun and ammunition stores, pawn shops, consignment stores, secondhand stores, and business offering payment for valuable goods such as jewelry and gold.

Retirement Home. See “Senior Housing.”
ARTICLE 7: DEFINITIONS

Reverse Corner Lot. See “Reverse Corner Lot.”

Roominghouse. See “Boarding House.”

Rubber Products. See “Manufacturing – Heavy.”

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and flows from the area. Usually occurs when water is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

17.74.190 – S Definitions

Salvage Yard. Places used for storing or keeping of recyclable or salvage materials.

Satellite Antenna. See “Wireless Telecommunication Facilities.”

Schools. A public or private educational institution which is run by the state or a subdivision or which is licensed by the state to offer preschool, elementary or secondary academic instruction — including kindergartens, elementary schools, middle or junior high schools, and high schools.

Schools, K - 12 – Private. A private academic educational institution, including boarding schools; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Schools, Private. A private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Schools, Public. A publicly-funded academic educational institution, including colleges and universities; elementary, middle/junior, and high schools; military academies; and charter schools. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Secondhand Store. Defined and regulated as “Personal Services, Restricted” and further, a business involved in the retail sale of used goods and merchandise such as a thrift store or consignment, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops and swap meets.

Self-Storage. See “Storage – Personal.”

Senior Care Facilities. See “Senior Housing.”

Senior Housing. A housing development incorporating independent dwelling units that are designed for, and limited to, the occupancy by persons who are at least sixty-two (62) years of age, or who are at least fifty-five (55) years of age and meet the qualifications found in Section 51.3 of the California Civil Code. This definition includes senior apartments, retirement communities, retirement homes and homes for the aged. It does not include extended care facilities such as convalescent homes or skilled nursing facilities (“Medical services—Extended care”); assisted living facilities or senior care facilities.
Service Station. See “Vehicle Repair and Services.”

Setback. The distance by which a structure, parking area, or other development feature shall be separated from a parcel line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. Figure 7-07 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks. See also “Yards.”

Front Setback. The minimum distance required between a structure and the front property line.

Side Setback. The minimum distance required between a structure and a side property line.

Street Side Setback. The minimum distance required between a structure and the side property line adjacent to the street. Figure 7-08 (Street Side Setbacks) shows Street Side Setbacks.

Rear Setback. The minimum distance required between a structure and the rear property line.

Figure 7-07: Setbacks
Figure 7-08: Street Side Setback

Short-Term Residential Rental. See “Lodging – Hotel and Motel.”

Shopping Center. See “Retail Sales – General.”

Side Yard. See “Yard, Side.”

Sight Safety Triangle. The area maintained with adequate and safe visibility for vehicular and pedestrian traffic at intersections of streets, alleys, or private driveways.

Signs.

Abandoned Sign. A sign that no longer correctly directs or exhorts a person, nor advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where the sign is displayed.

Advertising Device or Display. An object, person, item or animal, or other device including, but not limited to, banners, balloons, statues, flags, pennants, lights, portable signs, signs, or landscaping, used to attract attention for the purpose of drawing attention to a site or promoting the sale of goods or services.

A-Frame Sign. A sign generally not securely attached or fixed to the ground or to a permanent structure used as a stationary advertising devise and usually supported by two upright sign faces.

Aggregate Area. The total area of sign and/or advertising device surface.
**Alteration.** A change of copy, sign face, color, size, shape, illumination, position, location, construction, or support of a sign or advertising device.

**Animated Sign.** A sign designed to attract attention through movement or the semblance of movement of the whole or a part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or another method or device which suggests movement, but not including flags or banners.

**Area of Sign.** The entire area within which a single continuous perimeter of not more than six straight lines enclose the extreme limits of the text, representation, emblem, figure, or similar character together with material or color forming an integral part of the display or used to differentiate the sign against which it is placed. Necessary supports or uprights on which the sign may be placed are excluded unless supports or uprights are designed to form an integral background or part of the display. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign except where two faces are placed back to back.

**Awning.** A roof-like structure, either temporary or portable in nature, that projects from a wall of a structure for the purpose of shielding a doorway or window from the elements and may be periodically retracted into the face of a structure.

**Balloon.** A spherical, flexible, nonporous bag or similar object capable of being filled with air or gas.

**Banner Sign.** A publicly visible temporary advertising device made of cloth, paper, plastic, cardboard, metal, or other usually flexible material, which may indicate the identity or give or ask information about or convey a message, either directly or indirectly, about a person, entity, business, commodity, service, or idea.

**Figure 7-09: Banner Sign**

![Banner Sign](image)

**Bench.** A seat located upon or adjacent to a public or private right-of-way for the purpose of persons resting and which is capable of displaying a sign or advertising device.

**Billboard.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**Building Sign.** A sign lettered to provide the name of a building itself, as opposed to the names of occupants or services.
**Building Identification Sign.** A sign which contains only the name of a building and/or the address of the building and is incorporated into the architecture of the building.

**Bulletin Board.** A sign that signifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of the individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

**Campaign Sign.** A political sign but may include an advertising device or sign designed to influence the passage or defeat of a measure on the ballot or designed to influence the voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

**Canopy.** See “Awning.”

**Canopy Sign.** A form of advertising or illumination attached, painted, or constructed on a canopy or awning.

**Center.** A commercial, industrial, or professional use, consisting of one or more structures sharing common facilities. In each case, a center will consist of two or more retail stores or businesses, but may not necessarily be under a single ownership.

**Center Identification Sign.** A freestanding sign that advertises or directs attention to a shopping center or area having two or more separate businesses or activities.

**Civic Activity Sign.** A bulletin board or other similar advertising device incident to religious assembly facilities, hospitals, libraries, museums, and other similar public or bona-fide nonprofit institutions.

**Construction Sign.** A temporary sign on the premises listing the development, architect, engineer, planner, contractor, or other person or firm participating in the development, construction, or financing of a development.

**Detached Sign.** See “Freestanding Sign.”

**Digital Sign:** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs generally include displays using LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers.”
Directional Sign. A sign erected to serve as a public convenience in directing pedestrian and vehicular traffic, but not used for the purpose of advertising uses and activities on-site.

**Figure 7-10: Directional Signs**

Directly Illuminated Sign. A sign designed to provide artificial light, either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign, including but not limited to exposed neon signs.

Directory Sign. A sign erected to serve as a convenience in directing patrons or guests to a business or residential unit.

Eave line. The part of a roof which projects over or meets the wall.

Electronic Message Sign. A directly illuminated sign that presents variable advertising messages displayed by an electronically controlled lighting pattern against a contrasting background, and that may be programmed to change the message display periodically.

Electrical Sign. A sign containing electrical wiring that is attached, or intended to be attached, to an electrical energy source for the purposes of illuminating its surface.

Exempt Sign. Signs exempt from the permit requirements of Chapter 17.26 (Signs).

Façade. The exterior walls of a structure exposed to public view.

Fascia. A broad well-defined horizontal member of color or material having the form of a flat band between the top of a wall and the eaves of a roof. The area used for identification over the front of a shop.

Fascia Sign. A sign attached to or erected against a wall of a structure, with the face horizontally parallel to the structure wall.

Flag. Cloth or other lightweight material of distinctive size, color, and design, used as a symbol, standard, signal, emblem, or a device used to attract attention.

Flashing Sign. A directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
ARTICLE 7: DEFINITIONS

Freestanding Sign. A nonmoveable sign not affixed to a building, including but not limited to pole signs, ground signs, and construction signs.

Figure: 7-11: Types of Freestanding Signs

Frontage, Building. The lineal measurement of a building facade which fronts on a public or private street.

Frontage, Street. The linear measurement of a parcel along a public or private right-of-way but not including the lineal measurement along an alley, railroad, or freeway.

Garage Sale Sign. A temporary sign announcing the limited sale, from a private residence, of goods, furniture, clothing, or other similar articles.

Height of Sign. Calculated by measuring the vertical distance of a sign from the uppermost point of a sign measured from the average elevation of the finished grade surrounding the structure.

Historical Sign. A sign, which because of its character, age, or influence, is of historic significance to the community.

Identification Sign. A sign that is limited to the name, address, and number of a building, institution, or person and to the activity carried on in the building or institution, or to the occupancy of the person.

Illegal Sign. A sign not allowed or exempted by this Chapter.

Illuminated Sign. A sign which reflects light from a source intentionally directed upon it; by means of, including, but not limited to, floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

Interior Sign. A sign located within the inside of a business that is not visible from any area outside the structure that is open to the public.

Internally Illuminated Sign. An electric sign whose source of illumination is not visible to the viewer.
Kiosk. A freestanding, round, or multiple sided structure whose main purpose is to display signs or information.

Linear Frontage. The horizontal measurement of a building face, legal parcel, or site.

Logo. A name, symbol, feature, or trademark that represents a business, enterprise, group, or activity.

Mansard. A roof system having a steep slope, normally on all building sides.

Marquee. A hood, canopy, awning, or permanent construction that projects from a wall of a structure usually above an entrance and able to depict changeable copy.

Menu Board Sign. A sign displaying food or items sold on the premises.

Monument Sign. A free-standing sign or trademark incorporated in a wall or structure, constructed of concrete, wood, steel, or other similar building materials.

Multitenant Identification Sign. A single sign identifying each tenant or business individually.

Nameplate. A sign naming the occupant of the premises, the business, and/or address.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained before a time as it came within the purview of these Zoning Regulations and amendments of them, and which fails to conform to applicable regulations and restrictions of these Zoning Regulations; or a nonconforming sign for which a special permit has been issued.

Offsite Sign/Off Premises (Outdoor Advertising Sign). See “Billboard.”

Onsite Sign. A sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

Owner. A person recorded on official records and including any duly authorized agent or notary, a purchaser, devisee, judiciary, and persons having a vested or contingent interest in the property in question.

Parapet Wall. The portion of a structure wall that extends above the roof level.

Pole Sign. A freestanding sign directly supported by a pole or poles with air space between the grade level and any portion of the sign face.

Political Sign. A sign advocating the election of a specific candidate or candidates for political office, advocating a position with respect to a ballot issue or issues.

Portable Sign. A sign not designed to be attached to a structure or anchored to the ground, including, “A-Frame Sign,” fence signs and “Vehicle Mounted Sign.”

Projecting Sign. A sign other than a wall sign suspended from or supported by a structure and projecting outward either parallel or perpendicular.
Public Service Information Sign. A sign intended primarily to promote items of general interest to the community, including, but not limited to, time, temperature, date, atmospheric conditions, news, or traffic control.

Pump Sign. Signs displayed upon service station gas pumps for the purpose of advertising the sale of products incidental to the sale of gas and oil or other automobile service provided on the premises.

Real Estate Sign. A sign or sign structure relating to the sale, lease, or other disposition of the real property on which the sign is located and which is temporary in nature.

Resident Identification Sign. A sign provided on a residential parcel for the purpose of identifying the name of the occupants and the address of the residence.

Roof. The upper covering of a structure for weather protection or an architectural feature resembling the covering in design or material.

Roof Sign. A sign erected, constructed, and maintained upon or connected to the roof, roof system, roof line, or parapet of a structure.

Seasonal or Holiday Sign. Signs that are used for a historical holiday or special time of the year and installed for a limited period of time.

Service Station. A parcel or a portion of a parcel used for the servicing of motor vehicles including gas stations or sales.

Sign. An identification, description, item, illustration, or device, illuminated or nonilluminated, which is visible from a public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including permanently installed or situated merchandise; or emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information.

Sign Program. A comprehensive program intended to provide incentive, latitude, and variety in order to achieve aesthetically appealing and compatible signage for shopping and professional office centers and industrial parks with two or more occupants. A sign program may also be applicable for a single business proposing two or more signs.

Sign Structure. The supports, uprights, braces, cables, framework, and display surface of a sign.

Snipe Sign. A sign made of cloth, paper, cardboard, poster material, plastic, metal, or other material affixed to or upon fences, posts, trees, structures, people, or other surfaces usually found off-site.

Temporary Sign. A sign constructed of paper, cloth, canvass, or other similar lightweight material, with or without frames, including painted windows, flags, streamers, pennants, banners, and other signs not designed to be attached to a structure or anchored to the ground.

Time and Temperature Device. A device that displays the time or temperature whether or not it displays advertising or establishment identification.

Tract Identification Sign. A sign provided on residentially zoned property for the purpose of identifying the name of the tract and/or the range of addresses of the residences within the tract.
Transit Advertising Shelter. A structure housed on three sides usually located within the public right-of-way for the purpose of sheltering and seating persons awaiting transit and which is capable of displaying an advertising message.

Under-Canopy. A sign that is perpendicular to and suspended below the ceiling or roof of a canopy.

Unlawful Sign. A sign which contravenes these Zoning Regulations, or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous code was not obtained; a sign or group of signs which has been modified or altered so that it or they differ in size, shape, height, width, light intensity, or from the plans submitted and approved by the authorized person or entity.

Use. The purpose for which a building, parcel, sign, or other structure is arranged, intended, designed, occupied, or maintained.

Vehicle Mounted Sign. A sign or advertising device attached to a vehicle for the purposes of advertisement.

Wall Sign. A sign attached to or erected against the wall of a structure with the face in a parallel plane to the plane of the structure wall.

Figure 7-12: Wall Sign

Window. An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure and to allow for the display of products and services for commercial and industrial businesses; enclosed by frame and/or mullion; and containing a single pane of glass or other similar transparent or semi-transparent material.

Window Sign. A sign exposed to public view, attached, painted, posted, or displayed, either permanent or temporary, on or within one foot of the interior or exterior surface of a window.

Single Family Dwelling. A dwelling unit designed for occupancy by one household which is not attached to or located on a lot with commercial uses or other dwelling units, other than an accessory dwelling unit. For the purpose of
ARTICLE 7: DEFINITIONS

accounting for housing units pursuant to Chapter 17.144 (Residential Growth Management Regulations), a single-unit dwelling may also include, as an accessory use, one legally established accessory dwelling unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to Health and Safety Code Section 18551.

Single Unit Dwelling. See “Single Family Dwelling.”

Site. A parcel of land that encompasses the main structures, the accessory structures, and the open spaces as required by these Zoning Regulations.

Site Coverage. The percentage of total site area occupied by structures, including the primary structure, architectural features such as chimneys, balconies, decks above the first floor, porches, and stairs, and by accessory structures such as carports, garages, patio covers, storage sheds, and trash dumpster enclosures. Structure coverage is measured from exterior wall to exterior wall.

Social Service Facilities. Residential or nonresidential facilities providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, physical disabilities or to those persons in need of food and/or shelter. May include feeding centers, and substance abuse recovery and treatment facilities.

Solid Waste. All putrescible and non-putrescible solid and semisolid wastes, generated in or upon, related to the occupancy or, remaining in or emanating from residential or commercial premises, including recyclable materials, garbage, trash, refuse, paper, rubber, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 40191, excluding liquid wastes, abandoned vehicles and manifested hazardous or medical wastes.

Sound Level Meter. A type of noise monitoring equipment that meets standards established by the American National Standards Institute for Type 1 or Type 2 sound level meters.

Sound Pressure Level. A sound, in decibels, 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

Storage.

Storage – Accessory. The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.

Storage – Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage – Outdoor Recreational Vehicle Storage. The storage of operative or inoperative recreational vehicles. These uses include storage of towed recreational vehicles, impound yards, and storage lots for recreational vehicles, but do not include recreational vehicle dismantling.

Storage – Personal. A structure containing a separate storage space that is designed to be leased or rented individually. Indoor storage shall mean that access to all storage spaces shall be from common interior corridors, and the facility has only shared loading areas. This use does not include outdoor storage of any kind. Further, such storage does not involve any manufacturing, office or business services, or human habitation in any storage space or anywhere on site. Also known as mini-storage.
Street. A public thoroughfare accepted by the City, that affords a principal means of access to an abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads, and other thoroughfares except alleys as defined in these Zoning Regulations.

Street, Private. A right-of-way or easement used for vehicular or pedestrian traffic privately owned and maintained.

Street, Public. A right-of-way or easement used for vehicular or pedestrian traffic and maintained by public funds.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground including swimming pools and patio covers, but not including paved areas and not including electrical transformers and power poles. See also “Buildings.”

Structure, Accessory. See “Accessory Structures and Uses.”

Structure, Main. A structure where the primary use allowed on the parcel is conducted.

Studio – Art and Music. Small-scale instructional facilities or a small practice space for the individual artist, musician, or any individual practitioner of the activities defined here, typically accommodating one group of students at a time, in no more than one instructional space. Examples include individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Does not include dance, yoga, gymnastics, and martial arts studios (see Health/Fitness Facilities).

Substance Abuse Treatment Center. See “Social Service Facilities.”

Supportive and/or Transitional Housing. The term Supportive Housing (per Government Code Section 65582[f], as may be amended) shall mean a dwelling unit occupied by a target population, with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing resident(s) in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

The term Transitional Housing (per Government Code Section 65582[h], as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Supportive and/or transitional housing may be designed as a residential group living facility or as a regular residential use and includes both facilities that provide on-site and off-site services.

Supermarket. See “Grocery Store.”
ARTICLE 7: DEFINITIONS

Swimming Pool. Any confined body of water, located either above or below the finished grade of the site or on a rooftop, which exceeds 18 inches in depth (or as otherwise defined by Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time), and which is designed, used, or intended to be used for swimming or bathing purposes.

17.74.200 – T Definitions

Temporary Uses/Activities. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit (See [Temporary Use Permits]).

Textile Manufacturing. See “Manufacturing – Heavy.”

Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Through Lot. See “Through Lot.”

Townhouse. Attached or semi-detached structures, each containing a single dwelling unit and each located or capable of being located on a separate parcel. See also Section “Multiple-Unit Dwelling.”

Trailer. A nonautomotive vehicle designed to be pulled by a car, truck, or tractor for the purposes of transporting property or serving as a temporary dwelling or place of business.

Trade and Vocational Schools. Public or private post-secondary schools (other than a community college or four-year college) providing occupational or job skills training for specific occupations, including business and computer schools, management training, and technical training schools. Excludes personal instructional services such as music lessons and tutoring.

Trailer, Utility. A trailer used solely for the transportation of personal property.

Transitional Housing. See “Supportive and/or Transitional Housing.”

Transit Station and Terminal. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelter. A small-scale covered waiting area for buses, taxis, and rail mass transit stops.

Truck Terminal. See “Freight/Truck Terminals.”

Tutoring and Educational Centers. A business where supplemental educational instruction in specific subjects and skills is provided to school-age children.

17.74.210 – U Definitions

Unit. The element (structure or airspace) of a residential, office, or industrial condominium that is not owned in common with the owners of other condominium interests in the development plus a proportionate share of common areas.

Urgent Care. See “Hospitals and Clinic/Urgent Care.”:
Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use. Accessory Use includes active or passive solar heating systems and cogeneration facilities.

Use, Nonconforming. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a parcel. Use. See “Use.”

Use, Temporary. A use or activity allowed for less than one year consisting of activities that represent a variation from the normal business operations. Examples include, but are not limited to, parking lot sales, benefits, and special events.

Utility Facilities. A structure or improvement built or installed above ground for the purpose of providing utility services, communications services, and materials transfer to more than one lot. Generating plants; electric substations; solid waste collection, including transfer stations and materials recovery facilities; solid waste treatment and disposal; water or wastewater treatment plants; and similar facilities of public agencies or public utilities, including corporation and maintenance yards.

Facilities with On-Site Staff. Utility facilities that include office and/or working space for employees, and/or that require employees to be located on site for general operation of the facility.

Facilities with no On-Site Staff. Utility facilities that do not include office and/or working space for employees, and where on-site staff are required intermittently only for maintenance and/or infrequent monitoring.

17.74.220 – V Definitions

Vacation Rentals: See “Lodging – Hotel and Motel.”

Variance. means a discretionary entitlement that may waive or relax the development standards of these Zoning Regulations, in compliance with Chapter 17.48 (Variances).

Vehicle and Freight Terminals. See “Freight/Truck Terminals.”

Vehicle Sales and Rental. A retail establishment selling and/or renting automobiles, trucks and vans, motorcycles, and bicycles (bicycle sales are also included under “Retail Sales - General”). May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not mobile home, recreational vehicle, or watercraft sales (see “Vehicles - Trucks, Construction, and Heavy Equipment Sales, Service, and Rental”); tire recapping establishments (see “Vehicle Repair and Services”); businesses dealing exclusively in used parts; or “Service/Fueling Stations,” which are separately defined.

Vehicle Services. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”
ARTICLE 7: DEFINITIONS

Vehicle Storage. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Vehicle/Transportation Equipment Manufacturing and Assembly. Establishments primarily engaged in manufacturing or assembling complete equipment for transporting people and goods. Includes: passenger automobiles, trucks, commercial cars and buses, special purpose motor vehicles such as auto trailers, campers, and recreational vehicles, chassis or passenger car bodies, boat building, motorcycle building, and related incidental parts manufacturing.

Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other heavy equipment used for construction, moving, agricultural, or landscape gardening activities, as well as boats, mobile homes, and recreational vehicle/campers. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. Includes large vehicle operation training facilities. Sales of new or used automobiles are excluded from this classification (see “Vehicle Sales and Rental”).

Vehicle Charging Facilities. A location that supplies electricity for the recharging of electric vehicles (including plug-in hybrids).

Vehicle Repair and Services. The service and repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Service/Fueling Station. An establishment engaged in the retail sale of vehicle fuels or the retail sale of these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or ancillary retail and grocery sales. Does not include body and fender work or “heavy” repair of trucks or other motor vehicles (see “Vehicle Service, Major”).

Vehicle Service, Major. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Vehicle Service, Minor. Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.

Vehicle Washing/Detailing. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Vending Machine. An automated mechanical device which ejects consumer products, including but not limited to snack food items, non-alcoholic beverages, electronic devices, and movies, and that accepts cash, debit, and/or credit.
Video Rental Stores. An establishment engaged in renting prerecorded video tapes and digital video discs for viewing away from the premises on home electronic equipment.

17.74.230 – W Definitions

Warehouse, Wholesaling, and Distribution. Indoor storage and sale of goods to other firms for resale, storage of goods for transfer to retail outlets of the same firm, or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

Water Efficient Irrigation. The scheduling and management of an irrigation system to supply moisture to a landscape without excess or waste in compliance with the landscape/irrigation criteria established in Chapter 17.18 (Landscaping).

Water Efficient Landscaping. A landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the standards provided in Chapter 17.18 (Landscaping). This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native to hot/dry environments (See “Xeriscape”), and hardscape to achieve an overall landscape concept that is water conserving.

Wireless Communication Facilities. Wireless telecommunication facilities consist of commercial wireless communication systems, including but not limited to cellular, PCS, paging, broadband, data transfer, and any other type of technology that fosters wireless communication through the use of portable electronic devices. A facility includes all supporting structures and associated equipment. The following are definitions used in association with the regulation of wireless telecommunications facilities.

Antenna Structure. An antenna that is secured at a fixed and specified location, a structure designed specifically to support an antenna, and/or appurtenances mounted on an structure or antenna.

Co-location. The location of multiple antennas which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall, or structure.

Commercial Wireless Facility. An antenna structure located within the City limits that provides radio communication service that:

- Is offered in return for monetary compensation;
- Is available to the public or a substantial portion of the public; and
- Provides subscribers with the ability to access or receive communication from the public switched telephone network.

Commercial wireless facilities include, but are not limited to, antenna structures that provide paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (“SMR”), and personal communications service (“PCS”).

Ground Mounted. A facility mounted to a pole, lattice tower, or other freestanding structure specifically constructed for the purpose of supporting an antenna.

Lattice Tower. A structure in excess height of 40 feet with three or four steel legs used to support antennae.
ARTICLE 7: DEFINITIONS

Major Facility. A commercial wireless facility, either ground mounted or roof mounted, whether or not the facility employs stealth design or shielding. Exception: a roof-mounted facility that is screened on all four sides by a solid material that does not exceed the maximum height of the applicable zoning district shall be deemed a “Minor Facility.”

Minor Facility. A commercial wireless facility that is wall mounted, utility mounted, or roof mounted and the entire facility is either 1) designed to use a stealth approach to integrate the facility into the architectural design of the building on which it is located; 2) screened by solid material on four sides and does not exceed the maximum height of the applicable zoning district; or 3) co-located on an existing wireless communication facility tower.

Mounted. Attached or supported.

Panel. A wireless communication facility where the antennae are mounted on the roof or top of a building or structure, or the side of a building or structure, other than on a stand-alone facility.

Radio Communication. The transmission and/or reception of impulses, writing, signs, signals, pictures, and sounds of all kinds through space by means of electromagnetic waves.

Roof Mounted. Mounted on any structure (not specifically constructed for the purpose of supporting antennae) in a manner that does not satisfy either the definition of wall mounted or utility mounted; typically mounted on the roof of an existing structure.

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, that is used to transmit and/or receive radio, microwave or other electromagnetic waves between terrestrially and/or orbitally based use.

Stand-Alone Facility. Improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

Stealthing. Improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

Utility Mounted. Mounted to an existing aboveground structure specifically designed and originally installed to support electrical power lines, cable television lines, street lighting, or traffic signal equipment.

Wall Mounted. Mounted on a vertical or nearly vertical surface of a building or other existing structure (not specifically constructed for the purpose of supporting an antenna, including the exterior walls of a structure, an existing parapet, the side of a water tank, the face of a religious institution steeple, or the side of a freestanding sign) and the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

Woodworking Shop. See “Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops.”
17.74.240 – X Definitions

**Xeriscape.** A combination of landscaping and irrigation techniques that reduce the demand for water required to maintain a given landscape. The primary techniques are:

- Use of water conserving plants;
- Use of appropriate species, quantities and placement of turf;
- Planning landscape areas with hydrozones, plants grouped based on watering needs using irrigation systems designed to meet the long-term needs of each hydrozone in the landscape; and
- Planting landscape areas based on watering needs, hydrozones.

17.74.250 – Y Definitions

**Yard.** An open space, other than a sports court, on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Chapter.

**Yard, Front.** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be at least equivalent to the required setback distance specified by this Title for the district in which it is located and measured inward from the front lot line. For the purpose of defining which is the front yard, in the case of an interior parcel, a yard fronting the street; in the case of a corner parcel, the yard facing the narrowest street frontage. (If the frontages of a corner parcel are equal in length, the front yard shall be determined by the Director.) On a through parcel, both yards are considered front yards and the parcel is considered to have no rear yard or parcel line.

**Yard, Interior Side.** A yard extending along an interior side of a lot from the front lot line to the rear lot line. The depth of an interior side yard shall be at least equivalent to the required setback distance specified by this Article for the district in which it is located and measured inward from the interior side lot line.

**Yard, Street Side.** A yard extending along the street side of a corner lot from the front lot line to the rear lot line. The depth of a street side yard shall be at least equivalent to the required street side setback distance specified by this Ordinance for the district in which it is located and measured inward from the street side lot line.

**Yard, Rear.** A yard extending across the rear of a lot for its full width between side lot lines. The depth of a rear yard shall be at least equivalent to the required rear setback distance specified by this Ordinance for the district in which it is located.

17.74.260 – Z Definitions

**Zone.** An area of the City delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in these Zoning Regulations.

**Zoning Map.** The designated official map or maps which show the location and boundaries of the zones established by these Zoning Regulations and are referred to as the zoning map and incorporated as a part of these Zoning Regulations. The zoning map together with everything shown on it and amendments to it, are as much a part of these Zoning Regulations as if fully identified and described in context.
## PARKING TABULATION:

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<th>BUILDING IDENTIFICATION</th>
<th>BUILDING AREA (SQUARE FEET)</th>
<th>NUMBER OF BEDS</th>
<th>REQUIRED PARKING SPACES</th>
<th>PARKING LOT IDENTIFICATION</th>
<th>NET PARKING SPACES</th>
<th>DEMOLISHED PARKING SPACES</th>
<th>ALLOCATED PARKING SPACES</th>
<th>PROVIDED PARKING SPACES POST CENTRAL UTILITY PLANT</th>
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City of Los Alamitos
PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE:  June 26, 2019      ITEM NUMBER: 10A

To:     Chair Riley and Members of the Planning Commission
Via:    Les Johnson, Development Services Director
From:   Tom Oliver, Associate Planner
Subject: Discussion of New Business Assistance

SUMMARY
A discussion to brainstorm ideas that will encourage businesses to apply for business licenses, and for property managers to remind them of the business license requirement. During the May 22, 2019 Planning Commission meeting, Commissioners continued this item to the June 26, 2019 meeting so that more of the members could be present for the discussion.

RECOMMENDATION
Discuss and give direction to Staff.

BACKGROUND
During the April 24, 2019 Planning Commission meeting, prospective business owner Debbie Rodriguez addressed the Commission during oral communication explaining her experience with attempting to establish a hair salon within a tenant space. Ms. Rodriguez secured a lease with the property manager and subsequently met with Associate Planner Tom Oliver in order to apply for a business license. During the meeting with Mr. Oliver, Ms. Rodriguez was informed that the zoning district covering the property where she established a lease does not allow hair salons. Ms. Rodriguez informed the Commission that she is now having difficulty terminating the lease and having her deposit returned.

As a result of the comments provided by Ms. Rodriguez, the Planning Commission directed staff to add an item on the agenda for the next meeting to discuss what efforts the City could undertake to help prevent future similar situations.

DISCUSSION
It is not uncommon for new businesses to open their doors in the City of Los Alamitos without first doing their due diligence and apply for zoning approval to obtain a business
license prior to signing a lease. Similarly, Property Managers sometimes do not require a lessee to obtain a business license prior to leasing a unit from them. This often becomes a costly mistake when a business finds that they need to relocate, as a result of the City finding that they opened the establishment in the wrong zone.

Most new businesses make an effort to contact the City early in their “due diligence” process, inquiring about securing a business license, and obtaining building permit for improvements and signage. Occasionally, a prospective business owner inquires after securing a lease or purchasing property but most do so before making such a commitment.

Additionally, staff has historically and continues to work closely with a number of commercial property owners and managers, with most being aware of the uses allowed at their property. A number of commercial property owners and their representatives are aware of the zoning, permitted and conditional uses, and development standards associated with their property. This has historically resulted in limited issues similar to what Ms. Rodriguez experienced.

In the instance involving Ms. Rodriguez, the property manager for the subject site is aware of the zoning and uses permitted. This particular property has seen a number of uses proposed that are not permitted within the zoning district or established without first obtaining business license from the City. Though staff has attempted to prevent such situations, the property manager appears to be unwilling to or disinterested in informing prospective businesses of the zoning and that a business licenses is necessary. Since the last Planning Commission meeting, staff sent a letter to the property manager once again requesting her assistance in preventing businesses from securing leases or opening in advance of obtaining a City business license.

Staff is open to any suggestions that the Planning Commission may have that would further assist with minimizing future matters, such as this as well as ways to be of greater resource to those wishing to establish a new or relocate an existing business in Los Alamitos.