TITLE 11: ZONING

PART IV: REGULATIONS APPLYING IN SOME OR ALL DISTRICTS

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Chapter 11.4.05
Standards for Specific Uses

§ 11.4.05.005 Applicability.

This Chapter establishes standards applicable to specific uses listed in Part II: Base Districts, that are in addition to standards listed in this Zoning Code including, but not limited to, development standards in the base zoning districts, Chapter 11.4.10: General Site Standards, Chapter 11.4.15: Fences, Hedges and Walls, Chapter 11.4.20: Off-Street Parking and Loading, Chapter 11.4.25: Sign Regulations, Chapter 11.4.30: Landscaping and Buffer Yards, and Chapter 11.4.35: Coastal Development Permit. Where a standard of this Chapter conflicts with another provision of this Zoning Code, the stricter standard shall apply.

§ 11.4.05.010 Accessory Business Uses and Activities.

This section establishes minimum standards for the development and operation of accessory manufacturing, and accessory retail sales and services that are located within, and incidental to a primary commercial use. Examples of these uses include the manufacture of small products in support of an on-site retail business that is the primary use of the site, food service businesses within office complexes, pharmacies and gift shops within hospitals, and other similar uses. The intent of these standards is to provide for accessory business activities that will support the primary use, but will not supplant the dominance of the primary use.

A. Relationship to Primary Use.

1. Exterior Appearance. Accessory uses are allowed, provided there will be only minor external evidence of the accessory commercial activity, so that the appearance of the site is defined by the primary use.

2. Public Access. Public access to the accessory use shall only be from within the structure which houses the primary use.

3. Floor Area Limitation. The floor area of the accessory use shall not exceed 1,000 square feet or 20% of the total floor area of the primary use, whichever is less.

B. Commercial Zoning Districts.

1. Restaurants and retail sales are allowed in the commercial zoning districts incidental and accessory to offices, hotels, hospitals, and other medical facilities, to serve the needs of employees and guests, and pharmacies

are allowed within hospitals and other medical facilities. A restaurant that is proposed to serve other than office, hotel, hospital or medical facility guests shall require separate approval as a restaurant in compliance with Section 11.4.05.120: Restaurant – Alcohol Sales.

2. Light assembly or manufacturing is allowed in the commercial zoning districts for the creation or manufacture of small clothing, art and craft products (e.g., apparel, jewelry, sculpture), accessory to on-site retail sales. The use of toxic or otherwise hazardous chemicals or materials shall comply with all state and federal requirements.

C. **Criteria for Approval.** An accessory manufacturing, retail, or service use shall be allowed only where the Director first determines that the use will not result in harm to adjoining existing or potential residential use due to excessive noise, traffic, or other adverse effects generated by the accessory use.

D. **Allowable Incidental Business Activities.**

1. Allowed Uses. The following activities are allowed when deemed incidental to a legally established commercial business, and when conducted in compliance with the standards identified in subsection D.5, below:

a. Book or poetry readings in a café, restaurant, or bar;

b. Fashion show in a café, restaurant, or bar;

c. Parlor games or party games in a café, restaurant, or bar;

d. Live, unamplified tableside entertainment performed by no more than 2 individuals (including but not limited to a singer, musician, instrumentalist, magician, balloon entertainer, face painter or comedian) in a retail store, gallery, restaurant, or café; and

e. Other uses as determined by the Director to be of the same general character as those listed above, and not objectionable or detrimental to surrounding properties and the neighborhood.

2. Prohibited Uses. The following are prohibited as incidental uses:

a. Dancing;

b. Karaoke;

c. Live music with amplified instruments; and

d. Stand-up performances from a stage and amplified performances, such as by singers, musicians, comedians or magicians.

3. Incidental Related Activities. Incidental activities customarily related to the main business use (for example, exhibition of a specific artist's work, including an opening reception in an art gallery; book reading or signing in a bookstore) in compliance with Chapter 11.5.25: Director Determinations shall comply with the applicable standards identified in subsection D.5, below, but shall be exempt from the permit requirements of following subsection D.4.

4. Permit Required. The incidental activities allowed by this section shall require City approval as follows:

a. For an activity that will occur less than weekly no permit is required.

b. For an activity that will occur once a week, approval of a Minor Use Permit in compliance with Chapter 11.5.20: Development Permits.

c. For an activity that will occur more than once a week, approval of a Conditional Use Permit in compliance with Chapter 11.5.20: Development Permits.

The Planning Commission may amend the specified days and times allowed in an approved permit, without the public hearing and with noticing as required for a Minor Use Permit, provided that the amendment does not increase the total number of days or amount of time for the allowed activity.

5. Development Standards. In order for the accessory use to be "incidental," all activities shall comply with the following operational standards:

a. Location. The incidental activity shall occur only within the interior area of the business, alongside the regular business activity without replacing it at any time.

b. Frequency. The review authority shall determine the total number of incidental activities to be allowed. The specific days of the week and times allowed shall be specified in the permit.

c. Outside Promoters. The incidental activity shall be part of the primary business use and shall not be sponsored by an outside promoter; however, an activity may benefit a non-profit organization directly engaged in civic or charitable efforts.

d. Admission Charges. There shall not be admission charges to enter the business or any other cover charges based on the incidental activity.

e. Noise Impacts. All activities shall comply with Section 11.4.10.020.B: Noise.

f. Traffic and Parking. The incidental activity must not generate enough additional traffic to warrant the need for additional off-street parking on a regular basis.

g. Adverse Impacts on Adjacent Areas. The incidental activity shall not cause any additional adverse impacts on neighboring residential or commercial property owners or tenants.

§ 11.4.05.015 Alcoholic Beverage Establishments.

A. **Permit Requirement.** Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits is required for all alcoholic beverage establishments.

B. **Compliance with City Council Policy.** The Conditional Use Permit shall include all appropriate conditions of City Council Policy 600-1: Standard Conditions for Alcohol Related Land Uses.

C. **Display of Permit Required.** The Conditional Use Permit issued for the alcoholic beverage establishment and a copy of the conditions of approval for the permit shall be displayed on the premises of the establishment in a place where it may readily be viewed by any member of the general public.

D. **Considerations for Approval of a Conditional Use Permit.** In making the findings required for the approval of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, the following additional issues shall also be considered.

1. Undue Concentration. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages, pursuant to the regulations of the California Department of Alcoholic Beverage Control (ABC).

2. Distance to Sensitive Land Uses. The distance of the proposed use from the following:

a. Residential uses;

b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and

c. Other establishments dispensing alcoholic beverages.

3. Noise Levels. Whether the noise levels generated by the operation of the establishment would exceed the level of background noise normally found in the area or would otherwise be intrusive.

E. **Nonconforming Uses and Structures.** Alcoholic beverage retail establishments that were legally operating prior to the adoption of Ordinance No. 1348, January 27, 1992, may continue to operate as nonconforming uses in compliance with the provisions of Chapter 11.4.40: Nonconforming Uses, Structures, and Lots. In addition to those provisions, nonconforming establishments shall be required to apply for a Conditional Use Permit in compliance with Chapter 11.5.20: Development Permits, if any of the following occur:

1. The existing establishment requests permission from the ABC to allow the serving of distilled spirits in addition to its original license to sell or serve beer and wine only;

2. The establishment's liquor license is revoked;

3. The establishment's liquor license is suspended for more than 45 days by the ABC; or

4. There is a proposed expansion of the area within the establishment that is designated for the sale or consumption of alcoholic beverages.

§ 11.4.05.020 Animal Keeping.

Where allowed by Part II: Base District Regulations, animal keeping shall comply with the regulations of this Section.

A. **Type and Number of Animals Allowed.** The keeping of animals and birds for non-commercial purposes shall be limited to the following number of animals. Any animal or number of animals other than the following shall be prohibited.

1. Four or less weaned cats and dogs in any combination;

2. Six parakeets, parrots, canaries, or similar birds kept indoors; and

3. Six reptiles (turtles, lizards or snakes and the like).

B. **Reptile Location Requirements.** Reptiles maintained on a property out of doors shall be kept in a fully enclosed structure located a minimum distance of 10 feet from any lot line, 50 feet from any dwelling unit, and 100 feet from any school, hospital, or similar institution.

§ 11.4.05.025 Assisted Living Facilities.

A. **Applicability.** The following criteria apply to all assisted living facilities, including congregate care, board and care, and skilled nursing facilities. Congregate care housing facilities are multi-unit residential projects reserved for senior citizens, where each dwelling unit has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation. See also Section 11.4.05.125: Senior Citizen Apartments and Independent Living Facilities.

B. **Permit Requirement.** Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits is required to construct and operate assisted living facilities, including congregate care, board and care, and skilled nursing facilities.

C. **General Standards.** All assisted living facilities are subject to the following standards:

1. Compatibility with Surrounding Properties. The use does not create impacts on surrounding properties and neighborhoods that are more significant than would be caused by standard multi-unit rental projects.

2. Provision of Common Areas. Common indoor business, recreational, and social activity areas of a number, size, and scale consistent with the number of living units shall be provided, with not less than 5% of the total indoor floor area devoted to educational, recreational, and social facilities (e.g., library, multi-purpose common room, recreation room, TV room).

3. Laundry Facilities. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units.

4. Residency Limitations. Residents shall be limited to those in need of an assisted living environment, together with a spouse or partner in each unit.

5. Conversion to other Residential Living Type. If a congregate care/assisted living facility approved in compliance with this Section is changed to another use (for example, the project converts to a conventional unrestricted

multi-unit project), the project shall be modified to meet all applicable standards of this Zoning Code.

6. Required Safety Equipment. Indoor common areas and living units shall be provided with necessary safety equipment (e.g., safety bars), as well as emergency signal/intercom systems, subject to the approval of the Director and Building Official.

7. Security lighting. Adequate internal and external lighting shall be provided for security purposes. The external lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding neighborhood, in compliance with Section 11.4.10.020.A: Lighting.

8. Premises Security. The entire project shall be designed to provide maximum security for residents, guests, and employees.

9. Allowable Common Facilities. The project may provide one or more of the following specific common facilities for the exclusive use of the residents:

a. Beauty and barber shop;

b. Central cooking and dining rooms (may also be used by guests);

c. Exercise rooms; and

d. Small scale drug store and/or medical facility as an ancillary use only.

10. Transit Facilities. Transit facilities shall be provided as follows:

a. A bus turnout and shelter along the street frontage shall be provided if the facility is on an established bus route, and is coordinated with the transit authority.

b. Facilities with 50 or more dwelling units shall provide private dial-a-ride transportation shuttles, with the exact number and schedule to be determined by the review authority.

§ 11.4.05.030 Automated Teller Machines (ATM's).

A. **Permit Requirement.** Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits is required to establish an ATM on the exterior of a structure.

B. **Location Requirements.** ATM's proposed on the exterior of structures shall be:

1. Set back from an adjacent street curb by a minimum of 8 feet;

2. Located a minimum of 30 feet from any property line corner at a street intersection;

3. Located to not eliminate or substantially reduce any landscaped areas;

4. Drive-through access to an ATM from a vehicle shall comply with Section 11.4.05.050: Drive-In and Drive-Through Facilities; and

5. Be approved by the Director or the City Engineer to ensure safety and adequate circulation area around the ATM.

C. **Architectural Design.** All construction and modifications to the exterior of the structure pertaining to the installation of an ATM shall be completed in a manner consistent with the architectural design of the structure.

D. **Trash Disposal.** Each exterior ATM shall be provided with a receptacle sufficient in size and design to safely accommodate daily trash and any smoking materials discarded by users of the ATM.

E. **Lighting.** Each exterior ATM shall be provided with security lighting in compliance with Section 11.4.10.020.A: Lighting, or State law, whichever is most restrictive.

§ 11.4.05.035 Automobile Service Station.

Requirements for the establishment, reconstruction, and operation of automobile service stations shall be subject to the following criteria and standards:

A. **Permit Requirement.** The establishment of a new service station, or the reconstruction, enlargement or alteration of an established service station may be approved only through the granting of a Conditional Use Permit. In addition to all other application materials required for the Conditional Use Permit the applicant shall also provide a photo-simulation showing the new or

remodeled service station facilities in place on the project site, together with its relationship to existing surrounding land uses. The Commission shall make the following findings in addition to the findings required by Chapter 11.5.20: Development Permits:

1. The proposed use will not substantially increase vehicular traffic on any public rights-of-way in the immediate vicinity, especially those serving residential uses;

2. The proposed use will not create increased traffic hazards to pedestrians when located near a religious institution, school, theater, or other place of assembly; and

3. The products offered for sale will be displayed with consideration to their visual impacts.

B. **Automobile Service Station Development and Operational Standards.** New and reconstructed service stations shall comply with the following standards:

1. Major Intersections. Service stations shall be allowed only at the intersections of either 2 major streets or at the intersections of a major street and a primary, secondary or minor street.

2. Maximum Number of Stations at an Intersection. A maximum of 2 service stations shall be allowed at an intersection.

3. Minimum Site Area. The minimum site area shall be 22,500 square feet.

4. Minimum Frontage. The minimum frontage shall be 150 feet on each street.

5. Minimum Street Setbacks. Structures shall be set back at least 30 feet from a street property line.

6. Minimum Side and Rear Setbacks Adjacent to Residential Districts. Structures shall be set back at least 30 feet from the side and rear property lines where the adjoining parcels are located in a residential zoning district.

7. Minimum Side and Rear Setbacks. Adjacent to Non-Residential Districts. The setback shall be determined by the Conditional Use Permit when structures are adjacent to non-residential zoning districts.

8. Vehicular Access Points. There shall be no more than 2 vehicular access points to/from each pubic right-of-way;

9. Distance between Curb Cuts. There shall be a minimum distance of 30 feet of full height curb between curb cuts along a pubic right-of-way.

10. Location of Driveways. Driveways shall not be located closer than 25 feet to the end of a curb corner; closer than 25 feet to a common property line when adjacent to a residential district; and at a location approved by the reviewing authority when the adjoining property is located in a commercial or industrial district.

11. Driveway Widths. The width of a driveway shall not exceed 25 feet, measured at the sidewalk.

12. Parking. On-site parking shall be provided at a minimum ratio of one space for each pump island; plus one space for each service bay; and if a convenience market is provided, additional parking to serve the convenience market shall be provided in compliance with Chapter 11.4.20: Off-Street Parking and Loading.

13. Pump Islands.

a. Pump islands shall be set back a minimum of 30 feet from any residential property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 12 feet within this distance.

b. Pump islands shall be set back a minimum of 20 feet from any non-residential property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 12 feet within this distance, but no closer than 8 feet to the property line.

c. When the property line is a public right-of-way line, an area of at least 4 feet in width along the line shall be landscaped in compliance with Chapter 11.4.30: Landscaping and Buffer Yards.

14. Cashier Location. The cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.

15. Canopies. Canopy height shall be limited to a maximum of 18 feet.

16. Signs. All on-site signs shall be in compliance with Chapter 11.4.25: Sign Regulations.

17. Landscaping. Landscaping shall comprise a minimum of 15% of the service station site area, exclusive of required setbacks, and shall be provided and permanently maintained in compliance with the following regulations, as well as those identified in Chapter 11.4.30: Landscaping and Buffer Yards:

a. A minimum 4-foot wide, inside dimension, and 6-inch high curbed landscaped planter area shall be provided along the street property lines, except for openings to facilitate vehicular circulation, and along side and rear property lines adjoining residentially zoned properties;

b. Where the planter area(s) is adjoining a peripheral wall, trees planted not more than 16 feet apart shall be included in the planter area(s) which shall be a minimum of 6 feet wide, inside dimension;

c. An on-site planter area of not less than 200 square feet shall be provided at the corner of the two intersecting streets. Landscaping shall not exceed a height of 42 inches at this location;

d. A minimum of 50 square feet of planter area shall be located along those portions of the main structure fronting on public rights-of-way;

e. Additional landscaping may be required to screen the service station from adjoining public rights-of-way and properties, in compliance with Chapter 11.4.30: Landscaping and Buffer Yards; and

f. Street trees shall be planted as approved by the City Engineer.

18. Exterior Lighting.

a. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjoining public rights-of-way and properties.

b. Lighting shall not:

i. Be of a high intensity to cause a traffic hazard;

ii. Be used as an advertising element; or

iii. Adversely affect adjoining properties, in compliance with Section 11.4.10.020.A: Lighting.

19. Service Bays.

a. Openings of service bays shall be designed to minimize the visual intrusion onto adjoining public rights-of-way and properties.

b. Service bay doors shall not directly face an existing residential development or zoning district.

20. Peripheral Wall.

a. Where a service station adjoins property in a residential zoning district, a solid decorative masonry wall shall be constructed along the common property line. The height of the wall, which shall be between 8 and 10 feet in height, shall be measured from the finished grade of the residential property. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and subject to the approval of the Director.

b. When the wall reaches the established front or street side setback line of a residentially zoned parcel adjoining the service station, the height of the wall shall be between 36 and 42 inches, inclusive.

c. Where a service station adjoins property in a commercial zoning district, the provision of peripheral walls shall be determined through the Conditional Use Permit approval.

21. Location of Activities. All activities and operations shall be conducted entirely within the enclosed service station structure(s), except as follows:

a. The dispensing of petroleum products, air, and water from pump islands;

b. The provision of emergency service of a minor nature;

c. The sale of items via vending machines which may only be placed next to the main structure in a designated area not to exceed 32 square feet and which shall be roofed and screened from public view;

d. The display of allowed automotive merchandise on each pump island, provided that the aggregate display area on each island shall not exceed 12 square feet and that the products shall be located in a specially designed enclosed case; and

e. Motor vehicle products displayed along the front of the structure shall be within 36 inches of the structure, and limited to 5 feet in height and not more than 5 feet in length.

22. Vehicle Parking.

a. Outside storage of motor vehicles is prohibited. For the purpose of this Section, outside storage shall mean the parking of a motor vehicle in an unenclosed area of the service station for longer than 24 hours, unless the vehicle is in the process of being serviced, in which case it may be parked for a maximum period of 72 hours.

b. Vehicles shall not be parked on alleys, driveways, parkways, or sidewalks.

c. Vehicles shall not be parked on the premises for the purpose of offering same for sale.

d. Parking shall be located and screened to minimize visibility of parked vehicles from adjoining public rights-of-way.

23. Tow Services. Tow service operations may only be conducted upon the approval of a Conditional Use Permit and in compliance with all appropriate conditions of the approved Conditional Use Permit, which shall establish conditions for operations to not create a public nuisance for adjoining properties. Conditions may be imposed regarding the following operations:

a. Hours for drop-off of towed vehicles;

b. Location for storage of any towed vehicles; and

c. Allowable routes for tow service vehicle operations between 9:00 p.m. and 7:00 a.m.

24. Sale of Beer and Wine. No alcohol shall be sold at an automobile service station convenience market, except as follows:

a. The service station convenience market shall comply with all requirements for off-sale retail applications in City Council Policy 600-1: Standard Conditions for Alcohol Related Land Uses, including but not limited to the maximum proximity to residences, the proscription of an undue concentration of alcohol uses, and the prohibition on onsite consumption; and the Conditional Use Permit shall contain the applicable Standard Conditions for Alcohol Related Land Uses, pursuant to City Council Policy 600-1.

b. The service station convenience market shall be located in a zone permitting an automobile service station use.

c. The business shall not be located within 1,000 feet of a park, religious institution or school, whether such use is within or outside of the City.

d. The distances specified in this section shall be measured in a straight line, without regard for intervening structures, from the property line of the lot containing the service station convenience market to the property line of the lot containing the residence, park, religious institution, school, or business.

e. The determination on whether to permit the sale of beer and wine at a service station convenience market shall be supported by written findings, based on substantial evidence in view of the whole record.

25. Site Maintenance.

a. Used or discarded automotive parts or equipment, or permanently disabled junked or wrecked vehicles shall not be located outside of the main structure.

b. A waste collection and disposal storage area, completely enclosed with a masonry wall not less than 6 feet high with a solid gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located on the rear portion of the property in a manner which is accessible to refuse collection vehicles.

c. Driveways and service areas shall be maintained and kept free of grease, oil, and other petroleum products in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled grease, oil, and other petroleum products without washing them into the drainage, gutter, or sewer systems.

26. Public Service Facilities. All service stations shall:

a. Provide restrooms on-site, at no charge, for public use during normal business hours. The restrooms shall be continuously maintained in compliance with the standards of the County Health Department;

b. Provide and maintain in usable and good working order, an air pump and radiator water hose for public use.

27. Restroom Screening. Restroom entrances viewable from adjoining rights-of-way or properties shall be concealed from view by planters or decorative screening subject to the approval of the Director.

28. Noise. Service station noise (e.g., bells, loudspeakers, tools, etc.) shall not be audible from residentially zoned or occupied parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays. All operations shall also comply with the noise requirements of Section 11.4.10.020.B: Noise.

29. Oil Collection Centers. All new service stations which have on-site service bays where routine auto maintenance tasks are performed shall:

a. Become a Certified Used Oil Collection Center and accept used oil for recycling from patrons; and

b. Comply with all requirements for Certified Used Oil Collection Centers as specified by the California Integrated Waste Management Act.

30. Pollution Prevention. Permit applications for new or modified service stations shall include plans to implement best management practices to eliminate discharge into storm drains in compliance with the City's NPDES criteria.

31. Hazardous Materials. All necessary permits for the storage and use of hazardous materials shall be obtained. All automotive fluids shall be recycled or removed according to applicable state and federal standards.

32. Prohibited Uses. The storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces is prohibited.

§ 11.4.05.040 Automobile/Vehicle Sales and Services.

Automobile/Vehicle Sales and Services shall be located, developed and operated in compliance with the following standards:

A. **Minimum Lot Size.** Automobile/Vehicle Sales and Services may not be located on any lot smaller than 10,000 square feet in area.

B. **Landscaping and Buffer Yards.** In addition to the requirements of Chapter 11.4.30: Landscaping and Buffer Yards, which apply to any commercial use adjacent to a residential use, the following buffer and landscaping requirements apply to any Automobile/Vehicle Service and Repair use:

1. For parking and other unenclosed areas along street-facing yards, a solid wall, 2.5 to 3.5 feet in height shall be provided, located between 6 and 10 feet from the back of the sidewalk. Landscaping between the sidewalk and wall is required. Landscaped areas shall be enclosed by a 6-inch high concrete curb to prevent damage from automobiles. Chain-link fencing is prohibited.

2. Not withstanding any provision in Chapter 11.4.30: Landscaping and Buffer Yards to the contrary, landscaping shall comprise a minimum of 15% of the site area. All landscaped areas shall be permanently maintained in compliance with Chapter 11.4.30: Landscaping and Buffer Yards. Additional landscaping may be required where necessary to prevent visual impacts to adjacent properties.

C. **Buildings.** All new sales buildings shall be built abutting the sidewalk and must have views into the building or window displays at least three feet deep.

D. **Exterior Lighting.**

1. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed to ensure that all light is directed away from adjoining public rights-of-way and properties.

2. <u>Lighting shall not:</u>

a. Be of a high intensity to cause a traffic hazard;

b. Be used as an advertising element; or

c. Adversely affect adjoining properties, in compliance with Section 11.4.10.020.A: Lighting.

E. **Tow Services.** Tow service operations may only be conducted upon the approval of a Conditional Use Permit and in compliance with all appropriate conditions of the approved Conditional Use Permit, which shall establish conditions for operations to not create a public nuisance for adjoining properties. Conditions may be imposed regarding the following operations:

1. Hours for drop-off of towed vehicles.

2. Location for storage of any towed vehicles.

3. Allowable routes for tow service vehicle operations between 9:00 p.m. and 7:00 a.m.

F. **Noise.** All body and fender work, or similar noise-generating activity, shall be enclosed in a masonry or similar building with sound buffers to absorb noise. Automobile/Vehicle Sales and Services shall comply with the noise requirements in Section 11.4.10.020.B: Noise.

G. **Work Areas for Automobile/Vehicle Service and Repair Uses.** All automobile/vehicle service and repair activities, including disassembly and assembly activities, shall be performed within an enclosed building. Vehicle bays shall not directly face an existing residential development or zoning district and shall be designed to minimize the visual intrusion onto adjoining public rights-of-way and properties.

H. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

I. **Hazardous Materials.** All necessary permits for the storage and use of hazardous materials shall be obtained. All automotive fluids shall be recycled or removed according to applicable state and federal standards.

J. **Vehicle Storage.** All vehicle storage areas shall be in the rear of buildings and shall not front sidewalks. Vehicle storage areas shall be screened by a solid, 6-foot high masonry wall. All vehicles associated with the business must be stored on-site, and shall not be stored in the public right-of-way.

K. **Signs.** All signs shall comply with the requirements of Chapter 11.4.25: Sign Regulations. Subject to those requirements, the use of signs and advertising displays may be permitted for occasional special events or temporary sales.

L. **Vehicle Dismantling.** Dismantling of vehicles for purposes other than on-site repair is prohibited.

§ 11.4.05.045 Child Day Care Facilities.

Child day care facilities shall be located, developed and operated in compliance with the following standards, in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes effects on adjoining properties. These standards apply in addition to the other provisions of this Zoning Code and licensing by the California State Department of Social Services.

A. **Permit Requirement.** Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits is required to establish and operate large family day care homes and child day care centers.

B. **Large Family Day Care Homes.** Large family day care homes shall comply with the following standards.

1. Incidental to Residential Use of Property. The home shall be the principal residence of the child care provider, and the child care use shall be incidental to the residential use.

2. No Change to Appearance of Structure. No exterior structural alterations shall occur that would change the character or appearance of the single-unit residence. Proposed exterior structural alterations to a currently approved home require approval of a Minor Use Permit.

3. Separation Standards. No more than one large family day care home shall be permitted within 500 feet of any other large family day care home, nor closer than one per block, whichever distance is greater. The 500-foot separation shall be measured as a straight line between the nearest points on the property lines of each affected parcel.

4. Drop Off/Pick Up Location Requirements. A safe area for picking up and dropping off children shall be provided. This activity shall only be allowed in a driveway, in an approved parking area, or in an area with direct access to the facility.

5. Noise – Neighborhood Compatibility. Noise from the operation of any Large Family Day Care may not exceed that which is customary in residential neighborhoods during daytime hours. Prolonged and abnormally loud noises shall not be considered customary, while the periodic sounds of small groups of children at play shall be considered customary in residential neighborhoods during the daytime hours.

6. Wall Requirements – Outdoor Play Area. A 6-foot high, solid fence or substantially equivalent barrier shall be required to separate the outdoor play area of a large family day care home from adjacent residential properties. The fence shall be provided pursuant to Chapter 11.4.30: Landscaping and Buffer Yards.

7. Operator Information. The current name(s) and telephone number(s) of the operator(s) shall be on file with the Department of Development Services at all times.

C. **Child Day Care Centers.** Child day care centers shall comply with all standards of Large Family Day Care Homes set forth above. In addition, the minimum parcel size for a child day care center shall be 7,500 square feet.

§ 11.4.05.050 Drive-In and Drive-Through Facilities.

A. **Permit Requirement.** Drive-in and drive-through facilities shall be allowed only through a Conditional Use Permit pursuant to the provisions of Chapter 11.5.20: Development Permits.

B. **Development Standards.** Any eating and drinking establishment, retail use, bank or financial institution, or other use providing drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

1. Drive-In and Drive-Through Aisles. Such facilities shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas. A minimum 15-foot interior radius at curves and a minimum 12-foot width shall be required. Each drive-in and drive-through entrance and exit shall be set back at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs; exceptions may be allowed with approval by the City Engineer, so long as exceptions will not increase the risk of pedestrian or automobile accidents. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

2. Drive-In and Drive-Through Queue Area. Each drive-through aisle shall provide a sufficient queue area based on an interior traffic study modeling prepared by the applicant and reviewed and approved as part of the Conditional Use Permit. The queue area shall not interfere in any manner with public rights-of-ways or streets, or on-site and off-site circulation and parking.

3. Landscaping. Landscaping shall be provided pursuant to Chapter 11.4.30: Landscaping and Buffer Yards. Each drive-through aisle shall be appropriately screened with a combination of decorative walls and landscaping to prevent headlight glare and direct visibility of vehicles from adjacent streets, parking lots, and adjacent properties.

4. Menu Boards. Menu boards shall not exceed 20 square feet in area, with a maximum height of 6 feet, and shall face away from public rights-of-ways unless located at least 35 feet from the street and adequately screened therefrom. Noise levels measured at the property line of a drive-in or drive-through service facility shall not increase the existing ambient noise levels in the surrounding area. Noise shall comply with the standards in Section 11.4.10.020.B: Noise. All outdoor speakers shall be directed away from any

residential district and shall provide volume controls which can be operated and controlled by the business operator and which automatically adjust to ambient noise levels.

5. Pedestrian Walkways. Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving, markings or signage.

6. Exterior lighting.

a. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed to ensure that all light is directed away from adjoining public rights-of-way and properties.

b. Lighting shall not:

i. Be of a high intensity to cause a traffic hazard;

ii. Be used as an advertising element; or

iii. Adversely affect adjoining properties, in compliance with Section 11.4.10.020.A: Lighting.

§ 11.4.05.055 Extended Hour Businesses.

A. **Permit Requirement.** Extended hour businesses shall be allowed through a Conditional Use Permit pursuant to the provisions of Chapter 11.5.20: Development Permits.

B. **Traffic Impacts.** The facility shall be designed, developed, and operated to minimize impacts on nearby residential neighborhoods resulting from late night or early morning vehicle or pedestrian traffic generated by the business.

C. **Crime Prevention.** The facility shall be designed, developed, and operated to provide the maximum feasible patron and employee security and crime prevention. Specifically, the design, installation, and maintenance of landscaping, fences, walls, hedges, outdoor displays and storage, security lighting, and solid waste storage areas shall promote customer, neighborhood, and employee security and minimize opportunities for crime to the greatest extent feasible. A minimum of one armed security guard, P.O.S.T. certified, shall remain on duty during all hours from 12:01 a.m. to 6:00 a.m. that the business is open. The Commission may waive or modify the security guard requirement if an

alternative method is determined to be acceptable in meeting the intent of this subsection and upon the recommendation of the Police Chief.

D. **Light and Glare.** On-site screening shall be installed and maintained, to the satisfaction of the Director, to minimize light and glare on adjoining residential properties and dwelling units, in compliance with Section 11.4.10.020.A: Lighting.

E. **Noise.** Precautions shall be taken to minimize the noise impacts of entertainment, music sources, employees and patrons (both within and outside of motor vehicles) on adjoining residential properties in compliance with Section 11.4.10.020.B: Noise. No deliveries shall occur during extended hours.

F. **Number of Employees on Duty.** A minimum of 2 employees (in addition to the guard specified in subsection C, above) shall be on duty at all times between the hours of 12:01 a.m. to 6:00 a.m. that the business is open or employees are present. The Commission may authorize 1 employee after determining that the employee will operate the business from an adequately secured facility and upon the recommendation of the Police Chief.

G. **Parking.** Existing on-site parking spaces adjoining residential properties and dwelling units shall not be used between the hours of 12:01 a.m. to 7:00 a.m., except for employee parking. This standard shall not be construed or interpreted so as to encourage on-street parking within or immediately adjacent to any adjoining residential neighborhoods. The design, installation, and maintenance of on-site parking areas shall comply with Chapter 11.4.20: Off-Street Parking and Loading Standards.

H. **Complaints.** Upon receiving any combination of 3 substantiated complaints from 3 different residences within 300 feet of the extended hour business within 1 calendar year concerning noise, hours of operation, and traffic control as specified in subsections B, E and G of this section, or at the discretion of the Director or the Planning Commission, the Planning Commission shall review the extended hour business operation at a noticed public hearing conducted in accordance with the procedures outlined in Chapter 11.5.10: General Procedures of this Zoning Code.

1. Complaint Procedures. Before submitting a complaint to the City pursuant to this subsection, a complainant shall first submit to the operator of the extended hour business a written complaint, signed by the complainant and setting forth the complainant's address and telephone number. If after 10 calendar days from the submittal of a complaint to the operator, the complainant remains dissatisfied with the performance of the extended hour business, the complaint may then be submitted to the Planning Department, including the original complaint letter, and documentation of any and all contact with the operator to resolve the issues identified in the original complaint. The

Department of Development Services shall investigate complaints within 14 calendar days of receipt of the complaint to determine their validity.

2. Substantiated Complaint. A complaint shall be considered substantiated if the Director determines that the operator has failed to respond appropriately to a complaint concerning hours of operation, traffic control, or noise. Complaints shall be limited to alleged violations of the standards for hours of operation, traffic control, and noise, and may originate only from residences within 300 feet of the applicable extended hour business.

§ 11.4.05.060 Home Occupations.

A. **Permit Requirement.** Home occupations shall be allowed as a permitted use or through a Minor Use Permit, as set forth in this section below and pursuant to the provisions of Chapter 11.5.20: Development Permits. Notwithstanding the foregoing, the operation of a large family day care home in a single-unit dwelling is instead subject to the requirements of Section 11.4.05.045: Child Day Care Facilities.

B. **Basic Operating Standards.** All home occupations shall comply with the following operating standards:

1. Main Residence. The location of the business shall be the main residence of the person(s) conducting the business and shall be clearly incidental and secondary to the use of the property for residential purposes;

2. Outdoor Storage Prohibited. Storage shall not occur out-of-doors, within a carport, or within an accessory structure;

3. Garage Conversion Not Allowed. Any required garage parking area shall not be converted into a work area or storage area for the home occupation;

4. Exterior Appearance. There shall be no exterior indication of the home occupation activity from the adjoining public rights-of-way or from surrounding properties;

5. Alterations Prohibited. The home occupation shall not require any alteration(s) or modification(s) to the dwelling incompatible with residential use or that would change its occupancy classification in compliance with the California Building Code;

6. Displays or Signs Prohibited. The home occupation shall not display window or advertising sign(s), merchandise, products, or stock in trade, or other identification of the home occupation on the premises;

7. Equipment. Mechanical or electrical equipment shall not be installed or maintained other than that which is compatible with domestic residential use;

8. Articles Offered for Sale. Articles offered for sale shall be limited to those produced on the premises, or direct product distribution;

9. Vehicles. Only 1 vehicle, with a capacity not exceeding 1 ton, may be used and kept on the premises by the occupant directly or indirectly in connection with a home occupation;

10. Fire Safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises;

11. Nuisances. The home occupation shall not cause or create offensive or objectionable levels of hazards or nuisances (e.g., cold, dirt, dust, electrical interference, fumes, heat, humidity, gas, glare, light, noise, odor, smoke, solid waste, toxic/hazardous materials, vibration, etc.), in excess of that customarily associated with similar residential uses;

12. Traffic Generation. The home occupation shall not generate additional pedestrian or vehicular traffic substantially greater than that normally associated with residential uses in the surrounding area;

13. Allowable Deliveries. The home occupation may receive up to 2 deliveries each day; and

14. Maximum Hours of Operation. The home occupation shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m. (except for child day-care facilities);

15. Employees. Only family members or persons living full-time on the property shall be permitted to work at a home-based business.

16. Compliance with all City Noise Ordinance requirements; and

17. Allowable On-site Visits. The home occupation may allow up to 6 clients, patients, or pupils to be present at any 1 time (except for child day-care facilities); provided that there are no more than two groups of visitors per week.

C. **Limitations on Director Approval for Home Occupations.** Home Occupations approved by the Director as a permitted use shall be subject to the provisions of subsection B, Basic Operating Standards, above and the following limitations:

1. Location. Conduct of the home occupation shall be confined completely to the residential dwelling unit, and not within an accessory structure(s). A home occupation shall not impair the use of a garage in terms of providing required parking;

2. Maximum Allowable Floor Area. A home occupation shall not be allowed which requires more than one room and may not exceed 20% of the gross floor area of the residence;

3. Access. Access to the space devoted to a home occupation shall only be from within the main residential dwelling unit;

D. **Home Occupations Requiring a Minor Use Permit.** The following list identifies home occupation activities that may be allowable subject to the approval of a Minor Use Permit, in compliance with Chapter 11.5.20: Development Permits:

1. Use of an accessory structure;

2. Use requiring more than more than one room or 20% of the gross floor area of the residence;

3. Uses which entail food handling, processing, or packing;

4. Musical performance or instruction in the use of musical instruments when either amplification is used or when 2 or more persons are receiving instruction or performing at a time;

5. Specified additional uses: pet grooming, or any other use or occupation which the Director determines is similar in nature to the previously listed uses;

6. Having more than one home occupation in a dwelling unit;

7. Having an employee on-site who is not a resident; and

8. Having on-site visitors in excess of that allowed under B. 17 above.

E. **Terms of the Home Occupation Permit.**

1. Permit Nontransferable. A Home Occupation Permit shall only be in effect as long as the approved business is operated by the original resident applicant at the address of the property appearing on the application.

2. Change(s) Requires New Permit. Any change in ownership or tenancy from that appearing on the approved application shall result in the Home Occupation Permit being deemed void.

F. **Business License Required.** A Business License is required for the establishment and operation of a home occupation.

G. **Prohibited Home Occupations.**

1. Criteria. A home occupation is prohibited if it would result in any of the following conditions:

a. Not comply with the standards and criteria identified in the Basic Operating Standards set forth above;

b. Be inconsistent with the General Plan and any applicable specific plan;

c. Threaten the health and safety of the citizens of the City; or

d. Represent a use that would clearly conflict with the normal residential quality of the surrounding neighborhood.

2. Examples of Prohibited Home Occupation Uses. The following is a nonexclusive list of examples of nonresidential uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

a. Adult businesses;

b. Animal hospitals or the boarding, caring, harboring, raising, training, or treatment of animals or birds for profit;

c. Beauty shops and barber shops;

d. Catering;

e. Dance or night clubs;

f. Maintenance and storage of equipment, materials, and other accessories for the construction and service trades;

g. Massage therapy;

h. Medical and dental offices, clinics, and laboratories (not including chiropractors and counselors/psychotherapists);

i. Mini self-storage;

j. Retail sales, except for artist's originals or products individually made-to-order on the premises;

k. Vehicle repair or storage (body or mechanical, including boats and recreational vehicles), upholstery, automobile detailing and painting and the display and sale of any vehicle(s);

l. Welding and machining; and

m. Other uses determined by the Director not to be incidental to or compatible with residential activities.

§ 11.4.05.065 Kiosks.

A. **Permit Requirement.** Kiosks or a kiosk program for multiple kiosks shall require approval of a Minor Use Permit in compliance with Chapter 11.5.20: Development Permits and shall be developed in compliance with an approved site plan, elevations, and materials board. The materials board shall include specifications for any security panels.

B. **Location Requirements.** Kiosks shall be:

1. On private property in commercial zones only as identified in Table 11.2.10.010: Use Regulations - Commercial and Mixed-Use Districts;

2. In multi-tenant projects of greater than 20,000 commercial square feet with outdoor spaces of greater than 1,000 square feet;

3. If a kiosk is proposed within 10 feet of the public right of way, the applicant must have the site plan reviewed and approved by the City Engineer;

4. Located in a manner that allows for proper handicap access around the entire kiosk area; and

5. Kiosks shall be stationary in an area designated by the approved site plan.

C. **Architectural Design.** All construction and modifications to the kiosks shall:

1. Require review by the Director to ensure high quality and consistent design, compatible with the architectural character of the project; and

2. Be limited in size to no more than 9 feet high (including all projections) by 4 feet wide by 7 feet long.

D. **Parking.** There shall be no off-street parking required for this use per Section 11.4.20.015.E: Uses Not Specified.

E. **Trash Disposal.** Each kiosk shall provide a receptacle sufficient in size to accommodate trash and any smoking materials (where applicable) discarded by users of the kiosk or be provided receptacles in designated areas by the management of the property where the kiosk(s) are located.

F. **Lighting.** Each kiosk shall be provided with lighting in compliance with Section 11.4.10.020.A: Lighting or state law, whichever is most restrictive.

G. **Signs.** Each kiosk may provide signage of 3 square feet or less in size that shall be permitted on 2 sides of the kiosk that is exempt from the sign permit per Chapter 11.4.25: Sign Regulations. Kiosk signage may be provided on the roof or at the roof line. All other signage that does not meet this dimension requires issuance of a sign permit.

The owner or operator of a kiosk shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached. Such display shall not count as signs for the purposes of this section.

H. **Noise.** No music or amplified noise shall be permitted to emit from the kiosk.

I. **Location of Merchandise.** All items for sale shall be stored and displayed on the kiosk only. No ancillary shelving units for display or storage may be placed adjacent to the kiosk. Each side of the kiosk must have items for display and sale.

J. **Food Sales.** Any kiosk supplying food for sale shall obtain proper Health Department licensing.

K. **Business Licensing.** Any kiosk engaging in a business that requires a business license must also obtain that license prior to operation of the kiosk.

L. **Building Permits Required.** Kiosks must obtain any applicable building permits.

M. **Outdoor Dining.** Any outdoor seating accessory to a food kiosk(s) shall meet the requirements of Section 11.4.05.090: Outdoor Dining, Display and Sales Standards.

N. **Performance Bond.** Submission of a performance bond or other surety measures, satisfactory to the Director, is required to ensure that upon abandonment of the use and removal from the site that the property will be cleaned of debris, or other evidence of the structure, and the site restored to its former condition.

§ 11.4.05.070 Liquor Stores.

A. **Permit Requirement.** Liquor stores shall require a Conditional Use Permit in compliance with Chapter 11.5.20: Development Permits, and as identified in Table 11.2.10.010: Use Regulations - Commercial and Mixed-Use Districts.

Liquor stores shall be located, developed and operated in compliance with the following standards and the Conditional Use Permit shall contain the applicable Standard Conditions for Alcohol Related Land Uses, pursuant to the City Council Policy 600-1. These standards apply only to establishments selling alcohol for off-site consumption and do not apply to full-service eating and drinking establishments:

B. **Standards.**

1. Location.

a. Minimum distance from a residential district boundary: 500 feet.

b. Minimum distance from other liquor stores: 1,000 feet.

c. Minimum distance from educational, religious, or cultural institutions and public parks: 500 feet.

2. Hours of Operation. Operating hours will be determined by approval of a Conditional Use Permit.

3. Litter. One permanent, non-flammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit of the store.

4. State License. Liquor stores shall comply with all provisions of any license required for such stores by the State of California Department of Alcoholic Beverage Control.

§ 11.4.05.075 Manufactured Housing.

A. **Required Certification.** A manufactured home shall constitute a permitted use in all residential districts, provided that any such manufactured home is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et. seq.), as amended at the time of any application for placement of such manufactured home.

B. **General Requirements.** A manufactured home developed in a residential district outside a mobilehome park shall be subject to the following requirements:

1. Site Requirements. The site, and the placement of the unit on the site shall comply with all zoning, subdivision, and development standards applicable to a conventional single-unit dwelling on the same parcel.

2. Permanent Foundation. The manufactured home shall be placed on a permanent foundation in accordance with the standards set forth in the California Building Code and Health and Safety Code Section 18551.

3. Age of Home. No more than 5 years may elapse between the date of the manufacture of the manufactured home and the date of the application for issuance of a permit to install a home on a residential lot in the City.

4. Exterior Materials. Manufactured homes are to be covered with an exterior material compatible with residential structures in the surrounding area, and shiny or metallic finishes are prohibited. The exterior covering material must extend to finished grade. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend more than 3 inches below the top of the foundation. Alternative skirting materials, customarily used in conventional residential structures, are permitted.

5. Roofing. All roofs on manufactured homes shall be comprised of asphalt tile, shingles or other materials and shall comply with the most recent edition of the California Building Code for fire rating for residential structures. Eave overhangs shall be at least 12 inches, but not more than 16 inches, and the roof pitch shall be no less than 5:12.

6. Utilities. Each manufactured home shall be provided permanent hookups for electricity, gas, water, and sewer connections in the same manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators shall not be located beneath the manufactured home, in compliance with the requirements of the California Building Code for comparable residential structures.

C. **Surrender of Registration/Taxation.** A mobile home which has been placed on a foundation pursuant to this section shall be subject to local property taxation pursuant to Section 18551 of the Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.

1. Surrender of Registration Prior to Certificate of Occupancy. Prior to occupancy, the owner shall request a certification from the Seal Beach Building Department that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, for an existing mobile home, any vehicle license plate, certificate of ownership and certificate of registration issued by a State agency is to be surrendered to the appropriate State agencies.

2. DMV Statement when not Previously Registered. Where the mobile home is new and never has been registered with DMV, a statement to that effect from the dealer selling the mobile home shall be submitted to the City.

3. Mobile Home Taxation and Exemptions. Mobile homes placed on a permanent foundation pursuant to this section become exempt from vehicle license fees and become subject to property tax laws. Such mobile homes become eligible for exemptions.

§ 11.4.05.080 Meeting Facilities, Private Schools, and Similar Institutional Uses.

Where allowed by Part II: Base District Regulations, public and private meeting facilities, private schools, and similar institutional uses shall comply with the regulations of this Section.

A. **Permit Requirement.** Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to establish and operate such uses, except for public schools.

B. **Allowable Accessory Uses.** Only the uses specifically identified in and authorized by an approved Conditional Use Permit shall operate on the same site as the principal use. For example, a day care center or private school located on the site of a meeting facility used for other purposes must be identified as an authorized use in the Conditional Use Permit for the facility. Otherwise, any additional use shall require an amendment to the original Conditional Use Permit.

C. **Parking Restrictions in Neighborhoods.** When a new meeting facility is established in a new building in any residential zone, the required front yard setback shall not be used for parking purposes.

D. **Compatibility with Surrounding Uses.** Conditional Use Permit approval shall require that the Commission first make the following findings in addition to those required by Section 11.5.20.020: Required Findings:

1. That all buildings, structures, and landscaping will be developed in a manner compatible with the desired character of the surrounding neighborhood;

2. That exterior parking areas will be screened with landscaping in a manner that ensures compatibility with and an enhancement to surrounding land uses and in compliance with Chapter 11.4.30: Landscaping and Buffer Yards; and

3. That all exterior lighting will be designed, oriented, and constructed to shield adjacent properties from adverse glare effects and in compliance with Section 11.4.10.020.A: Lighting.

§ 11.4.05.085 News and Flower Stands.

A. **Permit Requirement.** Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to establish a news or flower stand.

B. **Location Requirements.** A news or flower stand shall:

1. Be located parallel and adjacent to the wall of a structure. A freestanding news or flower stand is allowed only as a roofed kiosk; and

2. <u>Not be located:</u>

a. Within 3 feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes;

b. Within 100 feet of any residential use within a residential zoning district;

c. Within 1,000 feet of another news or flower stand, or florist, provided that this distance may be reduced by the Director if the proposed use is determined not to be detrimental to public safety and welfare; or

d. So that the sidewalk is reduced to less than 8 feet on secondary and major highways and 6 feet on other streets. This requirement may be modified by the Director where the clear passage provided is safe and adequate, as determined by the City Engineer.

C. **Design and Construction Requirements.**

1. A stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.

2. Shelving shall not exceed 8 feet in height nor 2 feet in depth.

D. **Maintenance.** The news and flower stand shall be maintained in a clean and neat condition and in good repair, at all times.

E. **Signs.** Signs shall be designed as an integrated part of the stand, and shall comply with the following requirements:

1. A stand shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 11.4.25: Sign Regulations.

2. The owner or operator of an outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached. Such display shall not count as signs for the purposes of this section.

F. **Additional Product Sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10% of the total merchandise displayed.

G. **Hours of Operation.** The allowable hours of operation of a news or flower stand shall be established by the Minor Use Permit approval.

H. **Encroachment Permit.** If a news or flower stand is proposed within a public right-of-way, the owners or operators shall apply for an encroachment permit from the City Engineer before applying for approval of the stand by the Director.

I. **Performance Bond.** Submission of a performance bond or other surety measures, satisfactory to the Director, is required to ensure that upon abandonment of the use and removal from the site that the property will be cleaned of debris, or other evidence of the structure, and the site restored to its former condition.

§ 11.4.05.090 Outdoor Dining, Display, and Sales Standards.

This Section provides development and operational requirements for the establishment of outdoor uses, including temporary, accessory, and permanent outdoor displays and sales and similar uses where merchandise is displayed for sale (e.g., garden nurseries, lumber yards), and outdoor dining and seating areas, which shall be subject to the following criteria and standards:

A. **Temporary Outdoor Displays and Sales.** Temporary outdoor displays and sales may be allowed subject to the approval of a Minor Use Permit, in compliance with Chapter 11.5.20: Development Permits and the following standards. In approving an application for a Minor Use Permit, the Planning Commission may impose conditions deemed necessary to ensure that the permit would be in compliance with the findings required by Section 11.5.20.020: Required Findings. These conditions may address any pertinent factors affecting the operation of the temporary use, and may include the following:

1. Fixed Period of Time. Provision for a fixed period of time as specified by the permit, or where not specified, not to exceed 10 consecutive days;

2. Landscaping. Landscaping may be required to ensure that the use has a pleasing appearance and that the screening requirements identified in Subsection C.6, below, are satisfied, subject to the approval of the Director;

3. Nuisance Factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration;

4. Operating Hours. Regulation of operating hours and days, including limitation of the duration of the temporary use, as stated above;

5. Parking. Provision for adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, in compliance with Chapter 11.4.20: Off-Street Parking and Loading;

6. Performance Bond. Submission of a performance bond or other surety measures, satisfactory to the Director, may be required to ensure that any temporary facilities would be removed from the site within a reasonable time following the activity, the property would be cleaned of debris, or other evidence of the activity, and the site restored to its former condition;

7. Sanitary and Medical Facilities. Provision for sanitary and medical facilities, as appropriate;

8. Security. Provision for security and safety measures, if applicable;

9. Setbacks. Provision of appropriate setbacks to ensure separation from adjoining land uses and a safe environment for pedestrians and vehicles, subject to the approval of the Director;

10. Signs. Regulation of signs, in compliance with Chapter 11.4.25: Sign Regulations;

11. Temporary Structures. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

12. Waste Collection and Disposal. Provision for solid, hazardous, and toxic waste collection, recycling and/or disposal;

13. Zoning Code Compliance. A requirement that the approval of the requested Minor Use Permit is contingent upon a finding, by the Planning Commission that the activity would be in compliance with the applicable provisions of this Section, the Zoning Code, and successful approval of all required permits from another department(s) or governing agency; and

14. Other Conditions. Other conditions that would ensure the operation of the proposed temporary activity in an orderly and efficient manner.

B. **Accessory Outdoor Display.** Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall be subject to the approval of a Minor Use Permit approved pursuant to Chapter 11.5.20: Development Permits, and all of the following standards.

1. Outdoor displays shall be:

a. Approved with a defined fixed location entirely on private property that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic. They shall also be placed so that the clear space for the passage of pedestrians upon any private walkways is not reduced to less than 8 feet. Placements within the public right-of-way is prohibited.

b. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site;

c. Limited to artwork and pottery, flowers and plants, handicrafts, furniture, or other items which are determined by the Director to be similar in nature;

d. Limited to the hours of operation of the business and portable and removed from public view at the close of each business day.

e. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair; and

f. Placed to not block structure entrances and on-site driveways.

2. Outdoor displays shall not be:

a. Placed within 100 feet of any residential dwelling, except for mixed-use projects; or

b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.

C. **Permanent Outdoor Displays and Sales.**

1. Permit Requirement. The permanent outdoor display/sale of merchandise may be allowed subject to the approval of a Conditional Use Permit in compliance with Chapter 11.5.20: Development Permits, and shall comply with the following standards and guidelines:

2. Height of Displayed Materials. The outdoor display/sale of merchandise shall not exceed a height of 7 feet above finished grade.

3. Location. Outdoor display/sale area(s) shall be located entirely on private property. They shall not encroach into required setbacks. In zoning districts where no setback is required, the outdoor area(s) shall be set back a minimum of 10 feet from adjoining property line(s) unless otherwise allowed through the approval of the Conditional Use Permit, in compliance with Chapter 11.5.20: Development Permits.

4. 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 safety sight areas or otherwise create hazards for vehicle or pedestrian traffic.

5. Relationship to Main Use. The outdoor display/sales area(s) shall be directly related to a business occupying a permanent structure on the subject parcel.

6. Screening Required. Outdoor display/sales area(s), other than vehicle sales lots, produce stands, and nursery product sales, shall be screened from adjoining public rights-of-way by decorative walls, fences, and/or landscaping in compliance with Chapter 11.4.30: Landscaping and Buffer Yards. Screening shall be provided to a height of 1 foot above the approved height of the merchandise and materials being displayed.

7. Signs. Additional signs, beyond those normally allowed for the subject use pursuant to Chapter 11.4.25: Sign Regulations, shall not be provided as a result of the outdoor display/sales area(s).

D. **Outdoor Dining and Seating Areas.** Outdoor dining and seating area(s) shall be allowed in conjunction with legally established restaurants and other food service uses as an accessory and incidental use to a restaurant with indoor eating area on the same site subject to the approval of a Minor Use Permit in compliance with an approved site plan which indicates the areas dedicated for outdoor dining and the maximum seating capacity for the outdoor dining area, in compliance with Chapter 11.5.20: Development Permits and the following standards.

Outdoor dining establishments shall also operate in compliance with Section 11.4.10.020: Performance Standards. In approving an application for a Minor Use Permit, the Planning Commission may impose conditions deemed necessary to ensure that the permit would be in compliance with the findings required by Section 11.5.20.020: Required Findings and the Minor Use Permit/Conditional Use Permit shall contain the applicable Standard Conditions for Alcohol Related Land Uses, pursuant to the City Council Policy 600-1. These conditions may address any pertinent factors affecting the operation of the outdoor dining or seating area, and include the following standards:

1. Limitation on Seating. The number of seats in the outdoor dining and seating area(s) shall not exceed 12 seats; otherwise, a Conditional Use Permit shall be required.

2. Hours of Operation. The hours and days of operation of the outdoor dining area shall be identified in the approved Minor Use Permit or Conditional Use Permit

3. Separation by Physical Barrier. The Planning Commission may require separation by a physical barrier. If required, such barriers must be a minimum of 25% open and may not exceed 4 feet in height, except as required by the California Building Code or the Alcoholic Beverage Control Act. Only

barriers composed of planters, or a retaining wall may be solid. However, railings may have backings on the interior (restaurant) side of the railing that are made of fabric or other materials satisfactory to the Planning Commission. Pipe stanchions linked by chains are not permitted as a railing. Railing designs must be submitted to the Director, the City Engineer if adjacent to a public right-of-way, and the Building Official for review and approval.

4. Alcoholic Beverage Sales. Areas in which alcoholic beverages would be served shall comply with the standards established by the State Department of Alcoholic Beverage Control, and the following standards. The dining and seating area(s) shall be:

a. Accessible from inside the restaurant only, unless the Director waives or modifies this requirement in circumstances where this is not feasible or practical;

b. Clearly and physically defined. The area shall be clearly a part of the restaurant it serves; and

c. Supervised by a restaurant employee to ensure compliance with laws regarding on-site consumption of alcoholic beverages.

5. Landscaping. All outdoor dining areas shall include some landscaping. A landscape plan for the outdoor dining area may include the use of planter boxes and permanent vegetation, which shall comply with Chapter 11.4.30: Landscaping and Buffer Yards. Planter boxes may be constructed of wood, ceramics, stone, or metal. Plastic planter boxes are prohibited.

6. Sound and Music. Un-amplified sound and music that is limited to no more than 1 entertainer is permitted within an outdoor dining or seating area upon approval of a Minor Use Permit or Conditional Use Permit pursuant to Chapter 11.5.20, Development Permits. Amplified sound and music is prohibited within an outdoor dining or seating area unless approved by a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

7. Parking Requirements. Required parking for outdoor dining and seating area(s) shall be calculated in compliance with Chapter 11.4.20: Off-Street Parking and Loading.

8. Clean-up. Outdoor dining area(s), whether part of a restaurant or seating in common, shall be cleaned on a continual basis for removal of litter and food items that constitute a nuisance to public health and safety.

9. Design Compatibility. To ensure compatibility with surrounding uses and a high standard of design quality, the following standards shall be implemented:

a. Associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from the public rights-of-way, shall be compatible with the overall design of the main structure(s);

b. Awnings, plants, umbrellas, and other human scale elements shall be provided as necessary to enhance the pedestrian experience;

c. The relation of the outdoor seating area to religious institutions, hospitals, public schools, and residential uses shall be considered by the reviewing authority. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise;

d. Pedestrian or vehicular traffic flow shall not be obstructed, nor shall existing pedestrian or vehicular movement areas be removed;

e. Outdoor dining areas shall maintain adequate vehicular or pedestrian traffic flow; and

f. A minimum setback of 15 feet from adjoining residential district property lines and 5 feet from adjoining parking lots shall be provided.

10. Outdoor Cooking. Cooking within an outdoor dining area may occur only with Conditional Use Permit approval.

11. Sound Buffering. A sound buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the reviewing authority.

12. Exterior Lighting.

a. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed to ensure that all light is directed away from adjoining public rights-of-way and properties.

b. Lighting shall not:

i. Be of a high intensity to cause a traffic hazard;

ii. Be used as an advertising element; or

iii. Adversely affect adjoining properties, in compliance with Section 11.4.10.020.A: Lighting.

§ 11.4.05.095 Recycling Facilities.

Recycling Facilities shall be subject to the following standards:

A. **Reverse Vending Machines.** Reverse Vending Machines are permitted as specified in Part II: Base District Regulations, and in addition, are subject to the following criteria:

1. Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.

2. 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.

3. Machines shall have a maximum sign area of 4 square feet exclusive of operating instructions.

4. Machines shall be illuminated to ensure comfortable and safe operation between dusk and dawn.

5. Machines shall provide a 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.

B. **Recycling Collection Point.** Recycling Collection Points are conditionally permitted as specified in Part II: Base District Regulations, and in addition are subject to the following criteria:

1. Facilities shall be set back at least 10 feet from any street line and not obstruct pedestrian or vehicular circulation.

2. Facilities shall accept recyclable material as defined by the State Department of Conservation.

3. Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.

4. Signs shall be a maximum of 20% per side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.

5. Facilities shall provide a 40-gallon garbage can for non-recyclable materials adjacent to any receptacle where recyclable materials are deposited.

6. Visual screening is required around the recycling collection point, the exact type, location, and amount to be determined by the reviewing authority.

C. **Recycling Processing Facility.** Recycling Processing Facilities are conditionally permitted as specified in Part II: Base District Regulations, and in addition are subject to the following criteria:

1. Facilities shall not abut a property zoned for residential use unless specifically exempted by findings and conditions of the Conditional Use Permit.

2. Facilities shall be screened from the public right-of-way by operating within a fully enclosed building or within an area enclosed by a solid block wall at least 6 feet in height with landscaping.

3. Setbacks and landscape requirements shall be those provided for in the base zone.

4. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing.

5. Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation. Signage shall conform to the provisions of Chapter 11.4.25: Sign Regulations.

6. Facilities shall provide a 40-gallon garbage can for non-recyclable materials on the property.

§ 11.4.05.100. Residential Accessory Uses, Structures, and Vehicle Parking.

This Section provides standards for residential accessory uses, structures, and vehicle parking allowed in the zoning district applicable to a parcel (see Table 11.2.05.015: Development Standards for Residential Districts). Accessory uses include any use that is customarily related to a residence, including carports, garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops.

A. **Relationship of Accessory Use to the Main Use.** Accessory uses and structures shall be incidental to and not alter the residential character or scale of the parcel and may be established in compliance with this Section

only on a parcel with an existing single-unit dwelling, or simultaneously with the development of a new single-unit dwelling.

B. **Garage Sales.** Garage sales shall be limited to 4 per calendar year per site, and a maximum of 2 days each following approval by the City.

C. **Attached Accessory Structures.**

1. Structurally Part of the Main Structure. An accessory structure that is attached to a main structure shall be compatible with, and made structurally a part of the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached to the main structure at a minimum of 4 points within 20 feet).

2. Compliance. An attached accessory structure shall comply with the requirements of this Zoning Code applicable to the main structure, including heights, setbacks, and site coverage.

3. Exterior Design and Materials. An attached accessory residential structure shall be architecturally compatible with the primary structure, and have the same architectural style and materials.

D. **Detached Accessory Structures.**

1. Minimum Separation. Detached accessory structures shall be separated from the main structure by a yard, open to the sky, having a minimum width of 6 feet;

2. Side and Rear Setbacks and Height.

a. Required Setbacks and Height. Detached accessory structures shall not exceed 9 feet in height within 5 feet of any property line; 12 feet in height within 10 feet of any property line; and 15 feet at the highest point of the roof; and shall not be placed closer than 5 feet to a side or rear property line. See Figure 11.4.05.100.D.2: Detached Accessory Structure Setbacks and Height.

b. Exceptions. The following structures are exempt from the detached accessory structure setback requirements provided by subsection D.2.a, above:

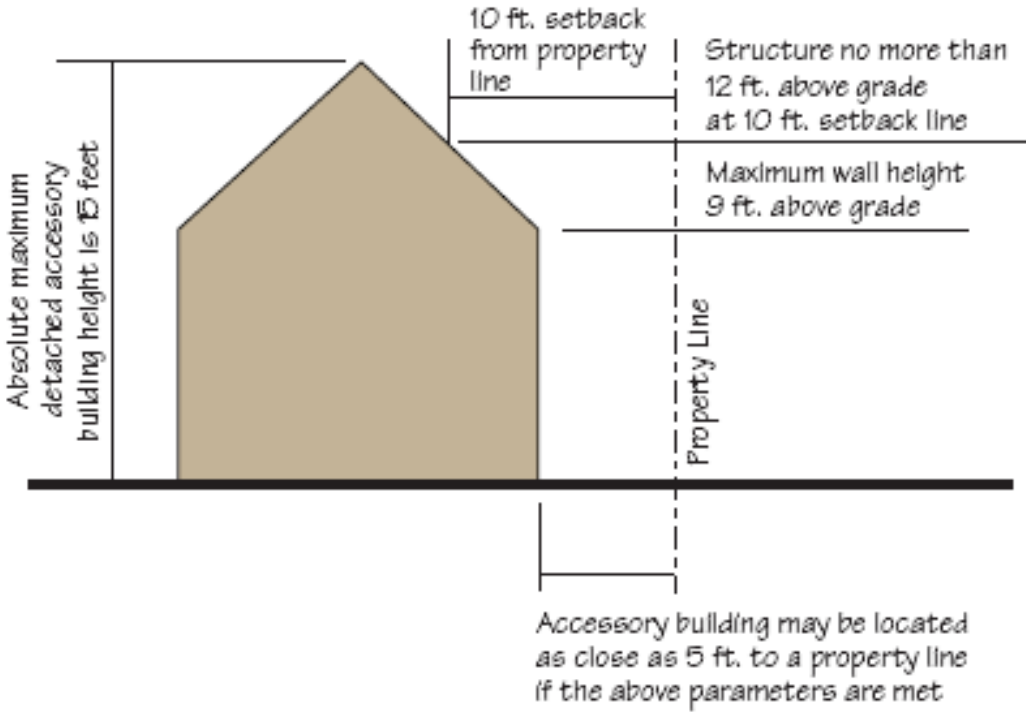
i. Pre-fabricated, detached accessory structures with an area of up to 120 square feet, and an overall height not exceeding 8 feet, may be placed adjacent to a side or rear property line.

ii. Planter boxes and masonry planters with a maximum height of 36 inches.

iii. Children's play equipment not exceeding 7 feet in height, movable dog houses and similar structures.

iv. Trash enclosures not exceeding 4 feet in height.

Figure 11.4.05.100.D.2
Detached Accessory Structure Setbacks and Height



3. Prohibited in Specified Setbacks. Detached accessory structures are prohibited in required front and street side setbacks.

4. Maximum Lot Coverage. Maximum lot coverage for detached accessory structures are set forth in Table 11.4.05.100.D.4: Maximum Lot Coverage – Detached Accessory Structures.

TABLE 11.4.05.100.D.4 MAXIMUM LOT COVERAGE – DETACHED ACCESSORY STRUCTURES				
District	***Maximum Height (ft.)***	***Maximum Lot Coverage (sq. ft.)***	***Location***	***Setbacks***
RLD	15	225, up to 350 with a Minor Use Permit	Rear one-half of lot	See subsection 2, above
RMD	15	225, up to 350 with a Minor Use Permit		
RHD	15	225, up to 350 with a Minor Use Permit	Rear one-half of lot	See subsection 2, above

a. This limitation shall not apply to a detached garage, or to a swimming pool, barbecue, sport court, or other outdoor private residential recreational facilities.

b. This limitation also applies to the storage of recreational vehicles and boats. See Section 11.4.05.100.O.2: Recreational Vehicles and Boats.

5. Height Limit. Detached accessory structures shall not exceed a height of 15 feet.

6. Compatibility. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.

7. Building Permit Required. A Building Permit shall be required for all non-prefabricated accessory structures and for pre-fabricated accessory structures larger than 120 square feet in area.

E. **Driveways, Walkways, and Patios.** Driveways, walkways, patio slabs, and other areas paved with concrete, asphalt or similar materials, and wooden decks, may be placed in up to 40% of the area within any required setback, provided that the structures do not exceed a height of 12 inches. This requirement does not exclude the use of steps providing access between areas of different elevation on the same site. At least 50% of all setback areas shall consist of permeable surface.

F. **Mechanical Equipment.** Ground-mounted air conditioners, swimming pool pumps, and related and similar equipment may be placed within required rear setbacks, provided that the equipment is:

1. Not closer than 3 feet to any property line;

2. Not closer than 10 feet to a neighboring residence, or 8 feet with a sound attenuation structure approved by the Director;

3. Four feet or less in height; and

4. In compliance with the provisions of Section 7.15.035 of Chapter 7.15: Noise of Title 7: Public Peace, Morals and Welfare of the Seal Beach Municipal Code.

G. **Antennas.** Antennas are subject to the provisions of Chapter 11.4.70: Wireless Telecommunications Facilities.

H. **Garages.** A detached accessory garage shall not occupy more than 600 square feet for each dwelling unit (including any workshop or storage space within the garage) unless a larger area is authorized by a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

I. **Guest Rooms and Pool Houses.** Guest rooms and pool houses shall be allowed subject to the following limitations:

1. No more than one guest room and one pool house shall be allowed on a single parcel unless a Conditional Use Permit is obtained pursuant to Chapter 11.5.20: Development Permits.

2. Kitchen facilities shall not be allowed within a guest room or pool house; a pool house may have a sink and/or shower.

3. Detached guest rooms and pool houses shall be limited to ground-floor construction, unless a Conditional Use Permit allowing a second floor is obtained pursuant to Chapter 11.5.20: Development Permits.

J. **Swimming Pools/Spas/Hot Tubs.** Private swimming pools, spas, and hot tubs are allowed accessory to approved residential uses on the same parcel, subject to the following provisions:

1. Limitation on Use. The pool is to be used solely by occupants of the dwelling(s) on the same parcel and their invited guests;

2. Fencing. The swimming pool shall be secured by fencing and/or walls to prevent uncontrolled access by children, in compliance with the California Building Code.

See also Section 11.4.10.030: Swimming Pools and Hot Tubs, for additional regulations applicable to swimming pools, spas, and hot tubs located on residential properties.

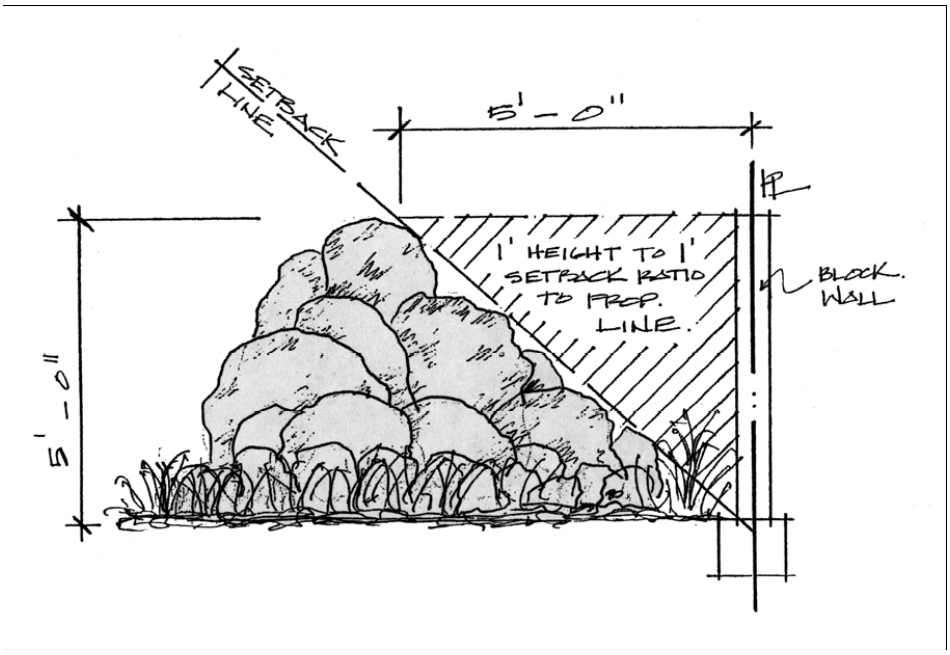
K. **Minor Accessory Structures - Freestanding Barbecues/Fireplaces, Sculptures, and Fountains, etc.** Minor accessory structures may be located in required side and rear yard setbacks provided that the structure is located in the rear two-thirds of the lot and a minimum 5-foot clearance is maintained between such structure and dwelling if it is located in the required side yard. Minor accessory structures that are decorative such as landscape garden walls, fire pits, freestanding barbecues/fireplaces, sculptures, and fountains may be located anywhere on the property provided:

1. They do not exceed 6-feet in height when located within the required side and rear yard setback areas or exceed 42-inches in height when located within the front yard setback and;

2. Minor accessory structures greater than 6 feet in height and located in a required side or rear yard require Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits.

3. Rock formations shall be setback 1-foot from the side and/or rear property lines for each foot of rock formation height, maximum 5-foot setback required. Please see Figure 11.4.05.100.K.3: Rock Wall Setbacks Adjacent to Property Line.

Figure 11.4.05.100.K.3
Rock Wall Setbacks Adjacent to Property Line



L. **Tennis and Other Recreational Courts.** Noncommercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use are subject to the following provisions:

1. Permit Requirement. Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to establish a tennis or other recreational court.

2. Fencing. Court fencing shall be subject to the height limits of Chapter 11.4.15: Fences, Hedges and Walls.

3. Lighting. Court lighting fixtures shall not exceed a maximum height of 15 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjoining property, in compliance with Section 11.4.10.020.A: Lighting.

M. **Workshops or Studios.** Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. is subject to the following provisions when located in a residential zoning district:

1. Limitation on Use. An accessory structure may be constructed or used as a studio or workshop in any residential zoning district solely for the following noncommercial activities:

a. Amusements or hobbies;

b. Artistic endeavors (e.g., painting, photography, or sculpture);

c. Maintenance of the main structure or yards;

d. Maintenance or mechanical work on vehicles owned or operated by the occupants; or

e. Other purposes deemed similar by the Director.

2. Floor Area. A workshop shall not occupy an area larger than 15% of the floor area of the main structure, except where a workshop is combined with a garage. In this case Subsection H: Garages, above shall apply.

N. **Tents and Portable Shelter Structures**. The use of tents and other temporary and portable shelter structures shall be allowed only within a

rear yard and subject to the provisions of Subsection D.4: Maximum Lot Coverage, above.

O. **Restrictions on Residential Parking within Residential Districts.** The parking of automobiles and recreational vehicles in residential zoning districts shall comply with the following standards.

1. Location. Automobiles shall not be parked between the street property line and the front of a residential unit except on a driveway leading to a garage or carport, or a semicircular driveway on a lot that has a minimum frontage width of 80 feet. Semi-circular driveways may be approved only when the driveway interior is landscaped, and where 2 curb cuts are approved by the City Engineer. See also Section 11.2.05.015.L: Curb Cuts and Driveways – RLD-9 District.

2. Recreational Vehicles and Boats. Recreational vehicles may be stored or parked within single-unit residential districts only as follows:

a. Recreational vehicles and boats may be stored only within the side or rear yard behind the front line of the residential unit or, in the case of a corner parcel, behind the front or street side line;

b. A solid, minimum 6-foot high wall and/or gate shall screen recreational vehicles and boats from view from public roadway and from adjoining properties;

c. Subject to the provisions of Subsection D.4: Maximum Lot Coverage, above; and

d. Recreational vehicles and boats may be temporarily parked on driveways in front of residences for not more than 72 continuous hours.

P. **Driveway Standards.** Driveways providing site access shall be from an improved street, alley, or other right-of-way and shall be designed, constructed, and maintained as follows.

1. Driveway Location. Driveways shall be located as far away from intersections and as directly across from any existing driveway on the opposite side of the street as is practical. Whenever a site has access to more than 1 street, a driveway access shall be generally located on the street with the lowest traffic volume, where the impact of a new access will be minimized, provided that this location will not increase traffic impacts on residential neighborhoods. All proposed driveways are subject to approval by the City Engineer.

2. Number and Extent of Residential Driveways.

a. Number of Driveways – Mid-block Parcels. As practical, the number of driveways shall be limited to 1, provided that properties with more than 80 feet of street frontage may devote an additional 18 feet maximum to a second driveway if the additional driveway is separated as much as is feasible from the main driveway, as approved by the Director, and if the City Engineer determines that the second driveway will not cause the loss of an on-street parking space in an area where such a loss would cause significant harm to the general public welfare. See also Section 11.2.05.015.L: Curb Cuts and Driveways – RLD-9 District.

b. Number of Driveways – Corner or Double Frontage Parcels. For corner and double frontage parcels with residential uses other than single-unit dwellings and duplexes, 1 access on each frontage may be allowed if the City Engineer determines that 2 driveways are needed to provide safe access.

c. Driveway Width. Driveway pavement shall be limited to a maximum width of 20 feet, or 40% of the parcel width, whichever is less. Minimum driveway width shall be 10 feet.

3. Visibility Considerations. Driveways and driveway landscaping shall be designed to maintain visibility and minimize interference with passing pedestrians. Landscaping adjacent to a driveway and the walls of the building shall be designed not to interfere with motorists' views of the sidewalk and pedestrians' views of vehicles exiting the project. See also Section 11.4.20.030.C: Driveway Visibility.

§ 11.4.05.105 Residential Care Facilities.

Residential Care Facilities shall meet the following standards:

A. **Location.** If located in a residential district, the minimum distance from other Residential Care Facilities is 300 feet.

B. **Landscaping and Walls.** A minimum 6-foot high perimeter wall, constructed of wood or masonry, is required to secure outdoor recreation areas and screen the site. Walls must be at least 75% opaque. Chain link fencing or barbed wire is prohibited. The project shall also comply with the provisions of Chapter 11.4.30: Landscaping and Buffer Yards.

C. **Traffic Impacts.** The operation of buses and vans to transport residents to and from off-site activities shall not cause traffic operating conditions, including street operation, intersection operation, and operation of any turning

movement in an intersection, to exceed Level of Service "D" on collectors or local streets.

D. **Passenger Loading.** One passenger loading space is required, either curbside or on-site.

E. **Deliveries.** If located in a residential district, delivery of goods shall occur between the hours of 8:00 a.m. and 8:00 p.m., 7 days a week. Additional hours may be allowed with approval of a Conditional Use Permit.

§ 11.4.05.110 Residential Uses - Multi-Unit Project Standards.

A. **Applicability.** These provisions apply to new or remodeled multi-unit projects (50% or more of building area remodeled).

B. **Open Space Requirements.** All multi-unit residential projects except duplexes shall provide permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space).

1. Area Required. Private open space shall be provided at a ratio of 200 square feet per dwelling unit. Common open space shall be provided based on the size of the project, as indicated in Table 11.4.05.110.B.1: Multi-Unit Open Space Requirements.

TABLE 11.4.05.110.B.1
MULTI-UNIT OPEN SPACE REQUIREMENTS

Project Size	Common Open Space Required	Private Open Space Required
3 to 4 units	200 sq. ft.	200 sq. ft. per unit
5 to 10 units	500 sq. ft.	
11 to 30 units	1,000 sq. ft.	
31 and more units	2,000 sq. ft. plus 500 sq. ft. for every 10 units above 40 units	

2. Configuration of open space.

a. Location on site. Required open space areas:

i. Shall be located adjacent to the primary entrance;

ii. Shall be designed to be easily accessible;

iii. Shall be provided as continuous, usable site elements, which shall not include setback areas but may be contiguous to required setbacks; and

iv. Private open space shall be at the same level as, and immediately accessible from, a kitchen, dining room, family room, master bedroom, or living room within the unit. Variations from these dimensional and locational standards may be allowed where it can be shown that the required private open space meets the intent and purpose of this Section.

b. Dimensions. All open space areas shall be of sufficient size to be usable by residents.

i. Private open space areas shall have a minimum dimension of 8 feet on any side, and a configuration that would accommodate a rectangle of at least 100 square feet.

ii. Common open space areas shall have a minimum dimension of 20 feet on any side for projects of 5 or more dwelling units.

c. Elevation. A minimum of 60% of the required common open space shall be located at grade or the level of the first habitable floor.

d. Uncovered Areas Required. At least 33% of the perimeter of the private open space of each unit, or 100% of the roof of the open space of each unit, shall be open to the outdoors. Reference to this requirement shall be included in the Covenants, Conditions, and Restrictions of any common interest development.

e. Substitution of Private Open Space for Common Open Space. For every square foot of private open space provided over and above that required, the amount of common open space required may be reduced by 1 square foot.

3. Allowed Uses. Required common open space:

a. Shall be available for passive and active outdoor recreational purposes for the enjoyment of all residents of each multi-unit project; and

b. Shall not include driveways, setbacks, public or private streets, or utility easements where the ground surface cannot be used appropriately for open space, parking spaces, or other areas primarily designed for other operational functions.

4. Maintenance and Control of Common Open Space. Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in the Covenants, Conditions, and Restrictions of any common interest development.

5. Surfacing. Open space areas shall be surfaced with any practical combination of lawn, landscaping, paving, decking, concrete, or other serviceable material.

6. Landscaping. The applicant shall submit a landscape plan for approval. Landscape design, installation, and maintenance shall comply with Chapter 11.4.30: Landscaping and Buffer Yards.

7. Slope. Required open space areas shall not exceed a slope of 5%.

C. **Facility and Design Requirements.**

1. Accessory Structures. Accessory structures and uses (e.g., car washing areas, bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall incorporate a design, including materials and colors, similar to the dwelling units, and shall be located in an efficient manner in compliance with this Subsection.

2. Front Facade. At least 50% of the front facade of all buildings fronting public streets shall be habitable space. A project shall have at least one private entry into the facade adjacent to the right-of-way, with the entry at or within 5 feet of the finished grade.

3. Front Yard Paving. No more than 40% of the total area of the front yard setback shall be paved for walkways, driveways, and other hardcover pavement.

4. Driveway Width. Driveway pavement shall be limited to a maximum width of 20 feet, or 40% of the parcel width, whichever is less. Minimum driveway width shall be 10 feet.

5. Laundry Facilities. All residential developments with 5 or more dwelling units shall provide common laundry facilities, except developments with facilities provided within each unit.

a. Keyed access. Laundry facilities shall be provided with keyed access for "tenants only."

b. Location. The facilities shall be evenly dispersed throughout the multi-unit project and easily accessible to all tenants.

6. Outdoor Lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with Section 11.4.10.020.A: Lighting. The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least 1-foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. All proposed lighting shall be shown on the required landscape plan.

7. Storage Area. Each dwelling unit shall be provided a minimum of 100 cubic feet of lockable storage area with a minimum dimension of 30 inches, outside of the dwelling unit; provided that these storage areas shall not be visible from a public street.

8. Television Antennas. Dwelling units shall not have exterior television antennas other than satellite dishes less than 39 inches in diameter. A single common, central antenna may be allowed, with underground cable service to all dwelling units. This restriction shall be included in the Covenants, Conditions, and Restrictions of any common interest development.

9. Solid Waste Recycling. Each project shall incorporate innovative designs, both interior and exterior, to make solid waste recycling more convenient and accessible to the occupants. See also Section 11.4.10.025: Recycling and Solid Waste Facilities.

§ 11.4.05.115 Residential Uses – Second Dwelling Units.

The following regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 or any successor statutes, on second units and implement the General Plan, by allowing Second Units in specified residential districts subject to the following requirements:

A. **Second Dwelling Units Permitted.** An application for a Second Dwelling Unit that meets the standards contained in this section shall be approved ministerially without discretionary review or public hearing.

B. **Where Allowed.** Second Dwelling Units may be established on any lot in the RLD-9, RLD-15 district, and in the RMD and RHD zones, excluding Old Town, where a primary single-unit dwelling has been previously established or is proposed to be established in conjunction with construction of a second unit. Only one Second Dwelling Unit is permitted per primary single-unit dwelling on the same lot.

C. **Primary Dwelling Unit.** A legal single-unit dwelling (the "Primary Dwelling Unit") must exist on the lot or must be constructed on the lot in conjunction with the construction of the Second Dwelling Unit.

D. **Independent Facilities.** A Second Dwelling Unit shall provide independent living facilities for one or more persons and include permanent provisions for living, sleeping, eating, cooking, and sanitation.

E. **Maximum and Minimum Floor Area.**

1. The maximum and minimum floor areas of a Second Dwelling Unit are set forth in Table 11.4.05.115.E: Second Dwelling Unit – Maximum and Minimum Floor Area.

TABLE 11.4.05.115.E SECOND DWELLING UNIT – MAXIMUM AND MINIMUM FLOOR AREA	
Type of Second Unit	**Area (Square Feet)**
Maximum Floor Area	
Detached	800
Attached	30% of primary residential unit
Minimum Floor Area	
Efficiency	150
1-Bedroom	400
2-Bedroom	600

F. **Zoning Requirements.** A Second Dwelling Unit shall comply with the same height, setback, lot size, lot coverage, and other applicable zoning requirements as apply to the Primary Dwelling Unit.

G. **Entrance Location and Visibility.** A Second Dwelling Unit shall have an outdoor entrance separate from the primary dwelling. In order to maintain the single-unit residential character of the street, the entrance to the Second Dwelling Unit shall be located so that it is not visible from the public right-of-way.

H. **Emergency Access.** A Second Dwelling Unit may be permitted only on a lot with access to a public street that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1 et seq. or any successor regulations.

I. **Parking.** A minimum of 1 covered parking space shall be required for each Second Dwelling Unit. No Second Dwelling Unit shall be allowed unless the primary dwelling is also in compliance with all applicable parking requirements of this Zoning Code.

J. **Ownership.** The property shall be the primary residence of the property owner. The owner must occupy either the Primary Dwelling Unit or Second Dwelling Unit as his or her primary principal residence.

K. **Deed Restriction.** The Second Dwelling Unit shall not be sold, transferred, or assigned separately from the Primary Dwelling Unit. Before obtaining a building permit for the Second Dwelling Unit, the owner of the lot or parcel shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The Second Dwelling Unit shall not be sold separately.

2. The Second Dwelling Unit shall be considered legal only so long as either the Primary Dwelling Unit or the Second Dwelling Unit is occupied by the owner of record of the property.

3. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

L. **Impact on Historic Resources.** No Second Dwelling Unit may be approved if located on, or adjacent to, real property that is listed on the California Register of Historic Places.

§ 11.4.05.120 Restaurant – Alcohol Sales.

A. **Permit Requirement.** The establishment of a new restaurant that serves alcoholic beverages, or the reconstruction, enlargement or alteration of an established restaurant currently approved for the sale of alcoholic beverages, may be approved only through the granting of a Conditional Use Permit. The Commission shall make the following findings in addition to the findings required by Chapter 11.5.20: Development Permits:

1. The proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages.

2. The distance of the proposed use from the following uses is sufficient to eliminate adverse impacts due to operational characteristics of the restaurant:

a. Residential uses;

b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and

c. Other establishments dispensing alcoholic beverages.

3. Noise levels generated by the operation of the establishment would not exceed the level of background noise normally found in the area or would otherwise not be intrusive.

4. Signs and other advertising on the exterior of the premises would be compatible with the character of the area.

B. **Compliance with City Council Policy.** The Conditional Use Permit shall include all appropriate conditions of City Council Policy 600-1: Standard Conditions for Alcohol Related Land Uses.

C. **Display of Permit Required.** The Conditional Use Permit issued for the alcoholic beverage establishment and a copy of the conditions of approval for the permit shall be displayed on the premises of the establishment in a place where it may readily be viewed by any member of the general public.

§ 11.4.05.125 Senior Citizen Apartments and Independent Living Facilities. (Ord 1627)

Where allowed by Part II: Base District Regulations, age-restricted senior citizen apartments shall comply with the same regulations that are applicable to other non-age-restricted residential developments of the same type in the same zone.

§ 11.4.05.127 Single Room Occupancy.

Single room occupancy units (SRO's) shall conform to the following requirements:

A. Occupancy shall be limited to maximum two persons per unit. Minimum unit sizes (not including toilet compartment) shall be:

1. One person: 150 square feet.

2. Two persons: 175 square feet.

B. Each SRO unit shall be provided with the following minimum amenities:

1. Kitchen sinks with garbage disposal.

2. A toilet and sink located in a separate room within the unit that is a minimum 20 sq. ft.

3. One closet per person.

4. Telephone and cable TV hookups.

C. If full bathrooms are not provided in each unit, shared showers shall be provided on each floor at a ratio of one per seven occupants or fraction thereof on the same floor, with doors lockable from the inside.

D. If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor consisting of a range, sink with garbage disposal, and refrigerator.

E. If laundry facilities are not provided in each unit, common laundry facilities shall be provided, with one washer and one dryer on the premises for every 25 units for the first 100 units and one washer and one dryer for every 50 units over 100.

F. Elevators shall be required for SRO's of two or more stories.

§ 11.4.05.130 Temporary Structures, Trailers, and Modular Units.

This Section sets forth requirements for the establishment and operation of temporary structures, trailers, and modular units.

A. **Permit and Operational Requirements.** The use of temporary structures, trailers, and modular units shall be subject to the following requirements:

1. Minor Use Permit Required. The establishment and operation of a temporary structure, trailer, or modular unit shall require the approval of a Minor Use Permit in compliance with Chapter 11.5.20: Development Permits.

2. Only when Permanent Facilities are being Constructed or Remodeled. The Planning Commission may approve a Minor Use Permit only when permanent facilities are being constructed or remodeled in accordance with applicable codes.

3. Time Limit on Minor Use Permit. Approval shall be limited to a maximum of 1 year. However, upon request by the applicant, an extension may be granted by the Planning Commission, only if evidence is provided that

extraordinary circumstances exist which prevent the completion of the permanent facilities within the original 1 year time period, or if permanent facilities are near completion. A decision by the Planning Commission to deny a request of an extension may be appealed pursuant to Title 1: General Provisions, Chapter 1.20: Review of Quasi-Judicial Decisions.

4. Statement of Surety. When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150% of the total cost of removal of such temporary structure or structures, as determined based on an actual bid of a licensed contractor, shall be posted with the City for a 2-year period. See Section 11.5.10.065: Performance Guarantees.

§ 11.4.05.135 Short-Term Rental of Residentially Zoned Property.

(Ord. No. 1624)

A. **Prohibited.** No residentially zoned property, or any portion thereof, shall be leased or rented for a term of 29 days or less for any purpose, including but not limited to any residential or commercial purpose such as vacation rentals, weddings, or other event rentals.

B. **Legal Nonconforming Vacation Rentals.** Any vacation rental granted a conditional use permit pursuant to Ordinance No. 1619-U shall be a legal nonconforming use permitted to continue subject to its conditions of approval and Chapter 11.4.40 of the Zoning Code.

§ 11.4.05.140 Emergency Shelters. (Ord 1627 – 2013)

This Section sets forth requirements for the establishment and operation of emergency shelter facilities.

A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Zoning Conformance Required. Emergency shelters may be established and operated in the Boeing Integrated Defense Systems (BIDS) Specific Plan District subject to non-discretionary approval of a Zoning Conformance in compliance with Chapter 11.5.250: Director Determinations;

2. Management and Operations Plan. An application for a permit to establish and operate an emergency shelter shall be accompanied by a Management Plan, which shall establish hours of operation, staffing levels, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, and security procedures.

B. Development Standards. In addition to other standards set forth in the BIDS Specific Plan, emergency shelters shall conform to the following standards.

1. Maximum of 25 beds.

2. Minimum separation of 300 feet between emergency shelters.

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Chapter 11.4.10
General Site Standards

§ 11.4.10.005 Applicability.

This Chapter establishes standards for specific uses that are permitted or conditionally permitted in several or all districts, and specific site standards that apply to several or all districts.

§ 11.4.10.010 Development on Lots Divided by District Boundaries.

A. **Generally.** The regulations applicable to each district shall be applied to the area within that district and no use shall be located in a district in which it is not a permitted or conditionally permitted use.

B. **Determination of District Boundary.** See Section 11.1.10.015.B: Zoning Map, for determination of district boundaries. Where uncertainty exists as to the boundaries of any district or zone shown upon a zoning map as applied to lots divided by district boundaries, or any part or unit thereof, the following rules shall apply:

1. In the case of un-subdivided property and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.

2. Any remaining uncertainty shall be determined by the Director pursuant to Section 11.1.10.015: Rules of Interpretation.

3. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the adjoining property.

§ 11.4.10.015 Mechanical Equipment Screening.

All mechanical and electrical equipment, except solar collectors, and antennas shall be screened or incorporated into the building design so as not to be visible. These include, but are not limited to, all roof-mounted equipment, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers and pull boxes. Screening materials shall be consistent with the materials of the building.

A. **Design Requirements.** The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall utilize materials, colors, and architectural style of screening materials that are

architecturally consistent with other on-site development and without giving the appearance of being added on.

B. **Exceptions.** Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits is required for exceptions to the screening of mechanical equipment where the screening enclosure may substantially increase the visual mass of the roof line of a structure and alternative treatment may be preferable.

§ 11.4.10.020 Performance Standards.

The following performance standards shall apply to development within the City:

A. **Lighting.** Lighting shall be provided subject to the following requirements:

1. Purpose. Parking lots, driveways, circulation areas, passageways, recesses, and grounds contiguous to buildings shall be provided with sufficient illumination levels to make clearly visible the presence of any persons on or about the premises during the hours of business non-operation and shall provide a safe, secure environment for all persons, property, and vehicles on site.

2. Exterior Fixtures. Lighting fixtures shall be architecturally compatible with the character of the surrounding structure(s) and shall be energy efficient. Fixtures shall be appropriate in height, intensity, and scale to the use they are serving.

3. Outdoor Illumination Levels. This requirement shall not apply to single-unit residential uses, traffic safety lighting, or public street lighting. A minimum of 0.5-foot candle of illumination shall be maintained at the land surface throughout the area to be illuminated. In addition, related business use parking areas shall conform to the standards set forth in Table 11.4.10.020.A: Outdoor Parking Area Illumination Levels by Use (Average Foot Candles).

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TABLE 11.4.10.020.A OUTDOOR PARKING AREA ILLUMINATION LEVELS BY USE (AVERAGE FOOT CANDLES)	
Land Use	**Illumination Level (Average Foot Candles)**
Financial Institution/Bank	2 to 3 foot candles
Bar/Restaurant	2 to 3 foot candles
Condominium, Apartment, Mixed Use Residential	1 foot candle
Meeting Center	2 foot candles
Convenience Stores	2 to 3 foot candles
Car Wash	2 foot candles
Drive-In/Drive-Through Facilities	2 to 3 foot candles
Automobile Service Station	2 to 3 foot candles
Hotel/Motel	2 foot candles
Office	1 foot candle
Warehouse	1 foot candle
Retail/Commercial	2 to 3 foot candles
Fast Food Facilities	2 to 3 foot candles
Mixed Use Commercial/Residential	2 to 3 foot candles
Pedestrian Courts/Plazas/Walkways	1 to 2 foot candles

The electrical or lighting plan shall demonstrate the dispersal of light on the ground surface and compliance with the requirements of this Section. Building mounted decorative lights shall not exceed 5 foot-candles measured 5 feet from the light source.

4. Security Lighting. Security lighting shall be provided in all nonresidential zoning districts at building entrances/exits. Security lighting shall provide a minimum of 1 foot-candle and a maximum of 2 foot-candles at the ground level of the entrance.

5. Shielding. This requirement shall not apply to traffic safety lighting, public street lighting, or light trespass into an alley or other public right of way. Where the light source is visible from outside the property boundary, shielding shall be required to reduce glare to the greatest degree practicable to prevent light trespass onto an adjacent private property, per Section 11.6.05.010.L. (Ord. No. 1611)

6. Height. Light standards shall be limited to maximum height of 20 feet or the height of the nearest building, whichever is less. The Planning Commission may allow taller standards in large parking lots that are not adjacent to residential uses or in other special settings upon approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

7. Recreational Court Lighting. The following standards shall apply to the lighting of outdoor recreational courts:

a. Type. Fixtures shall be of a type that is rectangular on a horizontal plane. The outside of the fixture, arm, and supporting pole shall be coated with a dark, low reflectance material;

b. Location. Light fixtures shall not be located closer than 10 feet to the nearest residential property line;

c. Height. The maximum height of the light fixtures shall be 15 feet measured from the court surface;

d. Number. Not more than one light fixture for each 900 square feet of court surface is allowed, with a maximum of 8 poles and fixtures for each recreational court;

e. Supports. Light fixtures shall be supported by an arm extending at least 4 feet from a support pole;

f. Design. Light fixtures shall be designed, constructed, mounted, and maintained so that, with appropriate shielding, the light source is completely cut off when viewed from any point 5 feet or more beyond the property lines of the subject parcel. The incident light level at a property line shall not exceed one foot-candle measured from finished grade to a height of 12 feet. The incident light level upon any habitable structure on an adjoining property shall not exceed 0.05 foot-candles;

g. Hours of Operation. Recreational court lighting shall not be operated between 10:00 p.m. and 7:00 a.m. on weekdays and between 11:00 p.m. and 7:00 a.m. on Saturdays and Sundays;

h. Coating of Surface. In the event that an illuminated court surface is visible from another parcel, the court surface shall be treated with a low reflectance, dark-colored coating; and

i. Modification of Provisions. Provisions of this Subsection may be modified by the Planning Commission through the approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

8. Director Authority. The Director may require:

a. Photometric diagram and catalog cuts for conformity review of these standards.

b. Fixture replacement if it is found that glare continues to be an issue following installation of lighting fixtures.

c. Illumination levels for uses not set forth in this Sub-Section A.

d. Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, when security, energy conservation, aesthetics, or design requirements require modifications of the standards in this Sub-Section A.

B. **Noise.** The following noise standards are guidelines and performance-based standards only. If an area currently is below the desired maximum noise levels, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the increase in existing noise levels and potential for adverse community impact.

1. Definitions. The following definitions apply to the provisions of this Section only.

a. Normally acceptable: the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

b. Conditionally acceptable: the specified land use may be permitted with the preparation of a noise study and only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

c. Unacceptable: new construction or development should generally not be undertaken because mitigation is usually not feasible to comply with Noise Element policies.

2. Outdoor Noise Levels. All new development shall comply with the outdoor noise standards established in Table 11.4.10.020.B.2: Outdoor Noise Levels.

TABLE 11.4.10.020.B.2 OUTDOOR NOISE LEVELS			
Land Use Type	***Exterior Noise Exposure (Ldn or CNEL, dB)***		
	Normally Acceptable	***Conditionally Acceptable***	***Unacceptable***
Residential, Hotel and Motels	60	75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	65	80	>80
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Religious Institutions	60	75	>75
Office Buildings, Business Commercial, and Professional	60	80	>80
Auditoriums, Concert Halls, Amphitheatres	--	70	>70
Industrial, Manufacturing, Utilities and Agriculture	70	85	--

a. Outdoor Noise Levels for Residential Areas. The goal for maximum outdoor noise levels in residential areas is an Ldn of 60 dB. This level is a requirement to guide the design and location of future development and is a goal for the reduction of noise in existing development. This goal will be applied where outdoor use is a major consideration (e.g., backyards in single-unit housing developments and open space areas in multi-unit housing projects). The outdoor standard will not normally be applied to the small decks associated with apartments and condominiums but these will be evaluated on a case-by-case basis. Where the Director determines that providing an Ldn of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an Ldn of 65 dB upon approval of a Minor Use Permit, pursuant to Chapter 11.5.20: Development Permits.

b. Transportation Noise Sources. For other non-transportation related noise sources, noise levels outdoors should not exceed the limits in Table 11.4.10.020.B.2: Outdoor Noise Levels, above.

c. HVAC Equipment. For noise levels associated with HVAC equipment, please refer to Title 7, Chapter 7, Noise, Section 7.15.035: HVAC Equipment.

3. Indoor Noise Levels. All new development shall comply with the indoor noise standards established in Table 11.4.10.020.B.3: Indoor Noise Levels.

TABLE 11.4.10.020.B.3 INDOOR NOISE LEVELS	
Land Use Type	***Indoor Noise Levels***
Residential	45 dB[1]
Commercial, Industrial and Office	Evaluated on a case-by-case basis; generally 45 Leq (hourly average or less)
[1]As required by the State of California Noise Insulation Standards	

a. Indoor Instantaneous Noise Levels. Interior noise levels in new residential units exposed to an Ldn of 60 dB or greater should be limited to a maximum instantaneous noise level of 50 dBA in the bedrooms. Maximum instantaneous noise levels in other rooms should not exceed 55 dBA. The typical repetitive maximum instantaneous noise level at each site would be determined by monitoring.

4. **Evaluation of Noise Impacts in Existing Residential Areas.** The noise environment in existing residential areas shall be protected. The Director shall require the evaluation of mitigation measures for projects under the following circumstances:

a. The project would cause the Ldn to increase 3 dBA or more.

b. Any increase would result in an Ldn greater than 60 dBA.

c. The Ldn already exceeds 60 dBA.

5. Noise Study Required. The Director may require a noise study to be prepared for all new uses with outdoor noise levels within the conditionally acceptable range in Table 11.4.10.020.B.2: Outdoor Noise Levels above, or uses that, in the Director' opinion, may not meet the standards of the Noise Element. The noise study shall, at a minimum, conform to the following standards:

a. The analysis shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.

b. Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.

c. Existing and projected noise levels shall be estimated in terms of Leq and Ldn or CNEL. Levels shall be compared to the existing ambient noise levels.

d. Mitigation shall be recommended, giving preference to site planning and design rather than noise barriers, where feasible.

e. Noise exposure after the prescribed mitigation measures have been implemented shall be estimated.

6. Noise Mitigation Measures. The approval body may require a project to incorporate any noise mitigation measures deemed necessary to ensure that noise standards are not exceeded.

C. **Fire and Explosion Hazards.** All activities involving the use of, or storage of, flammable and explosive materials shall be operated with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire-suppression equipment and devices, as approved by the Orange County Fire Authority. Incineration is prohibited.

D. **Radioactivity or Electrical Disturbance.** No use, activity or process, other than wireless communications which are regulated specifically in Chapter 11.4.70: Wireless Telecommunications Facilities shall cause electromagnetic interference with normal radio or television reception in residential districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.

E. **Vibration.** No use, activity or process shall produce vibrations that are perceptible without instruments by a reasonable person at or beyond the property line of the site on which they are situated.

F. **Smoke, Particulate Matter, Odor and Other Air Contaminants**. All uses, activities or processes shall be conducted to prevent the emission of particulate matter or air contaminants that are readily detectable without instruments by a reasonable person beyond the property line of the site on which they are situated. All required permits from the South Coast Air Quality Management District shall be obtained.

G. **Humidity, Heat and Cold.** All uses shall be operated so as not to produce humidity, heat or cold which is perceptible without instruments by a reasonable person at or beyond the property line of the site on which such uses are situated.

H. **Storm Drainage and Storm Water Runoff.**

1. Prevention of Runoff.

a. Site grading shall be designed to prevent runoff onto adjacent properties and to eliminate the impacts of runoff on all structures on the site.

b. On-site drainage systems, (i.e. roof drains, downspouts, french drains, swales, etc.) shall be designed and maintained to prevent runoff onto adjacent properties.

2. Connection to Public Drainage System Required. On-site drainage systems shall be connected directly to the existing public storm drainage system whenever an underground storm drain exists adjacent to a development site. Connection to a storm drainage system shall be in compliance with any required connection permits of the jurisdictional agency.

3. Runoff Water Quality. Storm water and urban runoff discharges to the public storm drainage system shall be prohibited for all discharges not wholly comprised of storm water, or allowed by a valid National Pollution Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. Discharges shall comply with Chapter 9.20: Storm Water Management Program, Chapter 9.25: Fats, Oil and Grease Management and Discharge Control, Chapter 9.30: Sewerage, Chapter 9.35: Water, and Chapter 9.50: Grading of the Municipal Code.

Proposed projects shall be designed to comply with the following requirements, and shall integrate best management practices as required by the City's NPDES permit and to the satisfaction of the City Engineer:

a. Minimize parking lot pollution through retention, infiltration, and good housekeeping.

b. Vegetation clearance in preparation for construction shall commence no earlier than one month before the start of construction in the dry season and no more than one week before the start of construction in the wet season.

c. Runoff from the washing of toxic materials from paved or unpaved areas shall not be allowed to enter the storm drain.

4. Non-permeable Surfaces. No more than 50% of required ground-level common open space areas, and of all required setbacks and yards, shall have non-permeable surfaces. Porous paving and landscaping shall be considered permeable surfaces. Where subterranean parking garages extend to property lines, an alternate area of size equal to at least 50% of the required yard shall have a permeable surface.

5. National Flood Insurance Program. The provisions of Chapter 9.45: Floodplain Management, of the Municipal Code and the provisions of 44 C.F.R. Parts 59-77, shall be complied with, in all respects, for compliance with the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).

§ 11.4.10.025 Recycling and Solid Waste Facilities.

A. **Definitions.** The following definitions apply to the provisions of this Section only.

1. Existing Development Project: any commercial, industrial, or institutional building, or cluster of buildings, constructed prior to January 1, 2010.

2. Existing Project: any existing development project, existing public facility, or existing residential project, as those terms are defined by this Section.

3. Existing Public Facility: any existing public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste which was constructed before January 1, 2010.

4. Existing Residential Project: a residential project which was constructed before January 1, 2010, and which consists of either of the following:

a. A single building having 5 or more dwelling units; or

b. A residential project consisting of 5 or more dwelling units where solid waste is not collected and loaded from each individual unit's curbside, but is instead collected and loaded in a location intended to serve 5 or more dwelling units.

5. New Development Project: any newly constructed commercial, industrial, or institutional building or cluster of buildings, for which an application for a building permit or other discretionary approval is submitted on or after January 1, 2010.

6. New Project: any new development project, new public facility, and new residential project, as those terms are defined by this Section.

7. New Public Facility: any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste which is constructed on or after January 1, 2010.

8. New Residential Project: a newly constructed residential project for which an application for a building permit or other discretionary approval is submitted on or after January 1, 2010, and which consists of either of the following:

a. A single building having 3 or more dwelling units; or

b. A residential project consisting of more than one dwelling unit where solid waste is not collected and loaded from each individual unit's curbside but is instead collected and loaded in a location intended to serve more than one dwelling unit.

9. Recycling Area (areas for recycling): the interior or exterior space allocated for collecting, storing and loading recyclable material.

B. **New Projects.** Any new development project, new residential project, or new public facility for which a building permit is required shall include adequate, accessible and convenient areas for collecting, storing and loading recyclable materials, subject to the following requirements:

1. No building permit shall be issued for any new project until the recycling area is approved as being in compliance with the provisions of this Section by the Director.

2. In reviewing the recycling area, the Director shall consider the standards listed in subsection C: Recycling Area Standards, below.

C. **Recycling Area Standards.** The following criteria shall apply to the review of the plans for a recycling area:

1. Residential Development Minimum Individual and Common Storage Area Requirements.

a. Multi-Unit Projects. Multi-unit residential projects with 5 or more dwelling units shall provide solid waste and recyclable material storage areas in the following manner:

i. Individual Unit Storage Requirements. Each dwelling unit shall be designed to include a space with a minimum of 3 cubic feet for the storage of solid waste and 3 cubic feet for the storage of recyclable material; and

ii. Common Storage Requirements. Table 11.4.10.025.C.1: Residential Development Storage Requirements sets forth the minimum requirements for common solid waste and recyclable material storage areas for multi-unit projects, which may be located indoors or outdoors as long as they are readily accessible to all residents. These requirements apply to each individual structure.

TABLE 11.4.10.025.C.1
RESIDENTIAL DEVELOPMENT STORAGE REQUIREMENTS

	Minimum Common Storage Area Required (Sq. Ft.)		
Number of Dwellings	**Solid Waste**	**Recycling**	**Total Area**
Up to 6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

2. Non-Residential Development Minimum Common Storage Area Requirements. Non-residential structures and uses within all zoning districts shall provide solid waste and recyclable material storage areas. Table 11.4.10.025.C.2: Non-Residential Development Storage Requirements sets forth the minimum storage area requirements. These requirements apply to each primary structure.

TABLE 11.4.10.025.C.2 NON-RESIDENTIAL DEVELOPMENT STORAGE REQUIREMENTS			
	Minimum Storage Area Required (Sq. Ft.)		
Building Floor Area (sq. ft.)	**Solid Waste**	**Recycling**	**Total Area**
Up to 5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

D. **Change in Recycling Area Location.** An owner or operator may not modify the design, location or configuration of a recycling area approved by the Director or the Planning Commission, without first consulting the Director to determine if any other City approvals are required.

E. **Solid Waste and Recycling Enclosures.**

1. Location and Orientation. All enclosures shall comply with the California Fire Code and shall meet the following requirements unless it is demonstrated that they are infeasible. A building permit shall not be issued for a project until documentation of approval of the location is provided by the Director.

a. Location. No enclosures shall be located within any required front yard or street side yard setback areas unless it is satisfactorily demonstrated to the Director that due to originality of design, architectural treatments, and lack of visibility of loading areas, the location meets the intent of this Section.

b. Compatibility with Equipment. Solid waste and recycling enclosures shall be located so that the current equipment used by the City's franchised solid waste collector and recycling collector has sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. The enclosure pad shall have an apron with a minimum width of 10 feet and length of 30 feet. Projects and applicants are responsible for procuring current equipment size and turning radius from the City's franchised solid waste/recycling collector.

c. Consolidation of Enclosure Areas. All enclosure types shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. For multi-unit residential projects, there should be a minimum of 1 trash enclosure per 50 units and the enclosure should be located within 100 feet of the residential units. Exceptions may be approved by the Director to take into account specifics of the site plan and unit location.

d. Clear of Obstructions. The area in front of and surrounding all enclosure types shall be kept clear of obstructions, shall not be utilized for parking, and shall be painted, striped, and marked "No Parking."

2. Materials, Construction, and Design. The materials, construction and design of solid waste and recycling enclosures for single-unit projects shall be subject to Director approval. For commercial and multi-unit projects, the various components of solid waste and recycling-container enclosures shall be constructed and thereafter maintained as follows:

a. Enclosure Material. Enclosure material shall be solid masonry or concrete tilt-up with decorated exterior-surface finish compatible to the main structure(s).

b. Gate Material. Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material.

c. Enclosure Pad. Four-inch-thick-minimum concrete pad.

d. Bumpers. Two inches by 6 inches thick and made of concrete, steel, or other suitable material and shall be anchored to the concrete pad.

e. Protection for Enclosures. Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.

f. Travelways and Area in Front of Enclosure. An adequate base to support a truck weight of 62,000 pounds.

§ 11.4.10.030 Swimming Pools and Hot Tubs.

The following standards apply to swimming pools and hot tubs in all districts:

A. **Lot Coverage.**

1. Residential Districts. The maximum pool or hot tub area, measured at the high-water line, shall be no more than 20% of the lot area.

2. All Other Districts. The maximum pool or hot tub area shall be as approved by the decision-making body for any discretionary project, or by the Director if no discretionary approval is required.

3. Rear Yard. No pool or hot tub shall occupy over 60% of the required rear yard. Coverage by a swimming pool or hot tub shall not be considered in measuring maximum lot coverage unless it is enclosed in a roofed structure.

B. **Location.** The minimum distance from a lot line to the nearest point of a pool or hot tub shall be as follows:

District	Front and Street Side Lot Line	Rear and Side Lot Line (not along street)
Residential	50 ft. – Front 10 ft. – Street Side	4 ft.
All Other Districts	As approved by the Planning Commission pursuant to a Minor Use Permit	

C. **Enclosures for Swimming Pools and Hot Tubs.**

1. Swimming Pools. All swimming pools shall be completely enclosed by a protective fence in compliance with the provisions of the California Building Code.

2. Hot Tubs. Hot tubs shall be either enclosed or screened to prevent noise and other disturbance to adjacent properties. When a hot tub is located in a required rear or side yard in a residential district, landscaping between 6 and 8 feet in height shall be provided between the hot tub and fence separating adjacent properties to provide a privacy buffer. This requirement may be waived by the Director if there is a large setback from the property line, fencing taller than 6 feet, a structure enclosing the hot tub, or other feature that acts as a privacy buffer.

D. **Filter and Heating Systems.** All swimming pool and hot tub filtration and heating systems shall be set back a minimum of one (1) foot from any property line and a minimum of ten (10) feet from any adjacent dwelling unit, or eight (8) feet with sound attenuation approved by City Staff. All filtration and

heating systems shall comply with SBMC Title 7: Noise, Section 7.15.035: HVAC Equipment. (Ord. No. 1611)

E. **Public Pool and Semipublic Pool.** A Conditional Use Permit shall be obtained pursuant to Chapter 11.5.20: Development Permits before the construction of any public pool. All public and semipublic pools shall meet all of the requirements of the state and local health departments, building codes, and the provisions of this Zoning Code.

F. **Permanent Wading Pools.** Permanent wading pools are not permitted in any required setback area and shall not be located or maintained in a manner contrary to the public health and safety of the people residing in the area.

G. **Engineer's Statement.** A written statement from a civil engineer registered in the State of California that certifies that construction of the pool will not have a detrimental effect on any neighboring structures, shall be required prior to the issuance of a building permit.

H. **Elevated Swimming Pools.** All elevated swimming pools, constructed on the ground, may not be higher than 4 feet.

§ 11.4.10.035 Underground Utilities.

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall comply with all undergrounding requirements specified in Title 9, Public Property, Public Works and Building Regulations, Section 9.55: Underground Utilities and Title 10: Subdivisions, of the Municipal Code.

§ 11.4.10.040 Street and Highway Dedications and Improvements.

A. **Issuance of Certificate of Occupancy.** No certificate of occupancy shall be issued for development or redevelopment of any use or building on any property abutting streets and highways shown in the "Circulation Element of the General Plan" until the streets and highways are dedicated to the City to their ultimate right-of-way width and length abutting the subject property. Full improvements shall be constructed by the developer to the specifications contained in Title 10: Subdivisions, and Chapter 9.55: Underground Utilities, of the Municipal Code and to the requirements of the City Engineer.

1. Exception. If at the time of development it is impractical, in the opinion of the City Engineer, for the required improvement to be provided, the owner of the subject property shall deposit a faithful performance bond with the City in an amount as determined by the City Engineer, sufficient to insure the construction of the improvements.

B. **Establishment of Centerlines**. The centerline of any street or highway shown on the circulation element may be established by resolution of the Planning Commission and becomes effective upon affirmation by City Council.

C. **Minor Additions or Expansions.** Minor additions or expansion to existing buildings, not exceeding 150 square feet or 5% of the existing building area, may be excluded by issuance of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

D. **Deviation of Provisions.** Any deviation from the provisions of this section may be approved by issuance of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

§ 11.4.10.045 Solar Energy Systems.

The following installation standards shall apply to solar energy systems.

A. **Solar Collectors.**

1. Roof-mounted collectors shall be placed in the location least visible from public streets without reducing the operating efficiency of the collectors, unless they are integrated into the design of the structure as an architectural element.

2. Wall-mounted and ground-mounted collectors shall be screened from public view.

3. Collectors shall be mounted at the same angle or as close as possible to the pitch of the roof.

B. **Appurtenant Equipment.** Appurtenant equipment, plumbing, and related fixtures, shall be installed in the attic, where feasible, or shall be screened from public view. See also Section 11.4.10.015: Mechanical Equipment Screening.

C. **Accessory Fixtures.** Large accessory fixtures which generally require exposure (e.g., storage tanks) shall be screened through architectural features that harmonize with other elements of the structure, shall not be located in any required front or side yards, nor be visible from any public right-of-way.

D. **Exterior Finishes.** Exterior surfaces shall have a matte finish and shall be color coordinated to harmonize with roof materials or other dominant colors of the structure.

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Chapter 11.4.15
Fences, Hedges and Walls

§ 11.4.15.005 Applicability.

The provisions of this Chapter apply to all fences, hedges, and walls unless otherwise stated. The provisions of this Chapter shall not apply to fences required by State law to surround and enclose public utility installations or to fences located on Federal or School District properties.

§ 11.4.15.010 General Height Limitations.

A. **Maximum Heights.** Fences, hedges, and walls (except retaining walls) may be constructed to the heights shown in Table 11.4.15.010.A.1: Allowable Heights. Additional standards for specific areas are set forth in Table 11.4.15.010.A.2: Allowable Heights – Specific Locations. See also Section 11.4.15.015: Height Limitations for Retaining Walls.

TABLE 11.4.15.010.A.1 ALLOWABLE HEIGHTS	
Location	**Maximum Height**
Front setbacks	3.5 feet
Rear and interior side setbacks	7 feet[1]
Street-side setbacks	7 feet[1]
At intersections of streets, alleys, and driveways within traffic safety sight areas	30 inches if solid; otherwise the maximum height normally allowed, if the fence material is 75% open (e.g., lattice)
Alleys	6 feet if not within 5.5 feet of the rear property line

Notes: 1. An additional 1 foot of height is allowed (to a maximum of 8 feet tall), but all fencing material above 7 feet in height shall be open grill or latticework, or a similar open design allowing light and air to pass through at least 50% of the fencing material.

TABLE 11.4.15.010.A.2 ALLOWABLE HEIGHTS – SPECIFIC LOCATIONS	
Maximum Allowable Height	**Specific Locations**
10 feet	*Between residential and commercial/industrial zone districts*
10 feet	*Along the rear yards of lots that are located along the following roadways:*
	❑ Almond Avenue
	❑ Balboa Drive from Pacific Coast Highway to Bolsa Avenue
	❑ Bolsa Avenue
	❑ First Street
	❑ Lampson Avenue
	❑ Marina Drive
	❑ Pacific Coast Highway
	❑ San Diego Freeway
	❑ Seal Beach Boulevard (Ord. No. 1611)
	❑ Westminster Avenue
	❑ I-605/7th Street Connector
	❑ Beverly Manor Road
10 feet	*Along the rear yards of lots that are adjacent to the following areas/facilities:*
	❑ Hellman Ranch
	❑ Gum Grove Park
	❑ East flood control channel, College Park East
	❑ Edison Park
	❑ West property line, Leisure World
8 feet	RLD-15 District, where 7-foot fences are permitted pursuant to Table 11.4.15.010.A.1

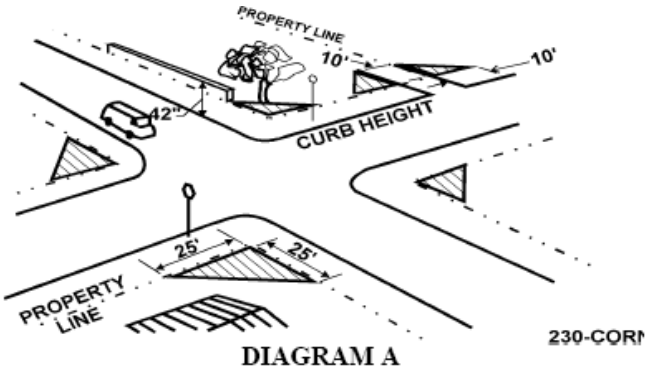
B. **Visibility.**

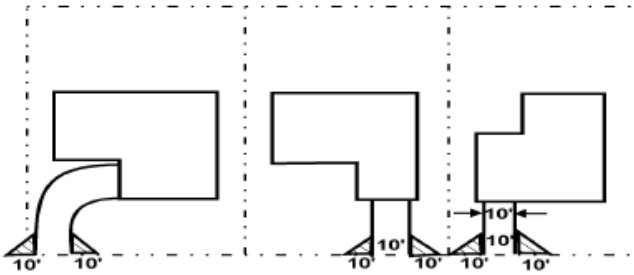
1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than 42 inches in height may be located within the triangular area formed by measuring 10 feet from the intersection of the rear and street side property lines.

2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between 42 inches and 7 feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring 25 feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below 7 feet shall be permitted. See Figure 11.4.15.010.B: Intersection and Driveway Visibility Standards, below.

3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of 42 inches and 7 feet within a triangular area formed by measuring 10 feet from intersecting driveways or street/alley and driveway. See Figure 11.4.15.010.B: Intersection and Driveway Visibility Standards, below.

Figure 11.4.15.010.B
Intersection and Driveway Visibility Standards





C. **Modifications to Fence Height Standards.** The Planning Commission may modify the fence height standards referenced in subsection A, subject to the approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits and in compliance with the provisions of this Chapter.

D. **Findings and Decision.** The applicant shall demonstrate, to the satisfaction of the Director, that the following findings are met in addition to those required for Use Permits pursuant to Section 11.5.20.020: Required Findings:

1. That the fence will be compatible with the design, appearance, and physical characteristics of the site and other existing structures in the surrounding neighborhood;

2. That the height, orientation, and location of the fence is in proper relation to the physical characteristics of the site and surrounding properties.

3. That the fence will be a planned architectural feature and would not dominate the site or overwhelm surrounding properties, structures, or passersby; and

4. That the fence will be of sound construction and located so as not to cause a safety hazard.

§ 11.4.15.015 Height Limitations for Retaining Walls.

A. **City-Wide Standards.**

1. A retaining wall less than or equal to 30 inches in height is automatically permitted.

2. A retaining wall greater than 30 inches and up to 48 inches in height is permitted subject to Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits. If such a wall faces a public street or place, such wall shall be screened by a landscape buffer at least 18 inches wide.

3. A retaining wall greater than 48 inches in height is permitted subject to Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

4. A guard rail shall be placed, when necessary, on a retaining wall in accordance with the California Building Code.

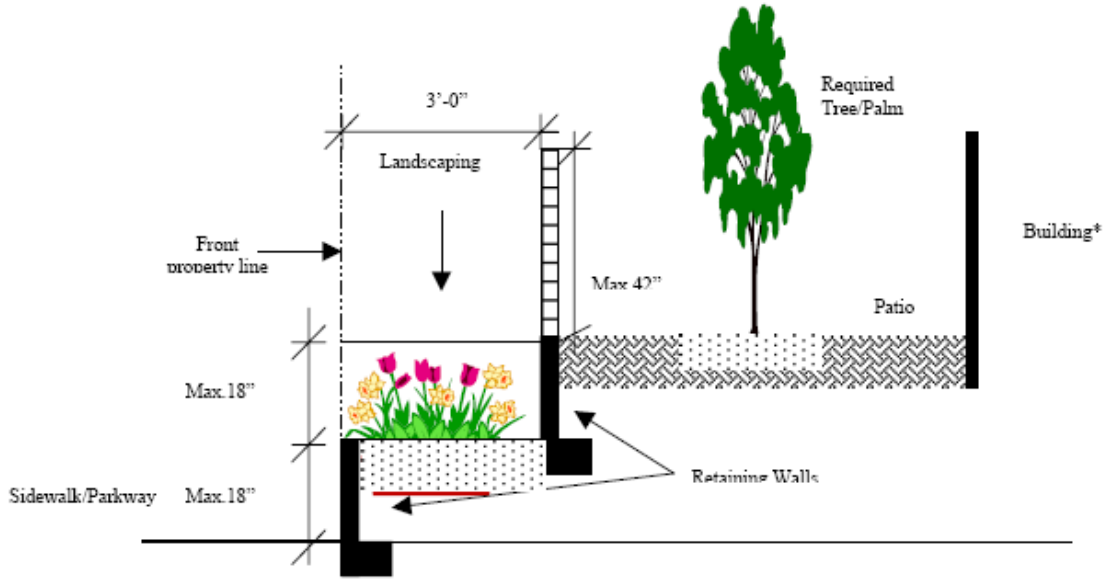
5. A fence, wall, hedge or screen planting may be placed on a retaining wall provided the combined height of the retaining wall and fence, wall, hedge or screen planting does not exceed 10 feet.

6. If the combined height of a retaining wall and fence exceeds 6 feet, then the fence shall be separated from the retaining wall by a landscape terrace at least 3 feet wide.

7. If a set back area contains multiple retaining walls, such walls shall be separated by landscaped terraces at least 3 feet wide. All landscaped terraces shall be landscaped with automatic sprinkler systems in

compliance with Section 11.4.30.010: Landscape and Irrigation Plans. See Figure 11.4.15.015: Multiple Retaining Wall Separations.

Figure 11.4.15.015
Multiple Retaining Wall Separations



B. **RLD-9 Zone - Ocean Avenue Standards.**

1. Scope. The standards of this sub-paragraph B.1 apply to side yard retaining walls abutting a public street within the RLD-9 Zone on Ocean Avenue between First Street and Eighth Street. To the extent not in conflict with these standards, the City-wide standards of sub-paragraph A apply to such retaining walls as well.

2. A retaining wall greater than 30 inches in height is permitted subject to Minor Use Permit pursuant to Chapter 11.5.20: Development Permits. There is no maximum height for retaining walls in this area.

3. The base of the public side of a retaining wall greater than 30 inches in height shall be screened by a landscape buffer at least 3 feet wide if required in connection with the Minor Use Permit approval.

4. A retaining wall shall not be erected along the rear 96 feet of a lot.

5. A retaining wall shall not be erected on public property unless an encroachment permit has been obtained.

C. **RLD-9 Zone – Gum Grove Park Standards.**

1. Scope. The standards of this sub-paragraph C apply to rear yard retaining walls abutting Gum Grove Park or the wetlands area within the RLD-9 Zone along the following streets: Avalon, Catalina, Crestview and Surf Place. To the extent not in conflict with these standards, the City-wide standards of sub-paragraph A apply to such retaining walls as well.

2. A retaining wall may not exceed a height of 6 feet.

3. If a set back area contains multiple retaining walls, such walls shall be separated by a landscape terrace at least 3 feet wide.

D. **Nonconforming Retaining Walls.** Lawfully erected retaining walls existing prior to January 1, 2010 shall be deemed nonconforming and may remain as is indefinitely unless damaged to the extent of more than 50% of the replacement cost. In the event of such damage, the wall shall be restored in conformance with this section. If a nonconforming wall is removed from a lot, each future retaining wall on the lot shall be in conformance with this section.

E. **Miscellaneous.** All landscape buffers and landscape terraces shall be equipped with automatic sprinklers and continuously maintained in good condition. Height limits shall be based on measurements made on both sides of the retaining wall. All landscaped terraces shall be landscaped with automatic sprinkler systems in compliance with Section 11.4.30.010: Landscape and Irrigation Plans.

§ 11.4.15.020 Measurement of Fence or Wall Height.

A. **Determination of Height.** Refer to Chapter 11.1.15: Rules of Measurement, Section 11.1.15.025.C: Measurement of Fence or Wall Height to determine wall and fence heights.

B. **Averaging.**

1. Variations. To allow for minor variations in topography, the height of a fence or wall may vary up to 6 inches.

2. Average Finished Grade. The variation shall be dependent on the average finished grade which shall be determined by adding to the lowest grade adjacent to the fence or wall, one-half of the difference in elevation of the grade on each side of the fence.

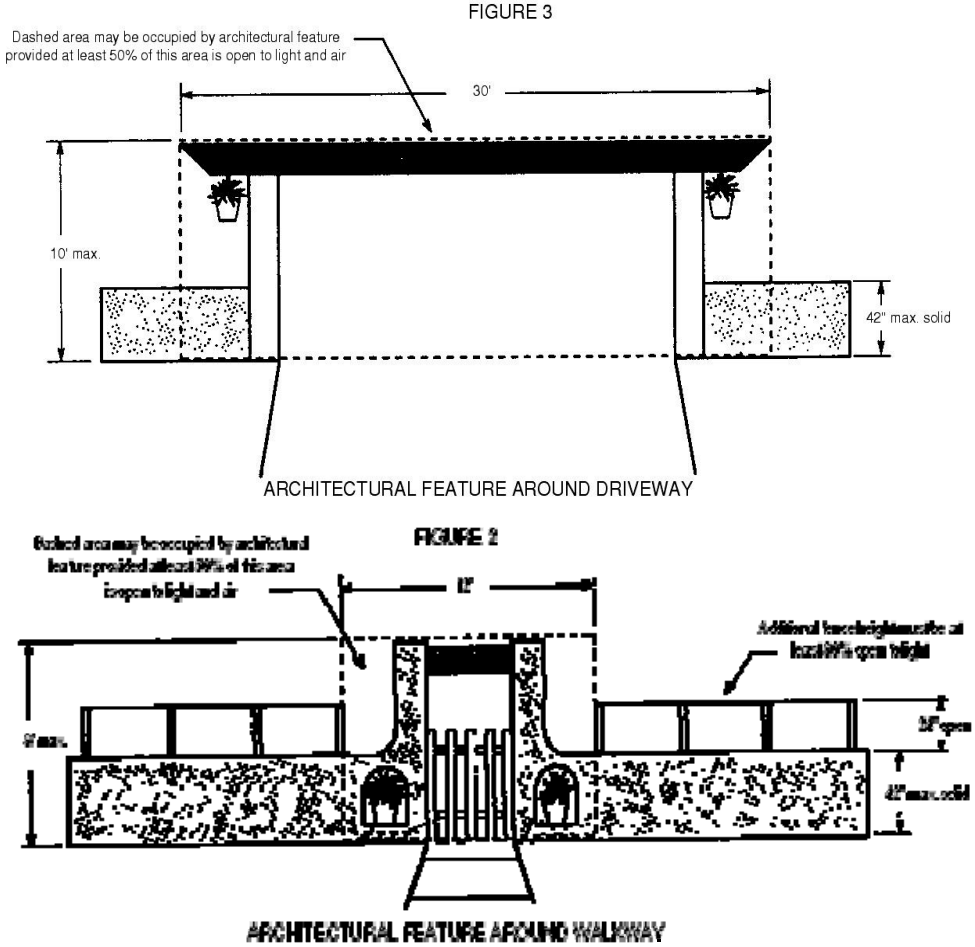
3. Maximum Height. The average height of a fence or wall shall not exceed the maximum height allowed.

§ 11.4.15.025 Special Wall and Fencing Requirements.

A. **Swimming Pools, Spas, and Similar Features.** Swimming pools, spas, and other similar features shall be fenced in compliance with requirements of the California Building Code. See also Section 11.4.10.030: Swimming Pools and Hot Tubs.

B. **Walkway and Driveway Architectural Features.** A maximum of 1 walkway and 1 driveway architectural feature such as an arbor, archway, or gate structure shall be permitted for each full 100 feet of street or private easement frontage; provided that a maximum of 1 such feature is allowed for properties with less than 100 feet of street or private easement frontage. Such architectural features require Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits, and shall conform to the maximum dimensions and criteria set forth in Figure 11.4.15.025.B: Architectural Features Around Walkways and Driveways.

Figure 11.4.15.025.B
Architectural Features Around Walkways and Driveways



C. **Outdoor Equipment, Storage, and Work Areas.** Screening of outdoor uses and equipment and activities shall be provided in compliance with Section 11.4.30.040: Buffer Yards, and Section 11.4.05.090: Outdoor Dining, Display, and Sales Standards.

D. **Sport Facility and Golf Course Fencing.** Fencing height greater than that allowed by Section 11.4.15.010: General Height Limitations, may be permitted by Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

E. **Temporary Fencing.** Temporary fencing used during site preparation and construction shall be subject to the approval of the Director.

F. **Fence and Wall Design.** In new development the Director shall utilize the following guidelines in reviewing and approving fences and walls:

1. Uniformity Required. Fence or wall designs should be consistent throughout a multi-unit or nonresidential development, or single-unit subdivision, although multiple designs may be employed in large projects.

2. Mix of Materials Required. The design should include a mix of materials and finishes that are compatible with the overall design of the project.

3. Articulation Required. Perimeter fences and walls adjoining public rights-of-way should be articulated as determined by the Director. See also Chapter 11.4.30: Landscaping and Buffer Yards; Section 11.4.30.015.B: Street Side and Street Rear Property Line Walls.

§ 11.4.15.030 Restrictions on Fence Materials.

A. **Security Fences.** Barbed wire, electrified, or razor wire fences, and other similar types of security fences are prohibited in all residential zoning districts and on commercial properties adjoining a residential zoning district. The use of such fence materials on commercial, mixed-use, light manufacturing, and oil extraction properties that do not adjoin a residential zoning district shall be subject to Minor Use Permit review, in compliance with Chapter 11.5.20: Development Permits.

B. **Chain-link.** Except for temporary fencing associated with construction, the use of chain-link fencing shall not be allowed on a residentially zoned or developed property.

§ 11.4.15.035 Authority to Waive or Modify Requirements: Restrictions on Fence Materials.

The Planning Commission may waive or modify the requirements of Section 11.4.15.030: Restrictions on Fence Materials, above through approval of a Minor Use Permit in compliance with the provisions of Chapter 11.5.20: Development Permits, for nonresidential projects where evidence is presented that a higher degree of security is required and that the security may only be achieved through the use of barbed wire or similar security-type fencing materials.

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Chapter 11.4.20
Off-Street Parking and Loading

§ 11.4.20.005 Applicability.

The regulations of this Chapter apply to:

A. New development, and

B. Any alterations or additions to an existing building or change in use that increases the number of parking spaces required by this Chapter over the total number of spaces required before the alteration, enlargement, or change in use.

§ 11.4.20.010 Review Procedure.

The design, location, and surfacing of required parking shall be subject to review and approval by the Director.

§ 11.4.20.015 Required Off-Street Parking Spaces.

Off-street motor vehicle parking shall be provided in all residential, commercial and other districts in accordance with the following provisions:

A. **Number of Spaces Required.** Each land use shall be provided at least the minimum number of off-street parking spaces stated in Table 11.4.20.015.A.1: Required Parking, except where a parking reduction has been granted in compliance with Section 11.4.20.020: Parking Reductions. Parking requirements for the Main Street Specific Plan District are stated in Table 11.4.20.015.A.2: Required Parking – Main Street Specific Plan District, except where a parking reduction has been granted in compliance with Section 11.4.20.020: Parking Reductions. For land uses located within the Main Street Specific Plan District that are not specified in Table 11.4.20.015.A.2: Required Parking – Main Street Specific Plan District, the standards of Table 11.4.20.015.A.1: Required Parking shall apply.

B. **When Constructed.** Off-street parking facilities and off-street loading facilities required by this Chapter shall be provided prior to the issuance of a Certificate of Occupancy for the use they serve.

C. **Calculation of Required Spaces.**

1. Fractions. If a calculation of the number of required off-street parking spaces results in a fraction that is 0.50 or higher, the fraction shall be rounded up to the next whole number. If such calculation results in a fraction

that is less than 0.50, the fraction shall be rounded down to the preceding whole number. For example, if computed requirements equal 9.5 spaces, 10 spaces will be required. If computed requirements equal 9.4 spaces, 9.0 spaces will be required.

2. Floor Area. Where an off-street parking or loading requirement is stated in Table 11.4.20.015.A.1: Required Parking, or in Table 11.4.20.015.A.2: Required Parking – Main Street Specific Plan District as a ratio of parking spaces to floor area, floor area is assumed to be gross floor area, unless otherwise stated.

3. Employees. Where an off-street parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

D. **Multiple Land Uses.** When 2 or more primary uses are located in the same lot or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses.

E. **Uses Not Specified.** In the case of a land use for which off-street parking requirements are not specified in this Section, the Director shall establish a requirement considering the parking requirements for the most nearly similar use for which off-street parking requirements are specified, and any other relevant studies and data regarding parking demand. Such Director determination shall be made in accordance with Section 11.1.10.015.C: Interpretations.

F. **Substitution of Compact for Standard Parking Stalls.** Twenty-five percent (25%) of required spaces may be compact spaces. Notwithstanding the foregoing, all parking spaces serving Building Materials Stores and Home Improvement Sales and Service Stores must be standard size. Required dimensions for standard-size and compact spaces are stated in Tables 11.4.20.025.C: Parking Area Space Dimensions for Automobiles – Standard Spaces, and 11.4.20.025.D: Parking Area Space Dimensions for Automobiles – Compact Spaces.

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TABLE 11.4.20.015.A.1 REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Residential Use Types		
Single-Unit Dwelling	2 spaces per studio unit. 2 spaces per dwelling unit for each unit of 1 to 5 bedrooms. 3 spaces per dwelling for each unit of 6 bedrooms or more plus 1 additional space for each bedroom above 6 total bedrooms in the dwelling unit.	See also Section 11.2.05.015.N: *Limitations on Parking and Garage Frontage*. All required spaces must be located in a garage. See also Section 11.2.05.015.N.4: *Required Garage Exception – RLD-9 District*. See also Section 11.2.05.015.N.5: *Required Garage Exception – Surfside*. See also Section 11.2.05.015.N.6: *Required Garage Exception – RHD-20 District*. See also Section 11.4.40.010.B: *Maintenance, Nonstructural Repairs and Interior Alterations*. Note: Additions to existing Single-Unit Dwellings may have a reduced parking requirement approved by Minor Use Permit subject to Chapter 11.5.20: *Development Permits*.

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Residential Use Types (*Continued*)		
Second Unit	1 space for an Efficiency Second Unit and 1 space per bedroom for non-Efficiency Second Units.	Section 11.4.05.115.I: *Residential Uses - Second Dwelling Units*.
Two-Unit Dwelling; Multiple-Unit Residential	2 spaces per dwelling unit for each unit. 1 guest space for every 7 units 1 space per dwelling unit, inclusive of guest parking, for each studio or one-bedroom unit in a development meeting the minimum requirements of Chapter 11.4.55 (Affordable Housing Bonus). (Ord 1627)	See also Section 11.2.05.015.N: *Limitations on Parking and Garage Frontage* All spaces except guest spaces must be located in a garage or carport.
Small Family Day Care	No additional spaces required (besides the required spaces for the residential dwelling).	
Large Family Day Care	1 space per employee, with a minimum of 3 provided.	Section 11.4.05.045.B: *Large Family Day Care Homes*
Group Housing	0.5 space per unit	See also Section 11.2.05.015.N: *Limitations on Parking and Garage Frontage*.
Senior Citizen Housing	0.5 space per unit	See also Section 11.2.05.015.N: *Limitations on Parking and Garage Frontage*.
Transitional Housing	0.5 space per unit	See also Section 11.2.05.015.N: *Limitations on Parking and Garage Frontage*.

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Public, Semi-Public, and Service Use Types		
Cemetery	To be determined by Director, who may require a parking demand analysis.	
Clubs and Lodges	1 space per 5 fixed seats or per 75 square feet of main assembly area, whichever is greater. Each 24" of bench type seating is considered 1 seat.	
Community Center	1 space per 5 fixed seats or per 75 square feet of main assembly area, whichever is greater. Each 24" of bench type seating is considered 1 seat.	
Social Service Organization	To be determined by Director, who may require parking demand analysis.	
Cultural Institutions	1 space per 5 fixed seats or per 75 square feet of main assembly area, whichever is greater. Each 24" of bench type seating is considered 1 seat.	
Day Care Center	1 space per employee, with a minimum of 3 spaces provided.	Section 11.4.05.045.C: *Child Day Care Center*
Golf Course	Minimum of 5 spaces per hole.	
Government Offices	1 space per 400 square feet.	
Hospitals and Clinics		
Hospitals	1 space per bed.	
Clinics	1 space per 250 square feet.	
Park and Recreation Facilities	To be determined by Director, who may require parking demand analysis.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Public, Semi-Public, and Service Use Types (*Continued*)		
Parking Facilities, Public	1 space per attendant station.	
Public Maintenance and Service Facilities	To be determined by Director, who may require parking demand analysis.	
Public Safety Facilities	To be determined by Director, who may require parking demand analysis.	
Religious Facilities	1 space per 5 fixed seats or per 75 square feet of main assembly area, whichever is greater. Each 24" of bench type seating is considered 1 seat.	
Residential Care Facilities		
Residential Care, General	1 space per 2 employees, plus one space per facility vehicle.	
Residential Care, Limited	None required above the requirement for the residential dwelling type.	
Residential Care, Senior	1 space per 5 beds.	
Schools, Private	Junior High/Elementary School: One space per classroom, plus one space per 300 square feet of office area. High School; One space per classroom, plus one space per 300 square feet of office area, plus one space per 10 students.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Commercial Use Types		
Adult Business Establishments	Retail establishments: 1 space per 300 square feet.	
Bars	1 space per 100 square feet.	
Animal Sales and Services	1 space per 300 square feet.	
Kennel	1 space per 1000 square feet of building area.	
Artists' Studios	1 space per studio.	
Automobile/Vehicle Sales and Services		
Automobile Rentals	1 per 300 square feet of office area in addition to storage/ display spaces for all vehicles for rent.	
Automobile/Vehicle Sales and Leasing	1 per 300 square feet of office area in addition to storage/ display spaces for all vehicles for sale or lease.	
Automobile/Vehicle Service and Repair, Major	1 space per service bay (not including areas for auto service or auto storage), plus parking for any towing vehicles used in the operation.	
Automobile Service Station/Vehicle Service and Repair, Minor	1 space per 300 square feet of any convenience store plus 1 space per service bay if repair occurs on-site (in addition to spaces at pumps, queuing areas for pumps, and areas for self-service water and air areas).	
Automobile Washing	1 per 300 square feet of any indoor sales, office, or lounge areas.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Commercial Use Types (*Continued*)		
Large Vehicle Sales, Services and Rental	1 space per 300 square feet of office area in addition to storage/ display spaces for all vehicles for rent.	
Banks and Other Financial Institutions	1 space per 250 square feet.	
With Drive-Through Facilities	1 space per 250 square feet of floor area. No additional spaces required for drive-through facility.	
Automated Teller Machines (ATMs)	2 spaces per ATM.	
Bed and Breakfasts	1 space per guest room, in addition to 1 space required for resident owner.	Section 11.3.05.015: *General Provisions*
Building Materials and Services	1 space per 500 square feet of building area plus 1 space per 600 sq. ft. of outdoor sales/ display area.	Section 11.4.20.015.F: *Substitution of Compact for Standard Parking Stalls*.
Business Services	1 space per 300 square feet.	
Commercial Recreation		
Large-Scale (Greater Than 20,000 Sq. Ft.)	Gyms and fitness studios: 1 space per 300 square feet. Other specific uses: to be determined by Director, who may require a parking demand analysis.	
Small-Scale (20,000 Sq. Ft. or Less)	Gyms and fitness studios: 1 space per 300 square feet. Other specific uses: to be determined by Director, who may require a parking demand analysis.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Commercial Use Types (*Continued*)		
Day Spa/Spa	1 space per 300 square feet.	
Eating and Drinking Establishments		
Bars	1 space per 100 square feet.	
Restaurants, Fast Food	1 space per 100 square feet.	
Restaurants, Full Service	1 space per 100 square feet.	
Restaurants, Limited Service	1 space per 100 square feet.	
Restaurants, Take Out Only	1 space per 300 square feet.	
With Drive-Through Facilities	1 space per 100 square feet.	
With Outdoor Eating Areas	1 space per 100 square feet, including outdoor dining areas.	
Food and Beverage Sales		
Catering Services	1 space per 1000 square feet, plus parking for any vehicles used in the business.	
Convenience Market	1 space per 300 square feet.	
General Market	1 space per 300 square feet.	
Liquor Stores	1 space per 300 square feet.	
Funeral Parlors and Mortuaries	To be determined by the Director, who may require a parking demand analysis.	
Home Improvement Sales and Services	1 space per 400 sq. ft. of floor area or outdoor sales display.	Section 11.4.20.015.F: *Substitution of Compact for Standard Parking Stalls*.
Hotels and Motels	1 space per unit; plus 2 spaces adjacent to registration office; 1 space per 20 person capacity of any conference or banquet rooms.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Commercial Use Types (*Continued*)		
Laboratories	1 space per 400 square feet.	
Live/Work Unit	1 space per unit for each unit smaller than 1000 square feet; 1.5 spaces per unit for each unit containing 1000 square feet or greater floor area or 2 or more bedrooms.	
Maintenance and Repair Services	1 space per 500 square feet	
Massage Establishment	1 space per 300 square feet.	
Offices, Business and Professional	1 space per 400 square feet.	
Walk-in Clientele	1 space per 300 square feet.	
Offices, Medical and Dental	1 space per 200 square feet.	
Parking Facilities, Commercial	1 space per attendant station (in addition to parking spaces for customers).	
Personal Improvement Services	1 space per 300 square feet.	
Massage, Accessory	1 space per 300 square feet.	
Personal Services	1 space per 300 square feet.	
Massage, Accessory	1 space per 300 square feet.	
Beauty/Barber shops	2 spaces for each operator station.	
Retail Sales	1 space per 300 square feet.	
Shopping Centers greater than 75,000 square feet of GFA (Ord. No. 1611)	5 spaces per 1,000 square feet of GFA	Section 11.4.20.015.F: *Substitution of Compact Stalls for Standard Parking Stalls*
Tattoo Parlors	1 space per 300 square feet.	
Theaters	1 space per 4 seats	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Light Manufacturing Use Types		
Contractors' Yards	1 space per 1000 square feet of building area (if building exists)	
Handicraft/Custom Manufacturing	1 space per 750 square feet	
Industry, General	1 space per 1000 square feet of building area	
Industry, Limited	1 space per 1000 square feet of building area	
Warehousing and Storage	1 space per 1000 square feet of building area	
Indoor Commercial Storage	1 space per 1000 square feet of building area	
Outdoor Storage	1 space per 1000 square feet of building area	
Personal Storage	1 space per 20 storage units.	
Transportation, Communication. and Utility Use Types		
Communication Facilities		
Antennae and Transmission Towers	No spaces required unless maintenance occurs on a daily or more frequent basis, in which case one space per facility required.	
Facilities Within Buildings	None.	

TABLE 11.4.20.015.A.1 (*Continued*) REQUIRED PARKING		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Recycling Facilities		
Reverse Vending Machine	When accessory to another use, no additional spaces required. Otherwise, subject to determination by Director.	
Recycling Collection Point	A minimum of 6 spaces for customers, plus one space for each commercial vehicle operated by the recycling facility.	
Recycling Processing Facility	1 space per 1000 square feet	
Utilities, Major	To be determined by the Director, who may require a parking demand analysis.	
Utilities, Minor	No spaces required unless maintenance occurs on a daily or more frequent basis, in which case 1 space per facility required.	
Agricultural Use Types		
Crop and Animal Raising	None for the crop or animal raising operation area. 1 space per 300 square feet of any accessory retail outlet.	
Nurseries	1 space per 350 square feet of indoor or outdoor sales/display area.	

TABLE 11.4.20.015.A.2 REQUIRED PARKING – MAIN STREET SPECIFIC PLAN DISTRICT		
Use Classification	**Required Off-Street Parking Spaces**	**Additional Regulations**
Commercial Use Types		
Beauty salon/nail shop	2 spaces per operator station.	
Business Offices	1 space per 300 square feet.	
Coffee houses/desert shops	1 space per 500 square feet.	
Financial Institution	1 space per 250 square feet.	
Professional Offices	1 space per 250 square feet.	
Furniture Stores	1 space per 1,000 square feet.	
Grocery Stores	1 space per 1,000 square feet.	
Hardware Stores	1 space per 1,000 square feet.	
Horticultural Nursery	1 space per 2,500 square feet.	
Medical Offices	1 space per 200 square feet.	
Movie Theater	1 space per 6 seats.	
Office, no customer services	1 space per 4 employees or 500 square feet, whichever is greater.	
Drug Store/Pharmacy	1 space per 1,000 square feet.	
Restaurant	1 space per 100 square feet.	
Retail Stores	1 space per 500 square feet.	

§ 11.4.20.020 Parking Reductions.

The required number of parking spaces may be reduced in accordance with the following provisions:

A. **Shared Parking.**

1. Permit Requirement. A Conditional Use Permit may be approved for shared parking facilities serving more than one use on a site or serving more than one property. The use permit may allow for a reduction of the total number of spaces required by this Chapter if the following findings are made, in addition to the required findings pursuant to Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings:

a. The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided; and

b. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.

2. Shared Parking Agreement. A written agreement between the landowner(s) and the City shall be filed, in a form satisfactory to the City Attorney, and including:

a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for an approval of a use permit;

b. A guarantee among the landowner(s) for access to and use of the shared parking facilities; and

c. Evidence that the agreement has been recorded in the County Recorder's office.

B. **Other Parking Reductions.** Required parking for any use except a Single-Unit Dwelling, Second Unit, or Two-Unit Dwelling may be reduced through approval of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings.

1. Criteria for Approval. The Commission may only grant a Conditional Use Permit for reduced parking if it finds that the project meets all of the Conditional Use Permit criteria in Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings, and that at least 2 of the following findings can be made:

a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site; or because the applicant has undertaken a transportation demand management program that will reduce parking demand at the site.

b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

c. The site plan is consistent with the objectives of the zoning district, and incorporates features such as unobtrusive off-street parking

placed below the ground level of the project with commercial uses above, or enclosed parking on the ground floor.

C. **Application Submittal Requirements.** In order to evaluate a proposed project's compliance with the above criteria, the Director may require submittal of a Parking Demand Study that substantiates the basis for granting a reduced number of spaces and includes the following information:

1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use;

2. Existing parking surveys of the surrounding area;

3. Trip generation rates expected for existing and proposed development;

4. A description of any Transportation Demand Management Program that would result in reduced parking demand through measures such as preferential carpool spaces, telecommuting or staggered works shifts, provision of transit passes or other transit incentives for residents or employees, incorporation of spaces for car share vehicles, bicycle trip-end facilities, provision of shuttles to transit stations, or other measures; and

5. The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot.

D. **Main Street Specific Plan District In-Lieu Parking Program.**

1. Participation in Program Required. In the event a use cannot provide the off-street parking spaces required by Table 11.4.20.015.A.1: Required Parking or Table 11.4.20.015.A.2: Required Parking – Main Street Specific Plan District, above, such use shall not be established unless there is full compliance with all the requirements of the Main Street In-Lieu Parking Program as established in this Section. All or part of off-street parking space requirements may be satisfied by compliance with this Section.

2. In-Lieu Parking Fee. The In-Lieu Parking Fee and the formula for calculating such fee shall be established by resolution of the City Council.

3. Existing Uses - Parking Deficiencies. Any use which existed prior to September 12, 1996 and which is presently operating under the authority of a discretionary land use entitlement and/or development agreement shall remain subject to the terms and conditions of such approval and agreement. As a condition to those entitlements, the applicants agreed to participate in any in-lieu program established by the City Council. This Article

constitutes the in-lieu parking program referenced in the resolutions conferring those entitlements and in those certain development agreements.

4. Processing In-Lieu Parking Program Applications.

a. Application Submission. Eligible persons or businesses desiring to participate in the In-Lieu Parking Program established herein shall submit a written application for participation to the Director on a form prescribed by the City. If the Director determines that such application meets the requirements set forth in this subsection D: Main Street Specific Plan District In-Lieu Parking Program, the Director shall, within 30 days of the completion of such application, calculate the applicable in-lieu fee and grant permission to participate in the program, if the Director makes the following findings:

i. Participation in the In-Lieu Parking Program will not create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

ii. Participation in the In-Lieu Parking Program will not be detrimental to the public health, safety, and welfare.

b. The Director may deny the request to participate in the program, if the Director is unable to make the findings set forth in subsections i and ii, above.

c. The Director may restrict the applicant's participation in the program, if the Director determines that such restriction is necessary to make the findings set forth in subsection i.

d. The Director's decision shall be in writing, and shall be served upon the applicant by certified mail, return receipt requested.

5. Appeals. The decision of the Director may be appealed pursuant to the provisions of Title 1: General Provisions, Chapter 1.20: Review of Quasi-Judicial Decisions.

6. Payments and Deposits.

a. Payments of In-Lieu Parking Program Fees shall be made pursuant to the fee established by the Master Fee Schedule. In no event shall a certificate of occupancy be issued for any participating use in the Main Street Specific Plan district prior to the receipt by the City of the first installment or, if applicable, full payment of the In-Lieu Parking Fee.

b. Funds collected from the In-Lieu Parking Program shall be deposited in a segregated City In-Lieu Parking Program fund. Such fund

shall be used exclusively for the purpose of promoting, managing, operating, increasing and maintaining the availability of parking spaces in the immediate vicinity of Main Street.

7. Transferability. In-Lieu Parking space payments paid for pursuant to the provisions of this section shall be credited only to the use for which participation was granted, and shall not be assigned or otherwise transferred for use on any other property.

8. Expansion, Intensification or Change in Use to a Use which Requires Additional Off-Street Parking Spaces. Should the use of any property within the Main Street Specific Plan district be proposed for expansion, enlargement, structural alterations, intensification or conversion to a new use which requires additional off-street parking spaces, the owner, lessee or sub-lessee of the property shall provide the required additional off-street parking, either on-site, within 300 feet of the property on which the building is located, or through payment of in-lieu parking program fees, or additional in-lieu parking program fees, as required by this section.

9. Acceptance of Terms and Provisions. An applicant's participation in the program shall not become effective, and a certificate of occupancy shall not be issued, unless and until the participant first executes and submits for recording on the title to the property a covenant accepting the terms of the approval, in a form to be provided by the City Attorney. Such covenant shall be recorded in the office of the Orange County Recorder and shall also be maintained in the office of the City Clerk.

§ 11.4.20.025 General Parking Design Standards.

A. **Applicability.** The standards of this section shall apply to all required parking spaces as well as spaces provided in excess of the minimum requirements.

B. **Property on Which Parking and Loading Must Be Provided.** Required off-street parking spaces and loading spaces must be located on the same lot as the use they serve, except:

1. When shared parking consistent with Section 11.4.20.020.A: Shared Parking has been approved; or

2. Upon the granting of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, parking may be provided on another lot located within 300 feet of the use served. The Planning Commission shall only approve a use permit for parking located on a different lot than the use served if it finds that the parking will be convenient and accessible to residents, employees, or patrons of the use. The owners of both lots shall prepare and execute to the

satisfaction of the City Attorney, and file with the Orange County Recorder, an agreement guaranteeing that parking facilities will be maintained and reserved for the use served, for the duration of such use.

C. **Minimum Parking Space Dimensions: Standard.** Off-street parking spaces shall have the minimum dimensions stated in Table 11.4.20.025.C: Parking Area Space Dimensions for Automobiles – Standard Spaces, according to the angle of spaces in relation to adjacent aisles. The minimum basic dimension of a standard-size parking stall shall be 9 feet by 18 feet. In addition, any parking space located adjacent and parallel to a wall or other solid barrier shall be at least 11 feet wide. See Figure 11.4.20.025.C.1: Parking Space Typical Layouts, and Figure 11.4.20.025.C.2: Standard Size Parking Space Dimensions.

TABLE 11.4.20.025.C

PARKING AREA SPACE DIMENSIONS FOR AUTOMOBILES – STANDARD SPACES

Angle of Parking (degrees)	***Space Width***	***Curb Length Per Car***	***Space Depth***	***Aisle Width***		***Double-Loaded Parking Area Width***
				1-Way	**2-Way**	
Parallel	9’-0”	22’-0”	9’-0”	12’-0”	24’-0”	30’-0”
30	9’-0”	18’-0”	17’-10”	12’-0”	22’-0”	47’-8”
40	9’-0”	14’-1”	19’8”	12’-0”	22’-0”	51’-4”
*45	9’-0”	12’-9”	19’-0”	13’-0”	22’-0”	51’-0”
50	9’-0”	11’-8”	21’-1”	16’-0”	22’-0”	58’-2”
*60	9’-0”	10’-5”	20’-0”	18’-0”	23’-0”	58’-0”
70	9’-0”	9’-7”	21’-11”	21’-0”	23’-0”	64’-10”
*90	9’-0”	9’-0”	18’-0”	24’-0”	24’-0”	60’-0”

* Most frequently used angles

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Figure 11.4.20.025.C.1
Parking Space Typical Layouts

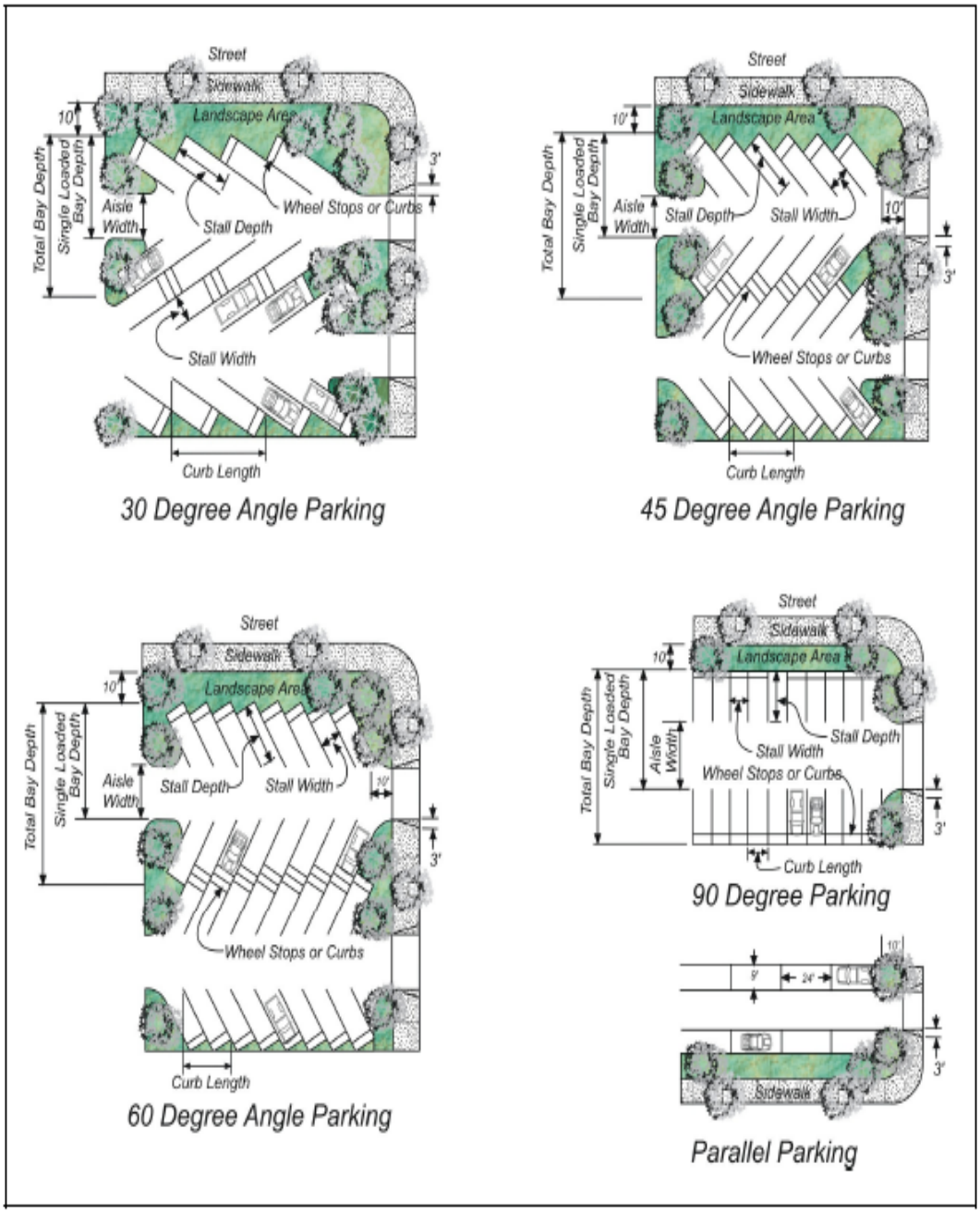
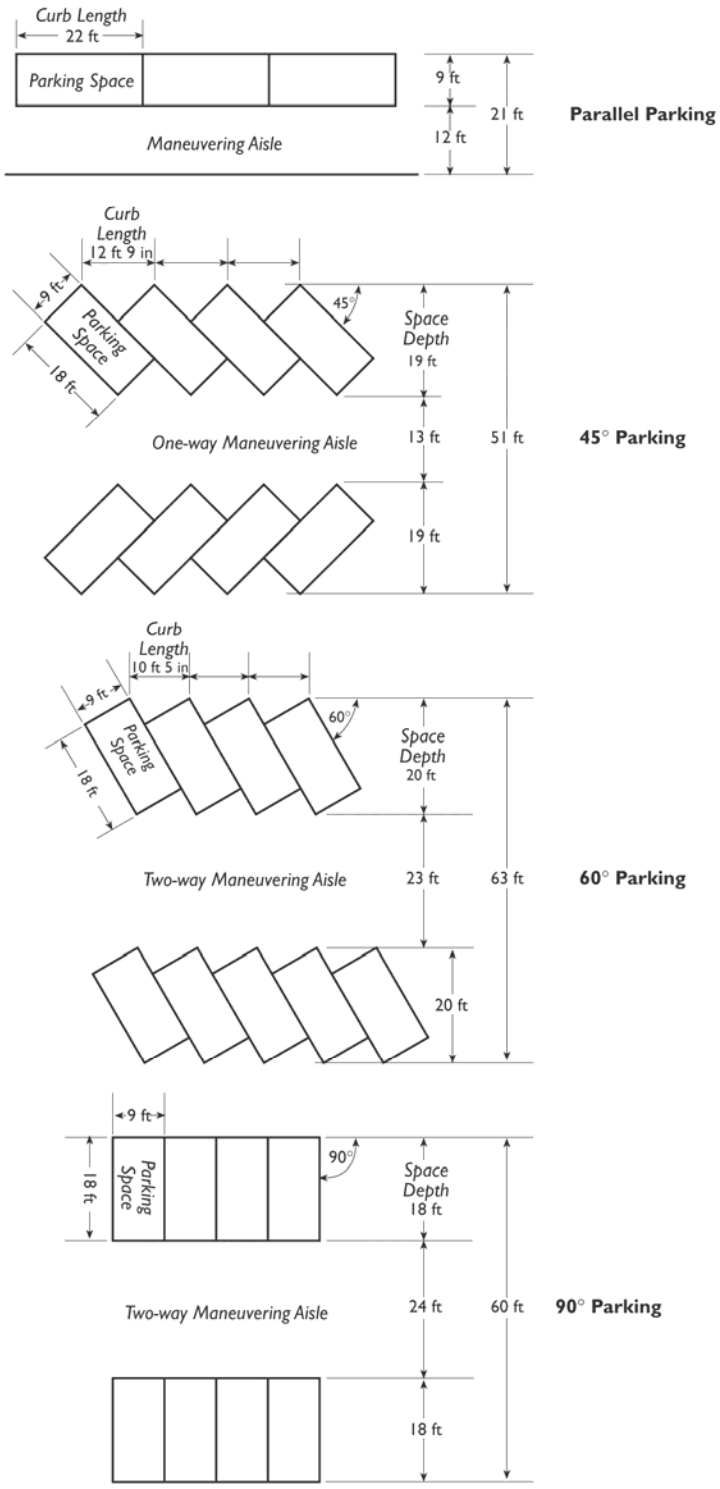


Figure 11.4.20.025.C.2
Standard Size Parking Space Dimensions



D. **Minimum Parking Space Dimensions: Compact.** Compact parking spaces, where permitted by this Zoning Code, shall have the minimum dimensions stated in Table 11.4.20.025.D: Parking Area Space Dimensions for Automobiles – Compact Spaces, according to the angle of spaces in relation to adjacent aisles. The minimum basic dimension of a compact-size parking stall shall be 8 feet by 16 feet. In addition, any compact parking space located adjacent and parallel to a wall or other solid barrier shall be at least 10 feet wide. The maneuvering aisle width listed in the table applies only where compact spaces are designated on both sides of a one-way aisle. All other aisle widths must meet corresponding standard aisle width requirements set forth in Table 11.4.20.025.C: Parking Area Space Dimensions for Automobiles – Standard Spaces. Each compact space shall be clearly and distinctively marked as a compact space.

TABLE 11.4.20.025.D

PARKING AREA SPACE DIMENSIONS FOR AUTOMOBILES – COMPACT SPACES

Angle of Parking (degrees)	*Space Width*	*Curb Length Per Car*	*Space Depth*	*Aisle Width*[1]	*Double-Loaded Parking Area Width*
Parallel	8'-0"	20'-0"	8'-0"	12'-0"	28'-0"
*30	8'-0"	16'-0"	14'-11"	11'-0"	40'-10"
40	8'-0"	12'-5"	16'-5"	11'-0"	43'-10"
*45	8'-0"	11'-4"	17'-0"	11'-0"	45'-0"
50	8'-0"	10'-5"	17'-5"	13'-0"	47'-10"
*60	8'-0"	9'-3"	17'-10"	16'-0"	51'-8"
70	8'-0"	8'-6"	17'-9"	16'-0"	51'-6"
*90	8'-0"	8'-0"	16'-0"	21'-0"	53'-0"

* Most frequently used angles.

[1] Aisle width applies only to double-loaded compact spaces where compact spaces are double-loaded on both sides of a one-way aisle. All other aisle widths must meet corresponding standard aisle width requirements of Table 11.4.20.025.C: *Parking Area Space Dimensions for Automobiles – Standard Spaces*.

E. **Standards for Disabled Parking Spaces.** All parking areas shall include parking spaces accessible to the disabled. The spaces required by this section shall count toward compliance with the total number of spaces required by this Chapter.

1. Number of Spaces, Design Standards. Parking spaces for the disabled shall be provided in compliance with the provisions of the California Building Code.

2. Upgrading of Marking Required. If amendments to the California Building Code change standards for the marking and signing of disabled parking spaces, the disabled parking spaces shall be upgraded to comply with the new standards. In the event that the required changes to space markings cause a reduction in the overall number of parking spaces and nonconformance with this Zoning Code, a parking reduction may be requested pursuant to Section 11.4.20.020: Parking Reductions. Upgrading shall be completed by affected property owners within 60 days of receipt of notification in writing from the City of the new state standards.

F. **Access to Spaces.** Except where otherwise specified by this Zoning Code, each parking space shall have unobstructed access from a street or from an aisle or drive connecting with a street without requiring moving another vehicle. However, required parking spaces for any dwelling unit may be arranged in tandem, so long as parking required for any dwelling unit is arranged independently from parking serving any other dwelling unit, with unobstructed access from a street for at least 1 of the spaces required for each dwelling unit.

G. **Vertical Clearance.** A minimum height of 14 feet shall be maintained clear of obstructions from the parking surface to any structure or landscape feature above that may interfere with the safe passage of vehicles, except within garages, carports, or parking structures, where the minimum clearance shall be 8 feet 6 inches.

H. **Direction of Vehicle Ingress/Egress.** Off-street parking areas shall allow vehicles to enter and exit from or onto a public street by a forward motion only. Off-street parking areas for Single-Unit Dwellings, Second Units, and Two-Unit Dwellings are exempted.

1. Exception. Subject to Minor Use Permit approval pursuant to Chapter 11.5.20: Development Permits, parking areas may be designed to allow vehicles to back onto a street provided:

a. The lot contains no more than 3 spaces.

b. The Director determines that the adjacent street is a non-major street with light traffic intensity.

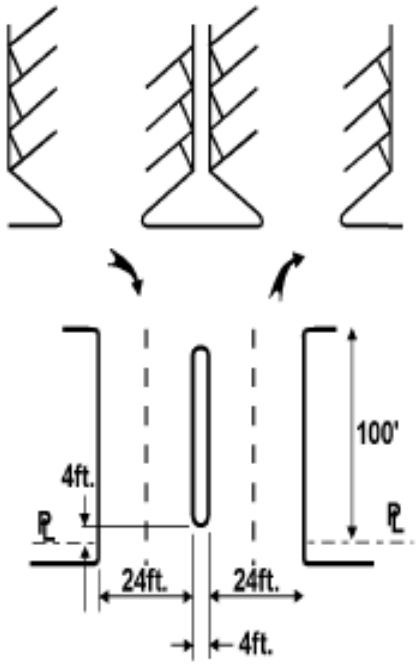
c. The siting of the parking stalls allows for safe vehicular line of sight.

d. The parking area complies with all other pertinent parking requirements and guidelines.

e. The parking area is not located near an intersection.

2. Main Entrance for Commercial Centers having more than 200 Parking Spaces. Commercial centers which have more than 200 parking spaces shall have at least one main entrance designed as shown in Figure 11.4.20.025.H.2: Main Entrance for Commercial Center Parking Lots having more than 200 Parking Spaces.

Figure 11.4.20.025.H.2
Main Entrance for Commercial Center Parking Lots
having more than 200 Parking Spaces



I. **Pedestrian Walkways.**

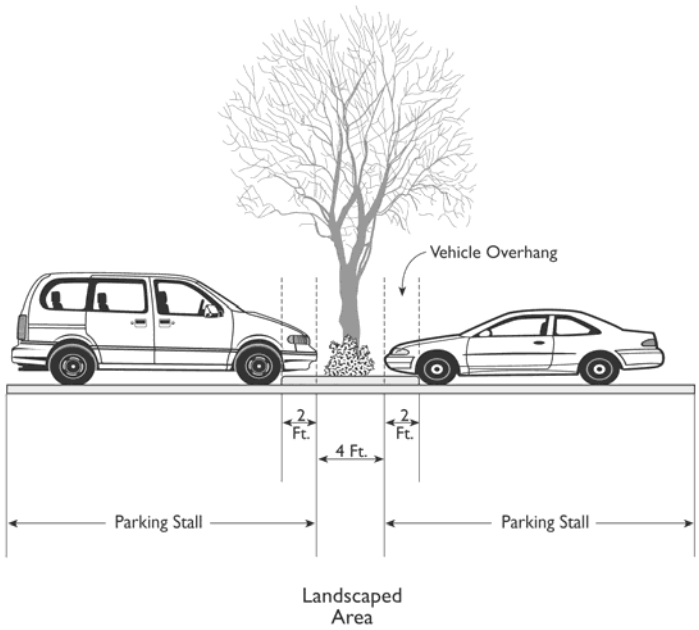
1. Materials. Where a pedestrian walkway crosses parking areas, it must be clearly identifiable through the use of elevation changes, calming measures such as speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps designed to meet this requirement must be at least 4 inches high.

2. Separation. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

J. **Surfacing.** All parking areas shall be improved with surfacing such as asphalt, concrete, or a comparable permanent nonabsorbent surface. Other surfacing may be permitted subject to approval by the Director and the City Engineer.

1. Landscaping In-Lieu of Paving. A maximum of 3 feet of the parking stall depth may be landscaped with low-growth, hardy materials in-lieu of paving, allowing a bumper overhang while maintaining the required parking dimensions. However, the overhang area shall not be counted as part of the minimum required perimeter or interior landscaping. See Figure 11.4.20.025.J.1: Landscaped Area at Front of Parking Space.

Figure 11.4.20.025.J.1



Landscaped Area at Front of Parking Space

K. **Drainage.** Parking and loading areas shall be designed and constructed:

1. So that surface water will not drain over sidewalks or adjacent parcels; and

2. In compliance with the storm water quality and quantity standards of the City's best management practices. See also Section 11.4.10.020.H: Storm Drainage and Storm Water Runoff.

L. **Landscaping.** All parking areas shall be landscaped according to the provisions of Chapter 11.4.30: Landscaping and Buffer Yards.

M. **Screening.** Where a parking lot is adjacent to a public right-of-way, it shall be screened according to the standards in Section 11.4.30.025.F: Landscaped Buffer for Open Parking Abutting Public Right-of-Way.

N. **Lighting.** Adequate lighting shall be provided for the illumination and protection of the premises. See Section 11.4.10.020.A: Lighting. Lighting shall be directed away from adjacent streets and properties. All light standards and luminaries shall be clearly identified on all site plans. Lights shall not blink, flash, change intensity, or cause glare. String lights are prohibited. The type of lighting (e.g. mercury vapor, sodium vapor, fluorescent, etc.) shall be approved by the Director.

O. **Wheel Stops and Curbing.** Concrete curbing at least 6 inches high and 6 inches wide, with breaks to allow on-site drainage, shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in-lieu of continuous curbing when the parking is adjacent to a landscaped area and the drainage is directed to the landscaped area. Alternative barriers designed to protect landscaped areas from vehicle damage may be approved by the Director or the City Engineer. Wheel stops shall be placed to allow for 3 feet of vehicle overhang area within the dimension of the parking space.

P. **Markings.** Each parking space and parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Marking required to be maintained in a highly visible condition includes striping, directional arrows, lettering and field color on signs in handicapped-designated areas. Marking requirements are depicted in Figure 11.4.20.025.P: Parking Space Marking Requirements.

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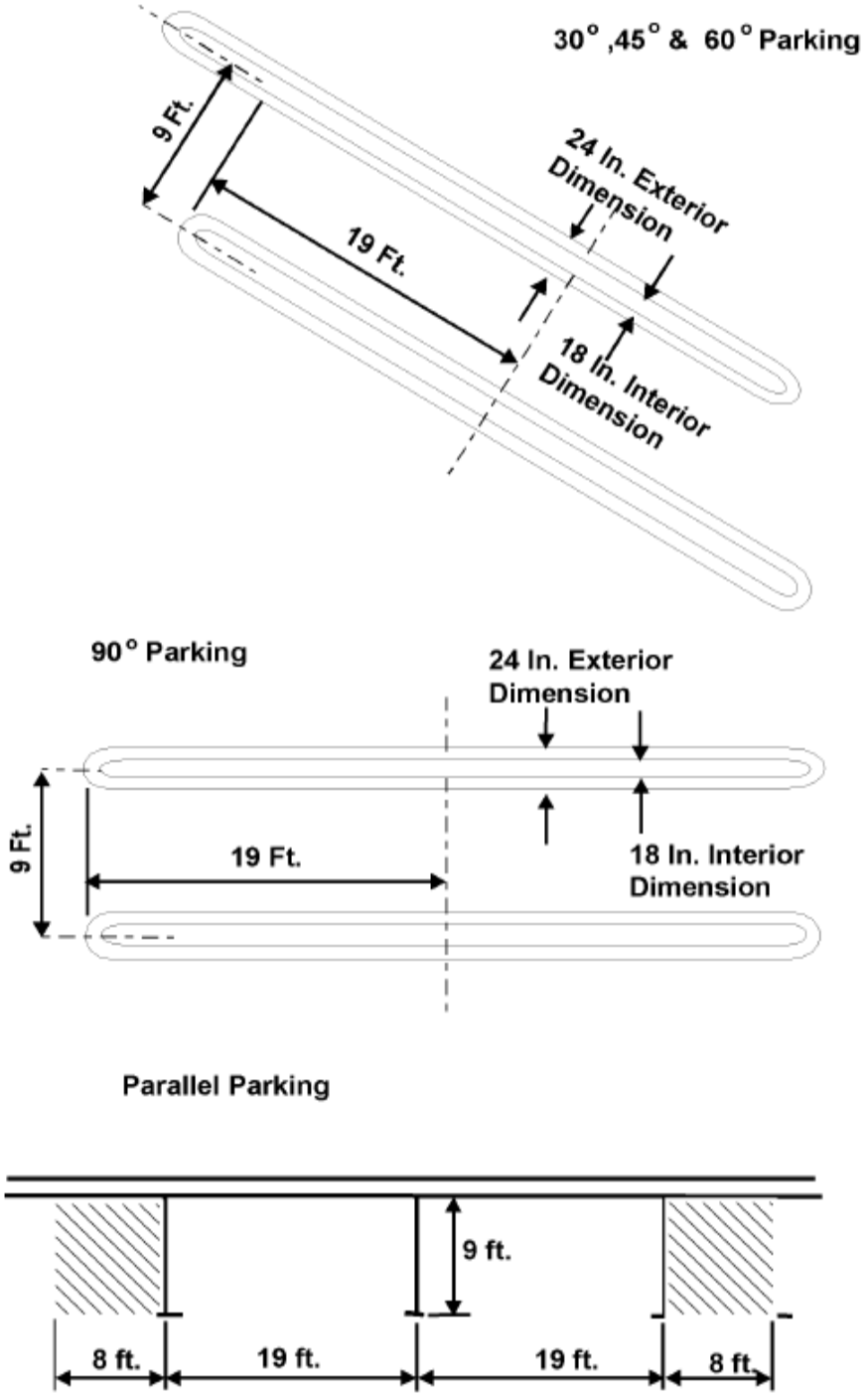
Figure 11.4.20.025.P
Parking Space Marking Requirements



Q. **Utilization of Required Parking Spaces.** Storage of merchandise, cartons, trash, equipment or other materials shall not be permitted in required parking areas, driveways, or landscaped areas.

§ 11.4.20.030 Driveways.

A. **Driveway Width.** Minimum and maximum driveway widths are prescribed in the base zoning district regulations.

B. **Driveway Separation.** Driveways serving the same parking facility shall be located at least 35 feet apart.

C. **Driveway Visibility.** Visibility of a driveway crossing a street property line shall not be blocked between a height of 2.5 feet and 7 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 5 feet or at the nearest property line intersecting the street property line, whichever is less. See Figure 11.4.20.030.A: Parking Lot Design Standards and Figure 11.4.20.030.B: Driveway Visibility.

Figure 11.4.20.030.A
Parking Lot Design Standards

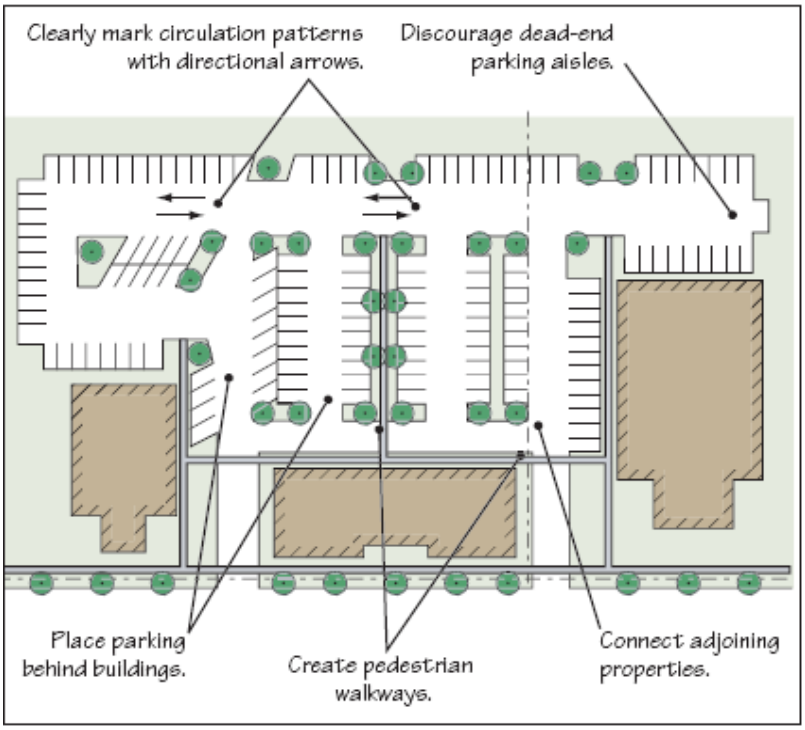
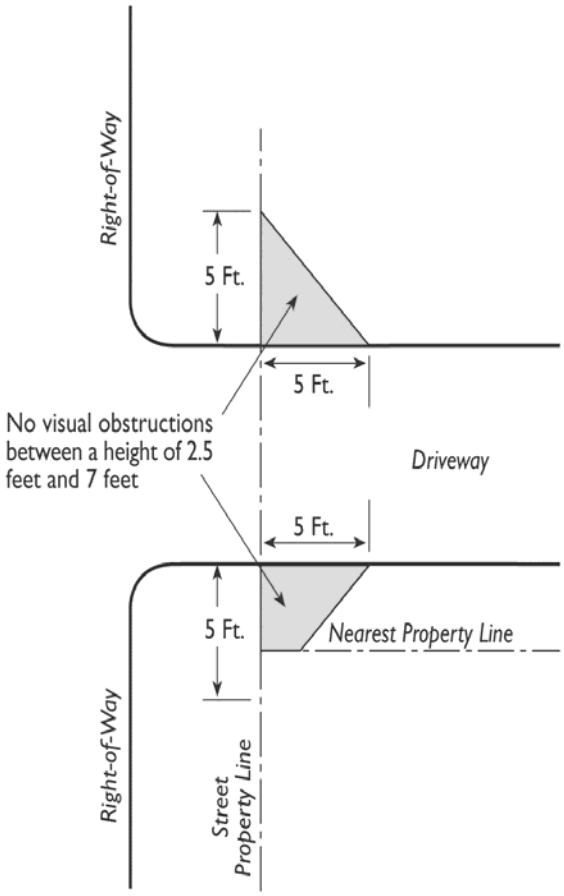


Figure 11.4.20.030.B
Driveway Visibility



§ 11.4.20.035 Required Off-Street Loading.

A. **Required Loading Spaces for Delivery and Distribution.** A building, or part thereof, having a floor area of 10,000 square feet or more that is to be occupied by any use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide at least one off-street loading space, plus one additional such loading space for each 40,000 square feet of floor area. The off-street loading space(s) must be maintained during the existence of the building or use it is required to serve. Truck-maneuvering areas must not encroach into required parking areas, travelways, or street rights-of-way.

B. **Required Loading Spaces for Customers.** Customer loading spaces allow bulky merchandise to be loaded into customers' vehicles. Each Building Materials Store and Home Improvement Sales and Service Store use shall provide at least 2 customer loading spaces per business establishment or one customer loading space per 10,000 square feet, whichever is greater.

Customer loading spaces shall be located adjacent to the building or to an outdoor sales area where bulky merchandise is stored and shall be clearly visible from the main building entry or through directional signage visible from the main entry. Customer loading spaces shall be not be located in such a way that they impede on-site or off-site traffic circulation, as determined by the Director and the City Engineer.

C. **Standards for Off-Street Loading Spaces.**

1. Minimum Size. Each off-street loading space required by this Section must be not less than 12 feet wide, 30 feet long, and 15 feet high, exclusive of driveways for ingress and egress and maneuvering areas. Loading spaces for customers may be 12 feet wide, 26 feet long, and 12 feet high.

2. Driveways for Ingress and Egress and Maneuvering Areas. Each off-street loading space required by this Section must be provided with driveways for ingress and egress and maneuvering space adequate for trucks, per City standards.

3. Location of Loading Areas. Truck docks, loading and service areas shall not be located within 50 feet of any residential district boundary or within 40 feet of a street-facing property line. These facilities shall be located at the interior side of buildings or on the rear of the site and be screened so as not to be visible from public streets. Facilities within 150 feet of a residential district shall provide screen walls and sound attenuation to comply with a noise level of 55 CNEL at the residential district boundary. Exceptions may be granted with approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, if an alternative location for the truck dock, loading and/or service area better protects the pedestrian environment of the commercial district and/or better shields adjoining residential neighborhoods from noise and visual impacts.

§ 11.4.20.040 Parking Structures.

A. **Permit Requirement.** Parking structures above or below grade shall be subject to Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits.

B. **Required Design Standards.** All parking structures shall comply with the following requirements:

1. Transition Ramps. Transition ramps which are also used as back-up spaces for parking stalls shall have a maximum slope of 5%. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5%.

2. Structures having more than 300 Spaces. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer.

3. Perimeter Landscaping. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The landscaping plan shall be approved by the Director.

4. Architectural Compatibility. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval as part of the Conditional Use Permit. The Commission shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping.

C. **Conversion to Fee Parking.** All parking structures proposed for conversion to a fee parking arrangement shall be subject to Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall also be subject to approval of a coastal development permit.

§ 11.4.20.045 Required Bicycle Parking.

A. **Applicability.** Bicycle parking shall be provided for all new construction, additions of 10% or more floor area to existing buildings, and changes in land use classification as set forth in Subsections B and C, below.

B. **Non Residential Developments.** Non-residential developments shall provide one bicycle stall for every 20 parking spaces. Racks shall be made available to both customers and employees.

C. **Residential Multiple-Unit Developments.** Residential multiple-unit developments shall provide at a minimum one bicycle stall per 4 units in a secured, enclosed and covered area.

D. **Design Standards.** Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located near the primary entrance of structures or at a central location and shall be protected from automobile damage. The Director shall verify compliance with these criteria.

*** * * * * ***

Chapter 11.4.25
Sign Regulations

§ 11.4.25.005 Applicability.

The provisions set forth in this Chapter shall apply in all zoning districts of the City, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the City except in conformity with this Chapter.

§ 11.4.25.010 Exempt Signs.

The sign area of the following signs shall not be included in the maximum area of signs permitted for any site or use:

A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.

B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed for no longer than 30 days following the change of ownership or activity for which the sign is intended. The sign shall be no larger than the previously permitted permanent sign.

C. **Construction Signs.** A temporary construction sign may be erected on a construction site for the duration of construction activities provided that it is immediately removed after issuance of a Certificate of Occupancy or Certificate of Completion for the project, or abandonment of work. A temporary construction sign may not exceed 32 square feet in area or 8 feet in height within commercial, mixed-use, or other non-residential zones or 6 square feet in area or 5 feet in height within residential zones.

D. **Interior Signs.** Signs that are located in interior areas of a building or site, more than 3 feet from a storefront window, and are not visible from public streets or adjacent properties. For the purpose of this regulation, “visible” means legible to a person of ordinary eyesight (with vision adequate to pass a state driver’s license exam) standing at ground level at a location on the public right of way or other private property.

E. **Official Government Signs.** Official notices issued by a court, public body or office; official notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; or other signs required or authorized by law.

F. **Commemorative Signs.** Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building

erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds 3 square feet in area.

G. **Parking and Directional Signs.** On-site parking and directional signs not exceeding 5 square feet in area and limited to directional messages such as entrance/exit locations or instructions to direct on-site traffic circulation.

H. **Informational Signs.** Noncommercial informational signs located wholly on private property not exceeding 2 square feet in area erected for the immediate convenience of the public, such as signs identifying rest rooms, public telephones, walkways, and similar features or facilities.

I. **Time and Temperature Devices.** Time and temperature devices, not exceeding 6 square feet and not higher than permitted signs, located wholly on private property and bearing no commercial message.

J. **On-Site Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the appurtenant lot, premises, dwelling, or structure, provided that they comply with the following standards:

1. No more than one real estate sign per public street frontage per lot is displayed at any one time;

2. The sign or signs do not exceed the following size restrictions:

a. Residential districts: 6 square feet;

b. Commercial, mixed-use, or other non-residential districts:

i. Lots less than 10,000 square feet: 6 square feet;

ii. Lots between 10,000 square feet and I acre: 25 square feet; and

iii. Lots over one acre: 50 square feet.

3. The sign or signs are not illuminated; and

4. The sign or signs are removed within 7 days after the sale, lease, or rental of the property has been completed.

K. **Vehicle Signs.** Signs painted, stenciled or similarly affixed to the surface of vehicles.

L. **Window Signs.** Window Signs, subject to the following provisions:

1. In residential zones and on residential properties, window signs not exceeding 20% of the area of window and transparent door frontage on any building façade, and subject to the requirements of Section 11.4.25.030: Signs - Residential Districts, below.

2. In commercial and mixed-use zones, window signs not exceeding 20% of the area of window and transparent door frontage on any building façade. Any sign either hung within 3 feet of a window or attached to a display located within 3 feet of a window is considered a window sign. See Section 11.4.25.025.D.10: Main Street Specific Plan District – Additional Requirements, for additional requirements. See also Section 11.4.25.010.D: Interior Signs.

M. **Barber Poles.** Barber poles not exceeding 6 feet in height, located wholly on commercial private property and bearing no lettering.

N. **Newspaper Stands.** Signs that are part of newspaper stands, provided the sign area does not exceed 6 square feet.

O. **Decorative Holiday Displays.** Noncommercial decorative holiday displays, provided that such displays are removed within 45 days of their installation.

P. **Bus Shelter and Bus Bench Signs.** Signs on a public bus bench, public bus shelter, or any waste bin attached to a public bus bench or public bus shelter, which convey a commercial message as their primary purpose and that are authorized by a contract or franchise agreement with the applicable transit agency.

§ 11.4.25.015 Prohibited Signs.

The following types of signs, materials, designs, messages, and locations are prohibited:

A. **Banners, Streamers, or Pennants.** Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, or designed to rotate or move with the wind, except where expressly provided for in this chapter. See also Section 11.4.25.020: Temporary Banners. Notwithstanding any provision of this Chapter to the contrary, banners may be posted or otherwise affixed upon fences located at public schools. A permit shall not be required for such banners affixed upon fences located at public schools.

B. **Emissions.** Signs that produce noise or sounds that can be heard at the property line, excluding voice units at menu boards, and signs that emit visible smoke, vapor, particles, or odor.

C. **Animated and Moving Signs.** Signs which incorporate any manner of animation, flashing, moving, or intermittent lighting. Moreover, sign illumination shall not blink, flutter, or change light intensity, brightness, or color. Revolving, or other similar signs or signs with visibly moving or rotating parts or visible mechanical movement of any kind, either adjacent to or as an integral part of the display are also prohibited.

D. **Signs Creating Traffic Hazards.**

1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or which makes use of the words “stop,” “look,” “danger,” or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers in their use of roads.

2. Signs within 5 feet of a fire hydrant, street sign, or traffic signal if such placement could create a safety hazard.

3. Signs placed or fixed so as to create obstruction, interference, or injury to passerby, residents, or occupants.

E. **Off-Premises Signs.** Off premises signs, as defined in Chapter 11.6.05: Terms and Definitions, except signs on a public bus bench, public bus shelter, or any waste bin attached to a public bus bench or public bus shelter which convey a commercial message as their primary purpose and are authorized by a contract or franchise agreement with the applicable transit agency.

F. **Roof Signs.**

1. Attached signs that extend above the roof line or parapet (whichever is higher) of a building with a flat roof.

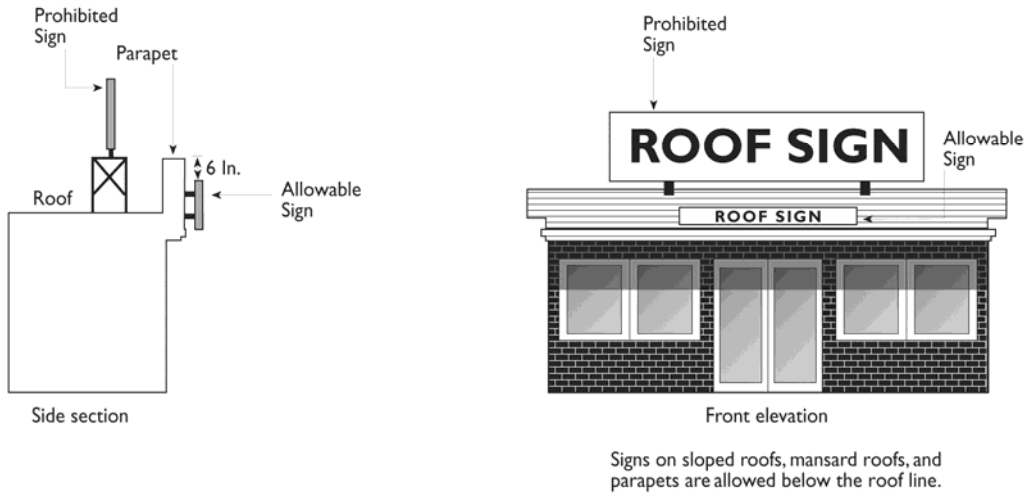
2. Attached signs that extend above the eave line of a building with a sloped, gambrel, gable or hip roof.

3. Attached signs that extend above the deck line of a mansard roof, whether real or simulated.

4. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.

5. However, signs that do not extend above the eave line of a sloped, gambrel, gable, or hip roof, that do not extend above the deck line of a mansard roof, that do not extend above the parapet (or the roofline if no parapet is present) of a flat roof are permitted subject to the standards of Section 11.4.25.025: Signs – Commercial, Mixed-Use, and Other Non-Residential Districts. See Figure 11.4.25.015.F: Roof Signs.

Figure 11.4.25.015.F
Roof Signs



G. **Signs in Right-of-Way.** No sign, or supporting sign structure, may be erected in the public right of way, with the exception of:

1. Legal notices which are required by law to be placed upon public property to provide notice to the public;

2. Signs erected by a governmental body to promote public safety or direct or regulate pedestrian or vehicular traffic;

3. Public holiday lights and displays;

4. Signs and banners posted by the City above streets or attached to lamp posts or utility poles, which promote City-sponsored events;

5. Commercial signs on public bus benches and public bus shelters, which convey a commercial message as their primary purpose, as specifically authorized by a contract or franchise agreement with the applicable transit agency;

6. Noncommercial bus stop signs erected by a public transit agency; and

7. Projecting signs that are attached to a building and project over the public sidewalk but provide at least 8 feet of clearance above the sidewalk. See also Section 11.4.25.025.D.10.b: Projecting Signs.

Any sign located in a public right of way or projecting over a public sidewalk shall be placed only in a manner consistent with standards promulgated by the City Engineer.

§ 11.4.25.020 Temporary Banners.

In addition to any other signs permitted by this chapter, temporary banners are permitted on private property in the Limited Commercial/Residential Medium Density zone (LC/RMD), Professional Office (PO), Service Commercial (SC), Main Street Specific Plan (MSSP), and General Commercial (GC) districts as follows:

A. **Permit Requirement.** A "Temporary Banner Permit" shall be obtained from the Director each time a banner(s) is to be displayed. A permit for a banner will allow one banner for each face of a building that fronts a street or parking area. The application fee for a permit to display a banner shall be set forth in the Master Fee Schedule.

B. **Banner Display Periods.** Banners shall be permitted for a period not to exceed 90 days per calendar year. Banners shall not be displayed longer than 30 days in succession; with a period of not less than 14 days between the times a banner is displayed by the same property.

C. **Banner Size.** The size of a banner shall not exceed one square foot per lineal foot of building frontage, or 30 square feet maximum. A banner for a business or organization fronting, or adjacent to, a street with a speed limit of 35 miles per hour or more shall be permitted an additional 0.5 square foot per lineal foot of frontage, not to exceed 45 square feet total for the banner.

D. **Day Glow Colors Prohibited.** No banner utilizing luminescent/day glow colors may be installed.

E. **Not Substitute for a Permanent Sign.** The posting of a temporary banner shall not substitute for a permanent sign.

F. **Obstruction Prohibited.** A banner(s) shall be permitted only if its display does not obstruct the view of any adjoining buildings, or any signs, permanent or temporary, connected with adjoining buildings.

G. **Allowable Locations.** Banners shall be permitted to be mounted on the fascia or wall only. Banners shall not be permitted on the roofs of buildings or over a public right-of-way, excepting on legally permitted overhangs of the public right of way when the banner provides a minimum head clearance of 8 feet.

H. **Banner Maintenance.** Banners shall be tightly secured. Torn or damaged banners shall either be immediately replaced or removed entirely.

I. **Banner Removal.** The applicant shall bring the banner to the City for review in conjunction with the application form. The removal date shall be affixed/marked to the banner by the Director. If the removal date of a banner is removed or otherwise tampered with the banner permit shall be deemed expired and the banner shall be immediately removed.

J. **Fee Exemptions.** Fees for temporary banner use shall apply to commercial signs only. A noncommercial banner, on private property (i.e. a Red Cross blood drive, etc.) shall be exempt from the application and deposit fees set forth above.

K. **City Sponsored Banners.** This section shall not apply to City sponsored banners hung over public rights-of-way. See Section 11.4.25.025.D.7: City Sponsored Banners for regulations.

§ 11.4.25.025 Signs – Commercial, Mixed-Use, and Other Non-Residential Districts.

The regulations of this section apply to signs located in commercial, mixed-use, public/semipublic, open space, and any other non-residential districts.

A. **Allowable Signs Per Commercial Activity and Per Shopping Center Location – LC/RMD, PO, MSSP, SC, GC, LM and OE Districts.** The aggregate area of all signs on a single building activity and at a shopping center, excluding exempt signs pursuant to Section 11.4.25.010: Exempt Signs, shall not exceed the following standards.

1. Temporary Noncommercial Signs. Temporary non-commercial signs that do not exceed an aggregate surface area of 25 square feet per lot, up to 4 per lot. Signs posted on a building face or in a window shall not exceed 36 inches by 48 inches in size. Temporary Noncommercial signs shall be removed or replaced within 60 days of placement.

2. Shopping Center Identification Signs. For each shopping center, identification signs are permitted as follows:

a. One free-standing or pole identification sign containing the name and logo of the center. Sign not to exceed 15 feet in overall height and not to exceed 60 square feet on one face of a double-faced sign.

b. One monument sign not to exceed 10 square feet in area and not to exceed 4 feet in height at each traffic entrance to the center, in no case shall more than 4 monument signs be placed in any shopping center.

3. Commercial Business Activity Signs. Each commercial activity may have signing identifying the activity on the premises as follows:

a. One sign per building face which is visible from streets or parking lot area. Such sign to be fascia or wall sign.

b. Size of fascia or wall sign shall be one square foot per lineal foot of building face, not to exceed 100 square feet per sign.

c. In lieu of one or more fascia or wall signs, one free-standing or pole sign not to exceed 15 feet in overall height may be erected on the parcel or building site on which the building is located. Maximum size of sign shall not exceed 60 square feet per face of a double faced sign.

d. In case of buildings having less than 25 linear feet of frontage on a street, 25 square feet of signing is permitted.

e. In cases where a business is located on a street with a speed limit of 35 mph or more, a free standing sign or larger fascia or wall sign will be permitted. The larger sign may be an additional 0.5 square foot per lineal foot of building frontage not to exceed 80 additional square feet. (See subparagraphs a, b, c, above). The maximum sign area per sign of 100 square feet does not apply in this case.

f. No more than 2 items of information will be permitted per sign. An example of one item of information would be the name of the business, specialty item, unique service, etc.

4. Provisions Not Applicable with Adopted Planned Sign Program. When property falls under an adopted planned sign program the above provisions do not apply.

B. **Special Situations – Sign Area Calculations.** In the special situations listed below, sign area is calculated as follows.

1. Sites with Multiple Frontages. On sites with more than one frontage on a public street, maximum permitted sign area shall be calculated as follows:

a. Where an interior lot fronts on 2 streets (a “through lot”), both the front and rear lot lines may be used for calculating the allowable sign area.

b. Where a lot has 3 or more frontages on a public street, the length of only 2 contiguous sides, one of which shall be the principal street frontage, shall be added together to determine allowable sign area.

2. Multiple-Occupancy Commercial Sites with Limited Frontage. Where a commercial site for which a master sign program is required pursuant to Section 11.4.25.045: Procedures for Sign Approval, has a land area in excess of 2 acres and public street frontage equal to 20% or less of the perimeter measurement of the site, the maximum allowable sign area for the site may be calculated as one square foot of sign area per one lineal foot of public street frontage, plus one lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site. Pedestrian-only passageways that are lined on both sides by building walls shall be considered interior spaces, and the area of signs on such walls shall not be included in the calculation of the maximum allowable sign area for the site.

C. **Permitted Sign Types.** Permitted sign types are listed in Table 11.4.25.025.A: Standards for Signs in Commercial, Mixed-Use, and Other Non-Residential Districts and defined in Chapter 6.05: Terms and Definitions, under “Sign Types.” The signs erected on a site may be any combination of permitted sign types, subject to the limitations for individual sign types listed in this Section and any other provisions of this Chapter.

D. **Standards for Specific Sign Types.** Signs shall conform to the standards listed in Table 11.4.25.025.A: Standards for Signs in Commercial, Mixed-Use, and Other Non-Residential Districts, as well as any additional standards.

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TABLE 11.4.25.025.A STANDARDS FOR SIGNS IN COMMERCIAL, MIXED-USE, AND OTHER NON-RESIDENTIAL DISTRICTS					
Sign Type	**Maximum Number Permitted**	**Maximum Area per Individual Sign**	**Maximum Height**	**Maximum Horizontal Projection from Wall or Supporting Structure**	**Additional Regulations (Subsection)**
Note: With limited exceptions, the maximum permitted aggregate area of all signage on a site is 1 square foot of sign per lineal foot of building frontage, per subsection 11.4.25.025.A.					
Wall Sign	1 per building wall. Maximum of 2 per site	See Section 11.4.25.025.A and Section 11.4.25.025.B.	Roof line	12 in.	(8)(10)
Projecting Sign	1 per street frontage	See below	See below	See below	(1)(8)(10)
located below canopy or awning		6 sq. ft.	Roof line	5 ft.	(1)(8)(10)
not located below canopy or awning		10 sq. ft.	20 ft.	5 ft.	(1)(8)(10)
Freestanding Sign	See below				
Pole Sign	1 for each site with over 100 feet of lot width	60 sq. ft.	15 ft.	NA	(2)(8)(10)

TABLE 11.4.25.025.A (*Continued*) STANDARDS FOR SIGNS IN COMMERCIAL, MIXED-USE, AND OTHER NON-RESIDENTIAL DISTRICTS					
Sign Type	**Maximum Number Permitted**	**Maximum Area per Individual Sign**	**Maximum Height**	**Maximum Horizontal Projection from Wall or Supporting Structure**	**Additional Regulations (Subsection)**
Note: With limited exceptions, the maximum permitted aggregate area of all signage on a site is 1 square foot of sign per lineal foot of building frontage, per subsection 11.4.25.025.A.					
Freestanding Sign (Continued)	See below				
Monument Sign	Maximum 4 per site with over 100 feet of lot width	60 sq. ft.	5 ft.	(2)(8)	(10)
Roof Sign					
On Flat Roof	1 per building	See Section 11.4.25.025.A and Section 11.4.25.025.B.	Roof line or parapet (whichever is higher)		(8)
On Sloped, Gambrel, Gable, or Hip Roof	1 per building	See Section 11.4.25.025.A and Section 11.4.25.025.B.	Eave line		(8)
On Mansard Roof (real or simulated)	1 per building	See Section 11.4.25.025.A and Section 11.4.25.025.B.	Deck line		(8)
Awning or Canopy Sign	1 per awning; Maximum 3 awning signs per tenant/use	See Section 11.4.25.025.A and Section 11.4.25.025.B	Top of awning or canopy	6 in.	(3)(8)

TABLE 11.4.25.025.A (*Continued*) STANDARDS FOR SIGNS IN COMMERCIAL, MIXED-USE, AND OTHER NON-RESIDENTIAL DISTRICTS					
Sign Type	**Maximum Number Permitted**	**Maximum Area per Individual Sign**	**Maximum Height**	**Maximum Horizontal Projection from Wall or Supporting Structure**	**Additional Regulations (Subsection)**
Permanent Window	N/A	10% - 20% of window area	Limited to first and second floor windows	N/A	(4)(10)
Marquee Sign	1 per building	See Section 11.4.25.025.A and Section 11.4.25.025.B.	Roof line, or up to 6 feet above roof line with Minor Use Permit approval.	6 in.	(5)
Portable A-Frame Sign	1 per tenant/use	8 sq. ft.			(6) (10)
City Sponsored Banners	Subject to Director approval.				(7)
Flags	1 per lot frontage	12 sq. ft.	If on flag poles, 40 ft. maximum and not less than 12 ft.	N/A	(9)

1. Projecting Signs.

a. Minimum Clearance. Projecting signs shall be located a minimum of 8 feet above grade.

b. Encroachment Permit. No sign shall project into any public right-of-way unless the Director of Public Works shall have first issued an encroachment permit therefor.

2. Freestanding Signs.

a. Minimum Setback from Property Line. Freestanding signs must be set back a minimum of 5 feet from any property line.

b. Limitations in Driveway Median. Freestanding signs erected in a median within a driveway shall be set back a minimum of 5 feet from the face of the curb surrounding the median, or from the edge of adjacent pavement where no curb exists, and shall not interfere with driver visibility.

3. Awning or Canopy Signs.

a. Location. Awning and canopy signs are permitted only on the first and second floor of buildings. Awnings and canopies shall not cover transom windows or historic building elements. Awnings and canopies shall be aligned with windows and entries.

b. Minimum Clearance. Awnings and canopies shall be located a minimum of 8 feet above grade, measured from the lowest structural element of the awning or canopy.

c. Non-Functional Awnings or Canopies. Awnings and canopies that project less than 2 feet from the building façade to which they are attached, or do not overhang a sidewalk or pedestrian walkway, are considered non-functional awnings or canopies. When signage is attached to or incorporated into non-functional awnings or canopies, the entire surface area of the face of the awning shall be considered the sign area.

4. Permanent Window Signs. Permanent Window signs are permitted subject to the following standards:

a. Permanent window signs shall not exceed 10% of the area of each window.

b. No window sign shall be displayed above the second story.

c. Permanent window signs shall be limited to individual letters placed on the interior surface of the window and intended to be viewed from the outside. White, black or gold leaf paint are recommended colors. Glass-mounted graphic logos may be applied by silk screening or pre-spaced vinyl die-cut forms.

d. Interior Permanent signs within 3 feet of a storefront window shall be counted as a permanent window sign.

e. Permanent Window signs shall be allowed in addition to the aggregate sign area allowed for wall and projecting signs.

f. Permanent window signs shall not be illuminated.

5. Marquee Signs.

a. Uses Allowed On. Marquee signs are allowed for theaters, cinemas, stadiums, auditoriums, or other public assembly facilities.

b. Height. Subject to review and approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, a vertically-oriented marquee sign may project up to 6 feet above the roof line. The Planning Commission shall only approve a marquee sign extending above the roofline if the Commission finds that the marquee sign is architecturally integrated with the building.

c. Lighting. Notwithstanding any other provision of this Chapter, a marquee sign may include changing lights, subject to review and approval of a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

6. Portable A-Frame Signs.

a. A Portable A-Frame Sign shall be located so as to allow at least 6 feet clear for pedestrian passage along a pedestrian walkway and shall not be located on public property.

b. Compliance with all provisions of the "City of Seal Beach Standards for Portable A-Frame Signs.

7. City Sponsored Banners.

a. City-issued banners that identify the City or specific commercial districts or promote City-sponsored events may be posted by the City above streets or attached to lamp posts or utility poles.

b. Banners shall be anchored on at least 2 opposite sides and shall be attached to light poles or similar permanent structures.

c. Banners located in the right of way shall be placed only in a manner consistent with standards promulgated by the City Engineer.

8. Signs – Automobile Service and Repair Stations.

a. Total signing for subsections b, c, e and f shall not exceed 150 square feet of area.

b. A free-standing identification signs not to exceed 20 feet in overall height and not to exceed 80 square feet in area or a monument

sign not to exceed 5 feet in overall height and not to exceed 60 square feet in area.

c. Fuel price signs not to exceed 3 feet by 4 feet in size and not to exceed 15 feet in overall height; minimum height 8 feet. Fuel price signs shall comply with the requirements of the State Business and Professions Code.

d. Information signs (self-service, full-service, etc.) not to exceed 24 inches by 24 inches in size and 2 per pump island. Signs required for safety and required by other governmental agencies shall be reviewed by the Director for consistency with the intent of this section.

e. Two promotional banners, each not to exceed 20 square feet per face, may be located on the building structure on the premises.

f. Advertising signs not related to motor vehicles shall not exceed 50 square feet in area and shall be attached to the building or permanently mounted sign structure.

g. In addition to any other applicable design criteria, signs for service stations shall only be approved if the review authority finds that the proposed signs are in architectural harmony with the total service station design theme.

9. Flags.

a. Each use may display a total of 1 flag per lot frontage.

b. No flag displayed pursuant to this subsection shall exceed 12 square feet in area unless approved through a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

c. Flags shall be suspended from flagpoles at a height of not less than 12 feet or more than 40 feet.

d. Flags poles and related structures designed to display a flag require a building permit, and must comply with other regulations of the applicable zoning districts.

10. Main Street Specific Plan District – Additional Requirements. Within the Main Street Specific Plan district the following additional sign requirements apply.

a. Courtyard Signs. Courtyard signs are permitted subject to the following standards:

i. Where businesses face a courtyard, and do not directly face Main Street, one single-faced or double-faced freestanding courtyard sign is permitted for tenant identification only, in addition to those on the building.

ii. No part of the sign shall extend over public property or have a height exceeding 7 feet measured from the base at ground level to the apex of the sign.

iii. The total area of the courtyard sign shall not exceed 0.5 square feet per foot of site street frontage or 20 square feet, whichever is smaller.

iv. Placement shall conform with a minimum setback of 3 feet from a street property line, 2 feet from an interior property line, and a minimum of 10 feet from the edge of a driveway.

v. Each courtyard sign shall contain an address plate identifying the subject property. Numbers shall be a minimum of 6 inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowable sign area.

b. Projecting Signs. Projecting signs are permitted subject to the following standards:

i. Shall not exceed 4 square feet in area per side;

ii. Shall project no more than 4 feet from the wall to which attached;

iii. Shall be located at least 8 feet but not more than 12 feet above grade;

iv. Shall reflect the business by incorporating symbols or logos of the business;

v. Shall have supports and brackets that are compatible with the design and scale of the sign; and

vi. Shall not be internally or externally illuminated.

vii. Each ground-level occupancy frontage may have one such projecting sign if such sign is located near its primary entryway. Such sign shall be in addition to other signs allowed in Table 11.4.25.025.A: Standards For Signs In Commercial, Mixed-Use, and Other Non-Residential Districts, above.

viii. No sign shall project into any public right-of-way unless the Director of Public Works shall have first issued an encroachment permit therefor.

c. Monument Signs. One single-faced or double-faced freestanding monument sign is permitted subject to the following standards where the face of the building is set back from the property line more than 15 feet:

i. No part of the sign shall extend over public property or have a height exceeding 5 feet measured from the base at ground level to the apex of the sign.

ii. The total area of the sign shall not exceed 0.5 square feet per foot of street frontage or 40 square feet, whichever is smaller.

iii. Signs shall be located in a landscape planter a minimum of 2 feet wider than the sign itself, with a minimum 2-foot wide base for the monument sign itself.

iv. Placement shall conform with a minimum setback of 3 feet from a street property line, 3 feet from an interior property line, and a minimum of 10 feet from the edge of a driveway.

v. Landscaping with automatic sprinklers shall be provided at the base of the supporting structure equal to twice the area of 1 face of the sign, or 75 square feet, whichever is greater.

vi. If the sign is to be lit, all lighting shall be from internal illumination.

vii. Each monument sign shall contain an address plate identifying the subject property. Numbers shall be a minimum of 6 inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowable sign area.

d. Restaurant Menu Signs. Restaurant Menu Signs and similar display box signs are permitted subject to the following standards:

i. Shall be located in a permanently mounted display box on the surface of the building adjacent to the entry.

ii. The allowable area shall be a maximum of 6 square feet and shall be limited to the size of 2 pages.

iii. Such sign shall be compatible with the scale, colors, and materials of the storefront.

iv. Such sign shall not be used for additional business identification or additional signage.

v. Such sign shall not be included in the sign area calculation for the business.

e. Permanent Window Signs. Permanent Window signs are permitted subject to the following standards:

i. Permanent window signs shall not exceed 20% of the area of each window.

ii. No window sign shall be displayed above the second story.

iii. Permanent window signs shall be limited to individual letters placed on the interior surface of the window and intended to be viewed from the outside. White, black or gold leaf paint are recommended colors. Glass-mounted graphic logos may be applied by silk screening or pre-spaced vinyl die-cut forms.

iv. Interior Permanent signs within 3 feet of a storefront window shall be counted as a permanent window sign.

v. Permanent Window signs shall be allowed in addition to the aggregate sign area allowed for wall and projecting signs.

vi. Permanent window signs shall not be illuminated, except for neon signs illuminated in compliance with Section 4.25.025.D.10.f.vi, below.

f. Neon Signs. Neon signs are permitted subject to the following standards:

i. Neon signs and linear tubing shall be UL (Underwriters Laboratories) listed with a maximum 30 milliamps per circuit and shall be designed to accommodate a dimmer in order to reduce the brightness of the neon.

ii. The neon manufacturer shall be registered with Underwriters Laboratories.

iii. Neon tubing shall not exceed 0.5 inches in diameter.

iv. Neon lighting adjacent to residential uses shall not exceed 0.5 footcandle measured at the property line.

v. Neon tubing shall not be combined with any reflective materials (e.g., highly-glazed tiles, mirrors, polished metal), or other similar material.

vi. Interior neon signs placed within 5 feet of a storefront window shall have a transparent background and shall be counted as a permanent window sign.

g. Temporary Window Signs. Temporary window signs are permitted subject to the following standards:

i. Combinations of permanent and temporary window signs shall not cover more than 30% of any window (50% during December).

ii. No more than one temporary window sign is allowed per window.

iii. Commercial temporary window signs shall not be posted more than 3 times per calendar year.

iv. Commercial temporary window signs shall not be posted more than 30 days for each period.

v. A Temporary Sign Permit approval is required to post commercial temporary window signs.

h. Portable A-Frame Signs. Portable A-Frame Signs shall comply with the following standards:

i. A Portable A-Frame Sign is only permitted where building frontage is located within 10 feet of a public sidewalk.

ii. A Portable A-Frame Sign shall be located so as to allow at least 6 feet clear for pedestrian passage along a pedestrian walkway and shall not be located on public property.

iii. Compliance with all provisions of the “City of Seal Beach Standards for Portable A-Frame Signs.

i. Sign Illumination. Sign illumination is subject to the following standards:

i. Internal illumination is permitted on monument signs, channel letters and channel logos only.

ii. Signs without channel letters and channel logos shall only be externally illuminated.

iii. The permitted range of sign illumination shall be between 5 and 20 candelas per square foot of sign area, except for business properties that have property frontage on Pacific Coast Highway where a maximum of 70 candelas/square foot is permitted.

iv. Lighting shall be energy efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of way. No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential zoning district except on the site of the light source.

v. A luminance report shall be prepared by a licensed engineer and submitted to the Director within 90 days of the installation of any internal or external illuminated sign indicating compliance with subsections (iii) and (iv), above. Such report shall include the method of measurement, results of such measurement, and, if the measurement exceeded the provisions of subsection (iii) above, the actions taken and resulting measurement information to achieve compliance with such subsection (iii).

j. Outlining of Buildings or Components. Outlining of buildings or components of buildings (i.e., doorways, windows, rooflines, architectural features, etc.) by string lighting shall not be considered sign illumination, but shall be approved through the Minor Use Permit process pursuant to Chapter 11.5.20: Development Permits. See also Section 11.4.25.010: Exempt Signs; Subsection O: Decorative Holiday Displays.

k. Additional Review. Additional review is required as set forth below:

i. A Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, shall be required for the signage for a new structure, or a conversion of an existing structure into separate tenant spaces, that will establish or create 2 or 3 separate tenant spaces. In making its determination, the Commission shall consider such factors as the size, location and design of the proposed signs; the type of businesses to which the signs will

pertain; the architectural character of the site and surrounding buildings; and the type of other permitted signage in the vicinity of the site.

ii. A Planned Sign Program shall be required for the signage of a new structure, or a conversion of an existing structure into separate tenant spaces, that will establish or create 4 or more separate tenant spaces, pursuant to Section 11.4.25.045: Procedures for Sign Approval, and Chapter 11.5.20: Development Permits.

iii. When property falls under an adopted planned sign program, the above subparagraphs 10.a through 10.i, above, and the provisions of Table 11.4.25.025.A: Standards for Signs in Commercial, Mixed-Use, and Other Non-Residential Districts, do not apply.

E. LM and OE Districts. The following signs are permitted in the LM and OE districts:

1. All signing permitted in Table 11.4.25.025.A: Standards for Signs in Commercial, Mixed-Use, and Other Non-Residential Districts, with the same restrictions for Wall, Freestanding, and Awning or Canopy Signs.

2. For each industrial complex or industrial park, one monument sign not to exceed 10 feet in height and not to exceed 100 square feet per face shall be permitted at the entrance of a dedicated street. Such sign shall identify the industrial complex or industrial park.

3. In the OE district one monument identification sign on each dedicated street shall be permitted. Such sign shall not exceed 8 feet in height and shall not exceed 40 square feet per face and the sign shall identify the facility and company operating the site.

F. RG District. The following signs shall be permitted in the RG district:

1. Monument or ground signs containing the name of the facility. Such sign not to exceed 60 square feet per face or exceed 6 feet in height. One sign shall be permitted at each entrance to the facility from a dedicated street.

G. **Substitution of Sign Message.** Any of the Permitted Sign Types authorized by this Section, with the exception of signs placed at public bus benches and bus shelters and City banners, may contain non-commercial copy in lieu of any other copy.

§ 11.4.25.030 Signs – Residential Districts.

The regulations of this Section shall apply to all residential districts, as well as Residential Uses located in non-residential zones.

A. **Permitted Signs.** In addition to the exempt signs listed in Section 11.4.25.010: Exempt Signs, the following signs are permitted in residential zones:

1. Subdivision Identification Signs. A subdivision in a residential district shall be permitted to display a subdivision identification sign or signs not exceeding 25 square feet in aggregate area. Such sign(s) must be attached to a wall, fence, or gateway structure, and integrated with the design of the structure. Larger signs may be approved by Minor Use Permit pursuant to Chapter 11.5.20: Development Permits.

2. Flags. Each Site may display a total of one flag per frontage. No flag shall exceed 12 square feet in area or contain commercial copy.

3. Commercial Signs. One sign indicating the presence on the property of an approved use subject to Chapter 11.5.20: Development Permits. Such sign shall not exceed 12 square feet in area, unless a greater area is specifically approved by the decision-making authority as part of the use permit approval.

B. **Illumination.** No sign governed by this Section shall be internally illuminated.

§ 11.4.25.035 Temporary Signs.

A. **Temporary Noncommercial Signs – Residential Districts and Uses.** Up to 4 temporary noncommercial signs, each no larger than 6 square feet in area, are permitted per dwelling unit. Notwithstanding the foregoing, no more than 4 such signs are permitted to be located in the front yard or street-facing side yard of any residential property, whether single-unit, two-unit, or multi-unit. Temporary Non-Commercial Signs may be attached to freestanding sign structures no more than 5 feet in height, building walls, or fences. Temporary noncommercial signs must be removed or replaced within 60 days of placement.

B. **Large Distributions.** Any person wishing to distribute more than 50 Temporary Noncommercial Signs to property owners in the City must first apply for and receive a permit from the Director. The permit application shall contain an actual-sized prototype of the sign and the name, address, and telephone number where the applicant may be reached by the Director or Police Chief or the respective deputies responsible for the enforcement of these

provisions. The permit application shall be approved unless the sign does not meet the requirements set forth in this Chapter. The decision to grant or deny a permit shall be made within one business day after submission of the application. One permit shall govern all signs of each type distributed to property owners in the City.

C. **Temporary Non-Commercial Signs – Commercial, Mixed-Use and Other Non-Residential Districts and Uses.** Temporary Non-Commercial Signs meeting the requirements of this Chapter are permitted in commercial, mixed-use, and other non-residential districts. Temporary Non-Commercial Signs must be removed or replaced within 60 days of placement, and each sign shall not exceed 32 square feet in sign area. For properties not subject to a Master Sign Program, the maximum number of Temporary Non-Commercial Signs per property at a time shall be 4 signs.

D. **Temporary Commercial Signs: Permit Required.** Temporary Commercial Signs meeting the requirements of this Chapter may be displayed with a permit from the Director on non-residential properties in Commercial and Industrial zones. Temporary Commercial Signs shall be displayed for a period of time not to exceed 30 days, or a shorter period determined by the Director based on the length of time of the use or activity, or as specified by this section. The provisions contained in Section 11.4.25.045: Procedures for Sign Approval, shall apply to Temporary Commercial Signs. No more than one Commercial Temporary Sign shall be permitted and no such sign shall be more than 32 square feet in sign area. A maximum of 3 such signs may be permitted on any site per year.

E. **Owner/Occupant Consent Required.** No Temporary Commercial Sign shall be placed, erected or maintained without the authorization of the property owner or occupant.

F. **Off-Premises Signs Prohibited.** All Temporary Commercial Signs shall be On-Premises Signs.

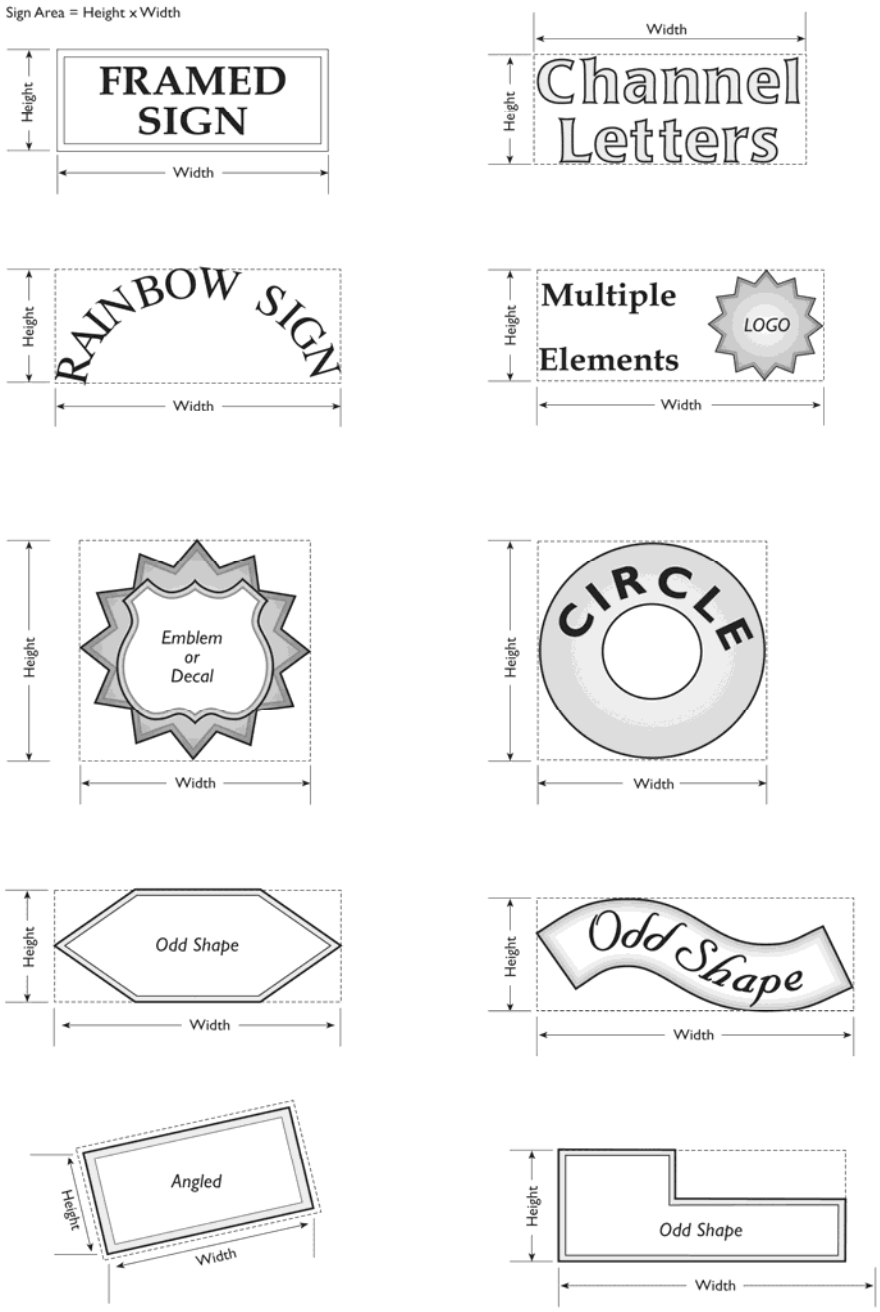
§ 11.4.25.040 General Provisions for All Sign Types.

A. **Calculation of Sign Area.** The area of an individual sign shall be calculated as follows.

1. Single-Faced Signs. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles 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. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or

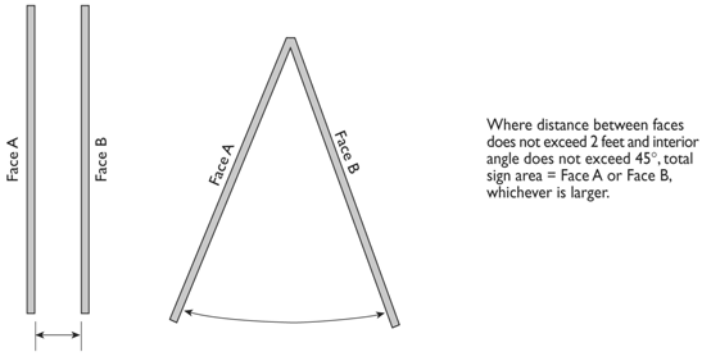
required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 11.4.25.040.A.1: Calculation of Sign Area.

Figure 11.4.25.040.A.1
Calculation of Sign Area



2. Double-Faced Signs. Where 2 faces of a double-faced sign are located 2 feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the 2 faces are not equal in size, the larger sign face shall be used. Where 2 faces of a double-faced sign are located more than 2 feet or 45 degrees from each other, both sign faces shall be counted toward sign area. See Figure 11.4.25.040.A.2: Measurement of Double-Faced Signs.

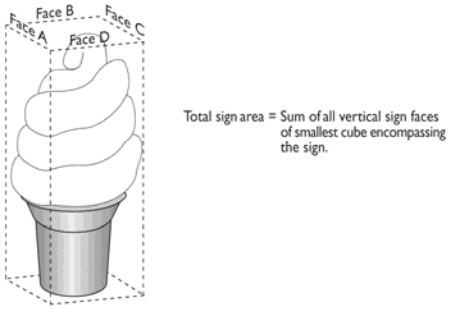
Figure 11.4.25.040.A.2
Measurement of Double-Faced Signs



3. Multi-Faced Signs. On a 3-faced sign, where at least one interior angle is 45 degrees or less, the area of 2 faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with 3 or more sides, sign area shall be calculated as the sum of all faces.

4. Three-Dimensional Signs. Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of all areas using the 4 vertical sides of the smallest cube that will encompass the sign. See Figure 11.4.25.040.A.4: Measurement of Three-Dimensional Signs.

Figure 11.4.25.040.A.4
Measurement of Three-Dimensional Signs



B. **Materials.** Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 60 days. Fabric signs shall be restricted to City Banners, Awning Signs, and Temporary Banners permitted pursuant to Section 11.4.25.020: Temporary Banners, above.

C. **Illumination.** The illumination of signs, from either an internal or external source, shall be designed to avoid negative impacts on surrounding rights-of-way and properties. See also Section 11.4.10.020.A: Lighting. The following standards shall apply to all illuminated signs:

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;

2. Sign lighting shall not be of an intensity or brightness that will create a nuisance for residential properties in a direct line of sight to the sign.

D. **Illumination, Main Street Specific Plan District.** The illumination of signs within the Main Street Specific Plan District shall comply with the following standards.

1. Internal illumination is permitted on monument signs, channel letters and channel logos only.

2. Signs without channel letters and channel logos shall only be externally illuminated.

3. The permitted range of sign illumination shall be between 5 and 20 candelas per square foot of sign area, except for business properties that have property frontage on Pacific Coast Highway where a maximum of 70 candelas/square foot is permitted.

4. Lighting shall be energy efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of way. No lighting on private property shall produce an illumination level greater than 1-footcandle on any property within a residential zoning district except on the site of the light source.

5. A luminance report shall be prepared by a licensed engineer and submitted to the Director of Development Services within 90 days of the installation of any internal or external illuminated sign indicating compliance with subsections 3 and 4, above. Such report shall include the method of measurement, results of such measurement, and, if the measurement exceeded the provisions of subsection 3 above, the actions taken and resulting measurement information to achieve compliance with such subsection 3.

E. **Changeable Copy.** Changeable copy shall cover no more than 20% of the total sign area, except for the following uses which are allowed up to 75% of sign area to be changeable copy: all public and civic uses, indoor theaters, other public assembly uses, and fuel price signs.

F. **Code Compliance.** Signs erected, installed, located or maintained in the City must comply with all applicable structural provisions of the most recently adopted versions of the Uniform Sign Code, California Building Code, and California Electrical Code adopted by the City.

§ 11.4.25.045 Procedures for Sign Approval.

A. **Director Review Required.** The erection, installation, alteration, enlargement, or relocation of all signs shall be approved by the Director unless otherwise stated in this Chapter. Specifically, Planned Sign Programs shall be reviewed and approved through the Conditional Use Process pursuant to Chapter 11.5.20: Development Permits.

B. **Minor Alterations Excepted.** The changing of changeable copy, or the replacement of sign copy or sign face where the materials, copy and background color, and copy size are the same as the existing sign they replace, is not deemed an alteration and is only subject to Director approval.

C. **Findings.** The approval authority will not approve an application for a sign unless it finds that the proposed sign or signs are aesthetically compatible with the surrounding area, considering such factors as the proposed size, location and design of the sign(s), the type of business to which the sign(s) pertain, the architectural character of the building(s) on site, the architectural character of surrounding buildings, and the type of other permitted signage in the vicinity of the proposed sign.

D. **Application – Individual Signs on Sites with Less than 4 Non-Residential Tenant Spaces.** An application for a sign shall be submitted on a form provided by the Director and shall include detailed drawings to show the locations, dimensions, structure, colors, materials, fonts, and symbols of all proposed signs. The application shall indicate the area of each individual sign and the aggregate area of all existing and proposed signs on the lot, and demonstrate through drawings and/or calculations that all standards are met. The application shall be accompanied by a fee in the amount specified in the Master Fee Schedule.

E. **Planned Sign Programs.** All commercial projects with more than 4 non-residential tenant occupancies, all separately identifiable commercial building groups, and all construction and renovation projects involving more than 20,000 square feet must obtain approval for a Planned Sign Program prior to the installation of any signs.

1. Permit Requirement. Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to approve a Planned Sign Program.

2. Required Submittals. Applications for a Planned Sign Program shall include the following information: a computation of allowable area for all signs, the total number of proposed signs, the area of each individual sign as well as aggregate area of all signs on the site, the proposed height and dimensions of all signs, the location of each sign indicated on both a site plan and on typical building elevations, and drawings of generic sign types, including general information on materials and color schemes. An application shall also include a written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and placement of signs.

3. Findings. The Commission will only approve a Planned Sign Program if it finds that the program is aesthetically compatible with the surrounding area. In making this determination, the Commission shall consider such factors as the size, location and design of the proposed signs; the type of businesses to which the signs will pertain; the architectural character of the site and surrounding buildings; and the type of other permitted signage in the vicinity of the site.

4. Consistency. After approval of a Planned Sign Program, no sign shall be contracted or installed except in conformance with the planned sign program, and such program may be enforced in the same way as any other provision of this Chapter.

5. Amendments. A Planned Sign Program may be amended through submission to and approval of a new Conditional Use Permit by the Commission.

F. **Conditional Use Permit for Exceptions to Standards.** An exception to any standard of this Chapter regarding the size, dimensions, or height of individual signs, or the number of signs of a particular type, may be reviewed and approved through the Conditional Use Permit process of Chapter 11.5.20: Development Permits. No Conditional Use Permit for an exception to a standard shall be granted unless the Planning Commission finds that in addition to conformity with the required use permit findings in Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings, the proposal meets the following:

1. The project is consistent with the applicability of the sign regulations. See Section 11.4.25.005: Applicability;

2. The proposed signage is not excessive in relation to the size of the site or the size of signs in the surrounding area; and

3. The proposed departure from a standard is necessary in order to adequately identify businesses, or will result in a superior design solution given the characteristics of the site or buildings.

§ 11.4.25.050 Maintenance and Administrative Removal of Signs.

A. **Maintenance of Signs.** All signs, together with all of their supports, braces, guys and anchors, shall be properly maintained with respect to appearance, structural and electrical features. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs shall be subject to maintenance provisions as follows:

1. Any location where business goods are no longer sold or produced or where services are no longer provided shall have 90 days to remove any remaining or derelict signs following notification by the City and at the expense of such property. Where the written notification has been given by the City and compliance has not been met within the required 90 day period, the City may cause the removal of such signs with the cost for such removal to be attached to the property.

2. All signs shall be refinished to remove rust or other corrosion due to the elements and any cracked or broken faces and malfunctioning lamps shall be replaced within 90 days following notification by the City.

3. Signs erected, installed, located or maintained in the City must comply with all applicable structural provisions of the most recently adopted versions of the Uniform Sign Code, California Building Code, and California Electrical Code adopted by the City.

4. When a sign is replaced or removed, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure within 30 days of such replacement or removal.

B. **Administrative Removal.** Signs may be removed by the City in accordance with the following procedures:

1. Illegal or Dilapidated Signs. If the Director finds that a permanent sign is in violation of this Chapter, or is in disrepair, deteriorated, including peeling paint, prohibited, abandoned, illegal, or is in violation of the California Building Code or any other laws and ordinances, he shall seek correction of the violations as provided for in the Municipal Code. The Director shall inform the sign owner by a written notice that the sign is to be removed.

2. Safety Hazard or on Public Right-Of-Way. The City Engineer, or his designee, without giving notice, shall have the authority to authorize removal of any sign which:

a. Poses an immediate threat to public safety; or

b. Is displayed in violation of the provisions of this Chapter or other City ordinances on or over any public right-of-way.

§ 11.4.25.055 Legibility of Signs.

Lettering on signs should be legible. Preferred character sizes for signs are:

Minimum Character Size (inches)	Intended Reading Distance (feet)
3.5	60
4.0	70
4.5	80
5.0	90
5.5	100 or more

§ 11.4.25.060 Materials.

Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 60 days. Fabric signs shall be restricted to City Banners, Awning Signs, and Temporary Banners permitted pursuant to Section 11.4.25.020: Temporary Banners.

§ 11.4.25.065 Changeable Copy.

Changeable copy shall cover no more than 20%t of the total sign area, except for the following uses which are allowed up to 75% of sign area to be changeable copy.

A. All public and civic uses.
B. Indoor theaters.
C. Other public assembly uses.
D. Fuel price signs.

§ 11.4.25.070 Historic Signs.

A. **Planning Commission to Designate.** The Planning Commission shall designate existing signs as historically and/or architecturally significant and therefore exempt from the size and/or height provisions of this chapter. Any sign

so designated shall be maintained in its original condition and inspected annually for structural or other defects which would render the sign unsafe. Any such sign found by the City to be unsafe shall be restored or removed within the time specified by the City.

B. **Permit Requirement.**

1. Requests for such historic designation shall be approved by Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

2. In considering an application for historic sign designation, the Planning Commission shall make the following findings, in addition to those required by Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings:

a. The sign is of local, state or regional historic significance.

b. The sign contributes to the architectural integrity of the building or use.

c. The sign does not adversely impact the public health, safety, and welfare.

d. The sign is a minimum of 25 years old.

3. Any replacement sign for an historic sign shall require a current sign permit and all new signs shall comply with the current height and size requirements.

§ 11.4.25.075 Illegal Signs.

Any sign, banner, or sign structure not erected, constructed or located in conformance with this Chapter is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures set forth in Title 7: Public Peace, Morals, and Welfare, Chapter 7.40: Nuisance Abatement.

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Chapter 11.4.30
Landscaping and Buffer Yards

§ 11.4.30.005 Applicability.

The provisions of this Chapter apply to all land uses as follows:

A. **New Projects.**

1. New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes, private non-residential developers, or public agencies with a landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 2,500 square feet, shall provide landscaping in compliance with this Chapter. All development projects, regardless of size, shall provide street trees in compliance with Section 11.4.30.030: Required Street Trees.

2. New landscape installation projects by individual homeowners on single-family and multi-family residential lots with a total project landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 5,000 square feet, shall provide landscaping in compliance with this Chapter. All development projects, regardless of size, shall provide street trees in compliance with Section 11.4.30.030: Required Street Trees.

B. **Existing Development.** The approval of a Minor Use Permit, Conditional Use Permit, Variance, or other discretionary permit approval for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter.

C. **Projects Not Required to Comply.** This Chapter does not apply to:

1. Registered local, state, or federal historical sites.

2. Ecological restoration projects that do not require a permanent irrigation system.

3. Plant collections, as part of botanical gardens and arboretums open to the public.

D. **Timing of Installation.** Required landscape and irrigation improvements shall be installed before final building inspection. The installation

of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 11.5.10.065: Performance Guarantees.

E. **Alternatives to Requirements.** The review authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter.

§ 11.4.30.010 Landscape and Irrigation Plans.

A. **Preparation by Qualified Professional.** Each landscape and irrigation plan submitted in compliance with this Chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Director to be qualified, based on the requirements of State law.

B. **Information Required.** For all projects for which landscaping is required, a landscape and irrigation plan shall be submitted as part of the permit application. A landscape and irrigation plan shall be drawn to scale and shall at a minimum indicate: proposed plant locations, species, and sizes; any additional landscape features; proposed irrigation systems; and any measures to facilitate plant growth or control erosion.

1. Preliminary Landscape and Irrigation Plan. A Preliminary Landscape and Irrigation Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25% or more of floor area), or redevelopment of an existing use, as determined by the Director. The Preliminary Landscape and Irrigation Plan may take the form of the information required by Subsection B. being shown on the site plan for the project.

2. Final Landscape and Irrigation Plan. After planning permit approval, a Final Landscape and Irrigation Plan shall be submitted as part of the application for a Building Permit. A Final Landscape and Irrigation Plan shall be approved by the Director before the start of grading or other construction, and before the issuance of a Building Permit.

3. Content and Preparation.

a. Required Information. Preliminary Landscape and Irrigation Plans and Final Landscape and Irrigation Plans shall contain the information required for landscape plans by the Department. However, at a minimum, these plans shall include the following information:

i. Preliminary Landscape and Irrigation Plans. Location of proposed materials, including the identification of ground covers,

shrubs, and trees as well as the location of the irrigation system and its individual components.

ii. Final Landscape and Irrigation Plans. Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials, as well as the precise location and technical description of the irrigation system and its individual components.

C. **Alternative Landscape Plan.** An applicant who can demonstrate that the overall provisions and desired outcomes of this Chapter can be exceeded, in whole or in part, through a modification of the standards of this Chapter, may submit an Alternative Landscape Plan (ALP) prepared in accordance with the following principles and design criteria. The ALP shall include a narrative that clearly details the modifications being requested and explains how they are superior to standard requirements and how they meet the landscape design principles listed below.

1. Design Principles. To qualify for consideration, an Alternative Landscape Plan shall demonstrate the following principles:

a. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use achieving a better overall design solution then would be created under the landscaping standards of this chapter.

b. Preservation or incorporation of existing native vegetation.

c. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.

d. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design, this may include reduced ground-level planting along the front setback if canopy shade trees along sidewalks are provided.

e. Use of additional shade trees to create a greater canopy effect.

f. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.

D. **Review and Approval.** After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its

compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may deny or require changes to a submittal if it is not in compliance.

E. **Statement of Surety.** When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150% of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a 2-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site. See Section 11.5.10.065: Performance Guarantees.

F. **Changes to Approved Landscape Plans.** The Director may authorize minor changes from the requirements of this Chapter.

1. For purposes of this Section, minor changes shall be defined as changes to the Final Landscape Plans that are not visible and do not effect the theme or character established for the subject development project.

2. If the Director determines that a requested change does not comply with the definition of minor as identified in Subparagraph 1, above, the applicant must file the requested change with the applicable review authority, if a discretionary project review included review of landscape plans.

§ 11.4.30.015 Areas to be Landscaped.

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for approved driveways and walkways, shall be landscaped. This requirement does not apply to the Main Street Specific Plan Zone District. See Table 11.4.30.015.A: Amount of Landscaping Required.

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TABLE 11.4.30.015.A AMOUNT OF LANDSCAPING REQUIRED	
Land Use	**Minimum Amount of Landscaping Required**
Single-unit residential	Front setback and all common areas, except for approved driveways and walkways
Other residential	All usable open space areas not used for decks, patios, walkways, or parking
Commercial or industrial	Required setbacks, parking areas in compliance with Section 11.4.30.025: *Parking Lot Landscaping Standards*.
All others	At the discretion of the review authority

B. **Street Side and Street Rear Property Line Walls.** When a street side or street rear property line wall over 6 feet high is constructed there shall be landscape pockets with a minimum dimension of 1-foot depth by 5-foot length provided every 25 feet of said wall. Permanent irrigation shall be provided to the landscape pockets.

C. **Parking Lots.** Parking lots must be landscaped as provided in Section 11.4.30.025: Parking Lot Landscaping Standards.

D. **Buffer Yards.** Required buffer yards must be landscaped as provided in Section 11.4.30.040: Buffer Yards.

E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped.

§ 11.4.30.020 General Landscaping Standards.

A. **Landscape Design.** The required landscape and irrigation plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, desirable microclimates, and minimize water and energy demand.

1. Plant Selection and Grouping. Plant materials shall be selected for: low water demand and drought tolerance; use of appropriate native species; adaptability and relationship to the Seal Beach environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability, in compliance with Section 11.4.30.045: Water Efficient Landscaping, below.

a. Plants having similar water use shall be grouped together in distinct hydro-zones.

b. The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval.

2. Minimum Dimensions. No landscaping area smaller than 3 feet in any horizontal dimension shall count toward required landscaping. Wherever this Zoning Code requires a landscaped area of a specified width, the width shall be measured exclusive of any curb or wall.

3. Height Limits. Landscape materials shall be selected, placed on a site, and maintained to not:

a. Exceed a maximum height of 30 inches within a required traffic safety visibility area (see Section 11.4.20.030.C: Driveway Visibility), except for trees with the lowest portion of their canopy maintained at a minimum height of 7 feet above grade; or

b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.

4. Protective Curbing. Required landscaping shall be protected with a minimum 6-inch high concrete curb, except adjacent to walls or bicycle paths, or where otherwise deemed unnecessary by the Director.

5. Safety Requirements. Landscape materials shall be located so that at maturity they do not:

a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic. See Section 11.4.20.030.C: Driveway Visibility;

b. Conflict with overhead utility lines, overhead lights, or walkway lights; or

c. Block pedestrian or bicycle ways.

6. Water Features. Decorative water features (e.g., fountains, ponds, pools) shall have re-circulating water systems and shall be maintained in good operating order.

B. **Plant Material.** Required landscape plans shall include ground covers, shrubs, and trees, which shall be selected and installed in compliance with Section 11.4.30.045: Water Efficient Landscaping, below, and as follows.

1. Size at Time of Planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 5-gallon container for specimen shrubs, a 15-gallon container for trees, and a 1-gallon container for mass planting, unless otherwise approved by the Director on the basis that the alternate size will achieve the desired immediate effect equally well.

2. Trees. Tree planting shall comply with the following standards. Existing trees shall be retained and preserved wherever and whenever possible.

a. Trees shall not be planted under any structure that may interfere with normal growth (e.g., an eave, overhang, balcony, light standard, or other similar structure).

b. Trees in landscape planters less than 10 feet in width or located 5 feet or closer to a permanent structure shall be provided with root barriers/root barrier panels.

c. Trees shall be staked in compliance with standards provided by the Department.

d. Number of trees:

i. Parking areas: refer to Section 11.4.30.025: Parking Lot Landscaping Standards.

ii. Street trees: one per 25-foot length of right-of-way. The Director may modify this requirement depending on the chosen tree species and its typical spread at maturity, and as supported by concurrence of the City Engineer.

3. Groundcover and Shrubs. Generally the landscaped areas shall include groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant.

a. A minimum of 2, 5-gallon size shrubs shall be provided for every 6 feet of distance along street frontages, or as approved by the Director.

b. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.

c. Artificial groundcover or shrubs shall not be allowed.

d. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15% of the total required landscape area. Artificial or synthetic ground covers are not allowed.

e. Non-turf areas (e.g., shrub beds) shall be top dressed with a mulch or approved alternative.

4. Turf. Turf shall be limited to 25% of the total landscaped area on the site for a drought tolerant turf variety. An infill lot, corner lot, or other parcel with more than one street frontage may be approved with turf up to 35% of the landscaped area on the site for a drought tolerant turf variety, where necessary to provide consistent streetscapes. No turf shall be allowed:

a. In any area of 8 feet or less in width; or

b. On any slope exceeding 10%. A level buffer zone of 18 inches shall be provided between bermed turf areas and any hardscape (e.g., any street, walkway, or similar feature).

5. Soil Testing and Preparation.

a. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area.

b. The soil shall be prepared and/or amended to be suitable for the landscape to be installed, in compliance with Section 11.4.30.045.C: Soil Conditioning and Mulching.

C. **Irrigation System Requirements.** All landscaped areas shall include an automatic irrigation system, designed and installed in compliance with Section 11.4.30.045: Water Efficient Landscaping.

1. Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar system) shall be used unless determined to be infeasible by the review authority. Any alternative system shall be subject to the approval of the review authority. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Turf areas shall be sized and shaped so they can be efficiently irrigated.

2. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., turf, ground cover, shrub, tree areas), or a variety of sun exposures. Soil moisture-sensing devices and rain sensors shall be used on larger projects (e.g., 5,000 plus square feet of landscaped area) to minimize or eliminate over-watering.

3. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.

4. Sprinkler heads shall have matched precipitation rates within each valve zone.

5. Check valves are required where elevation differential may cause low head drainage.

§ 11.4.30.025 Parking Lot Landscaping Standards.

Parking lot landscaping shall conform to all of the general standards of Section 11.4.30.020: General Landscaping Standards above, as well as the following: (See Figure 11.4.30.025.A: Minimum Dimensions of Required Parking Lot Landscaping).

A. **Landscape Area Required.** A minimum of 15% of the parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot area shall include parking and loading spaces and adjacent paved areas, aisles, and auto entry and exit areas. Internal pedestrian access ways may be excluded from the parking lot area used to calculate required landscaping. On-site landscaped setbacks or buffer areas located between a parking lot and adjacent public right-of-way, public sidewalk, or interior lot line, as required by Subsections E and F below, may be counted toward the required parking lot landscaping. Planting strips located within the right-of-way may not be counted toward required parking lot landscaping.

B. **Required Trees.** A minimum of one 24-inch box tree shall be provided within the parking lot area for every 4 parking spaces. Trees that are required as part of a buffer yard per Section 11.4.30.040.C.2: Landscaping of Required Buffer Yards shall not count toward fulfilling this requirement.

C. **Parking Lot Tree Shading.** Trees shall be planted and maintained throughout any surface parking lot to ensure that, within 15 years after establishment of the parking lot, at least 50% of the parking area will be shaded.

D. **Layout.** Landscaped areas shall be distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of landscaped strips at least 6 feet wide between rows of parking stalls, landscaped strips between parking areas and adjacent buildings or internal pedestrian walkways, landscaped islands located between parking stalls or at the ends of rows of parking stalls, and on-site landscaping at the parking lot perimeter, as long as the following minimum requirements are met:

1. Landscaped Islands. A landscaped island at least 6 feet wide and 18 feet deep or equivalent area shall be provided at each end of each interior row of parking stalls and between every 6 consecutive parking stalls in any residential development or any mixed-use development in which residential units overlook on-site parking areas, and between every 10 stalls in any non-residential development. One tree of at least 24-inch box size shall be located in the rear one-third of each such landscaped island. For the purpose of this regulation, "rear" constitutes the portion of the landscaped island corresponding to the rear of adjacent parking stalls and proximal to the aisle.

2. Landscaped Separation between Parking Areas and Buildings. No parking space shall directly abut an exterior building wall. A landscaped area at least 4 feet wide shall be provided between any parking stall and adjacent on-site building.

E. **Size of Tree Planting Spaces.** Anywhere that an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of 5 feet.

F. **Landscaped Buffer for Open Parking Abutting Public Right-of-Way.** A landscaped area at least 10 feet wide shall be provided between any surface parking lot and any adjacent public sidewalk or street. Alternatively, a landscaped area at least 5 feet wide may be provided in conjunction with a solid screening wall at least 2.5 to 3.5 feet tall. The wall must be at least 80% opaque. Such screening wall shall be composed of brick, stone, stucco, or other quality durable material approved by the Director, and shall include a decorative cap or top finish as well as edge detail at all wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

G. **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least 4 feet wide shall be provided between any surface parking area and any adjacent lot or lots for the length of the parking area. Such landscaped area may overlap or be continuous with any buffer yard required by Section 11.4.30.040: Buffer Yards.

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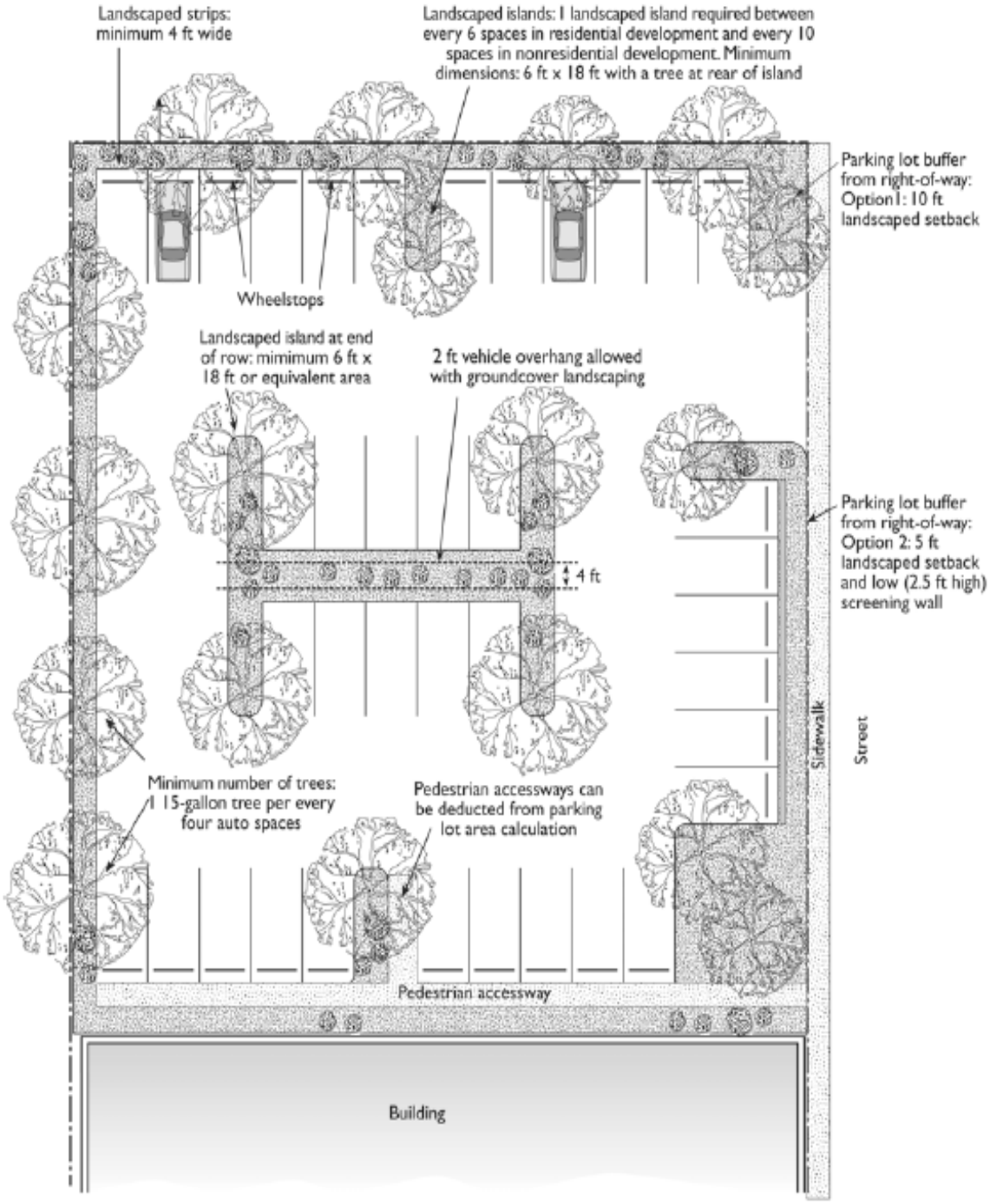
Figure 11.4.30.025.A
Minimum Dimensions of Required Parking Lot Landscaping



H. **Protection of Vegetation.**

1. Design. All required parking lot landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum 2-foot clearance of low growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of 2 feet from the back of the curb.

2. Planters. All required parking lot landscaping shall be within planters bounded by a concrete curb at least 6 inches wide and 6 inches high. No planter, except building perimeter planters, shall be smaller than 25 square feet in area, or 3 feet in any horizontal dimension, excluding curbing.

3. Clearance. Landscaping in planters at the end of parking aisles shall not obstruct drivers' vision of vehicular and pedestrian cross traffic. Mature trees shall have a foliage clearance of 7 feet from the grade of the parking area, with other plant materials not to exceed 26 inches in height.

§ 11.4.30.030 Required Street Trees.

Street trees shall be provided at a ratio of at least one tree for each 25 feet of public street frontage unless a greater number of trees are specified in the zoning district regulations. Street tree locations shall be subject to approval by the City Engineer.

§ 11.4.30.035 Landscape Installation and Maintenance.

A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications.

B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a certificate of occupancy for a project. All required fences and walls shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued compliance with the requirements of this Section.

C. **Maintenance.** All planting shall be maintained in a good growing condition. Maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing such damage shall be replaced with another tree of comparable size and value.

D. **Maintenance Agreement.** Before final building inspection or the issuance of a certificate of occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subsection C. The form and content of the agreement shall be approved by the City Attorney and the Director.

E. **Water Waste Prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited. Efficient watering practices shall be conducted in compliance with Section 4.30.045: Water Efficient Landscaping, below. See also Section 11.4.10.020.H: Storm Drainage and Storm Water Runoff.

F. **Enforcement.** Failure to maintain landscape areas in compliance with this Section shall be deemed a nuisance, and shall be subject to abatement in compliance with Municipal Code Chapter 7.35: Public Nuisances and Chapter 7.40: Nuisance Abatement, and/or the applicable planning permit may be revoked.

§ 11.4.30.040 Buffer Yards.

A. **Applicability.** The buffer yard standards of this Section shall apply to:

1. All new development on vacant land.

2. Redevelopment or expansion of existing development by 15% or more of existing floor area, except for new construction of single units, second units, or two-unit dwellings.

3. Any change from a residential use to a commercial or light manufacturing use, a commercial use to a light manufacturing use; or any other change from one land use classification to another non-residential land use classification that increases development intensity and results in increased traffic, processes, noise, or pollution, as determined by the Director.

B. **Exceptions.**

1. Where a proposed use is separated from an existing use by a public right-of-way, drainage channel, or stream corridor, no buffer yard is required provided such right-of-way, drainage channel, or stream corridor is at least equal in width to the required buffer yard.

2. Where a development lot is 25 feet or less in width, an 8-foot high solid masonry wall may be provided in lieu of any required buffer yard.

3. Compliance with the buffer yard standards shall not necessitate the demolition or relocation of any portion of any existing building.

4. Other exceptions to the standards of this section may be granted with a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

C. **Required Buffer Yards – Minimum Dimensions and Standards.** Required buffer yards are indicated in Table 11.4.30.040.A: Required Buffer Yards. A buffer yard shall be provided on any lot containing a use listed in the first column of Table 11.4.30.040.A when it abuts a lot containing a use listed in the second column of the same row. Buffer yards shall consist of both a landscaped area and a screening wall in the dimensions prescribed in the table and shall comply with all applicable standards of this subsection. See also Figure 11.4.30.040.C: Buffer Yards.

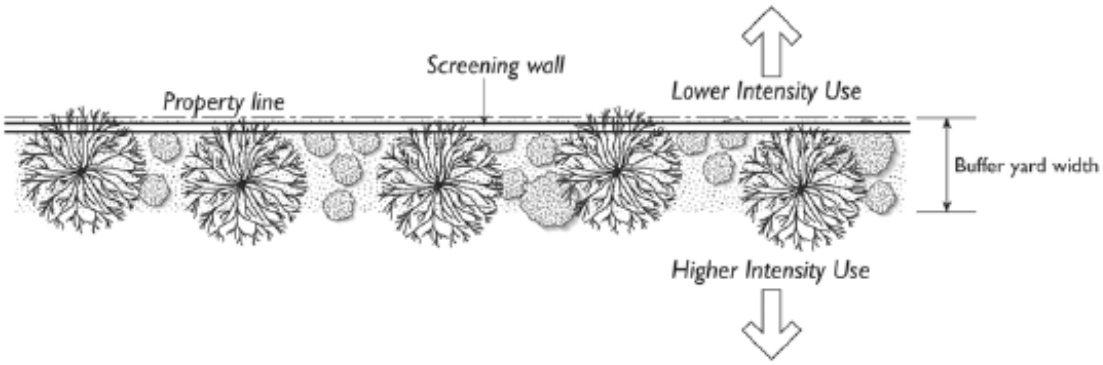
TABLE 11.4.30.040.A

REQUIRED BUFFER YARDS

Proposed Land Use on Project Site	Existing Land Use on Adjacent Lot	Minimum Buffer Yard Width (ft.)	Required Screening Wall Height (ft.)
Commercial Use, Mixed-Use Use	Residential Use; Residential Care Facility; Park and Recreation Facility; Day Care Center	10	8
Light Manufacturing Use	Residential Use; Residential Care Facility; Park and Recreation Facility; Day Care Center	20	10
Public and Semi-Public Uses	Residential Use	5	6
Multiple-Unit Residential; Transitional Housing; Senior Housing with 3 or more units on a lot; Group Housing; Residential Care Facility; Large Family Day Care	Single-Unit Dwelling; Single-Unit Dwelling with Second Unit; or Two-Unit Dwelling.	5	7

1. Location. Required buffer yards shall be developed along the perimeter of the lot and extend inward from the property line of the project site as illustrated in Figure 11.4.30.040.C: Buffer Yards.

Figure 11.4.30.040.C
Buffer Yards



2. Landscaping of Required Buffer Yards. Buffer yards shall be planted with a mix of trees, a minimum of 24-inch box in size, and shrubs. At least 1 tree shall be planted per 20 lineal feet or as appropriate to provide a tree canopy over the buffer yard. In addition, a minimum of 5 shrubs shall be planted per 20 lineal feet.

3. Screening Walls. All screening walls must provide a solid screening wall of stucco, decorative block, or concrete panels. Chain-link fencing is prohibited.

4. Uses of Buffer Yards. Buffer yards may be used as yards, open space, or natural areas, or for any use that does not interfere with its effectiveness as a buffer between potentially incompatible uses. Buffer yards shall not be used for parking, driveways, trash enclosures, mechanical equipment, or as a building area.

5. Buffer Yard Plan. A buffer yard plan shall be submitted in conjunction with other application materials for a permit. A buffer yard plan shall show the location of all buffer yards on the project site, proposed plant locations, a plant list and key, and existing and proposed structures on the site. Where a landscaping plan is also required, the buffer yard plan may be incorporated into the landscaping plan.

6. Maintenance. All required planting shall be permanently maintained in good growing condition and replaced with new plant materials when necessary to ensure compliance with applicable standards. All required walls shall be permanently maintained in good condition and repaired or replaced

when necessary to ensure continued compliance with the requirements of this Section.

§ 11.4.30.045 Water Efficient Landscaping.

A. **Applicability.** This Section shall apply to all proposed development and new land uses, except the following:

1. Any landscaped area which is irrigated with reclaimed water;

2. Registered local, state, or federal historical sites;

3. Ecological restoration projects that do not require a permanent irrigation system; and

4. Plant collections, as part of botanical gardens and arboretums open to the public.

5. Cemeteries, golf courses, parks, playgrounds, schools, and sports fields are exempt from the turf area limit of this Section. Turf will be allowed for these uses in all areas where the functional need for turf can be demonstrated. The other provisions of this Section shall apply to these uses.

B. **Plant Selection, Water Features, and Use Limitation.**

1. Limitation on High Water Uses. Turf, high water use plants, and water features shall be considered high water uses and shall be limited to not more than 25% of the entire project's landscaped area. The installation of turf shall be in compliance with Section 11.4.30.020 B.4: Turf.

2. Plant Selection. Plants selected in all other landscaped areas shall be well-suited to the climate, geology, and topographic conditions of the site, and shall be low water use once established.

3. Size Limitation – Turf Areas. No turf shall be allowed in areas less than 8 feet wide, excepting parking strips between the curb and sidewalk where there will be foot traffic.

4. Re-Circulating Water Features. Re-circulating water shall be used for all water features and shall be maintained in good operating order.

C. **Soil Conditioning and Mulching.**

1. A minimum 1-foot depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

2. In areas with overhead irrigation, organic amendment shall be incorporated into the soil to a minimum depth of 6-inches at a minimum rate of 5 cubic yards for each 1,000 square feet, or in compliance with specified amendment recommendations from a soils laboratory report.

3. A minimum of a 2-inch layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscaped area. Nonporous material (e.g., plastic sheeting), shall not be placed under the mulch; however, a porous landscape fabric is allowed.

D. **Irrigation.**

1. All landscaped areas shall be irrigated with automatic controllers with repeat start-time potential.

2. When the landscape contains more than one type of plant type (e.g., annual, ground cover, turf) or a variety of sun exposures, controllers shall have multiple-program potential.

3. Separate irrigation circuits shall be provided for different plant types, irrigation methods, solar exposures, microclimates (e.g., understory, courtyard) slopes, and soil types.

4. Pressure regulation shall be installed to effect correct operating pressure for each type of irrigation head or drip method.

5. Point application methods (e.g., drip, bubbler) shall be used wherever feasible.

6. Irrigation delivery systems shall be designed so that water does not run off or overspray onto adjacent pavement, sidewalks, structures, or other non-landscaped areas.

7. Sprinkler heads shall have precipitation rates matched within 20% of one another on each irrigation circuit; however, pressure compensating bubbles may be included in circuits serving shrub areas.

8. Rain shut-off devices shall be installed on each irrigation controller.

9. Check valves shall be installed where elevation differential may cause extreme low head drainage

E. **Documentation for Compliance.** The following documentation shall be submitted to the Director as part of the requirements of this Section.

1. Preliminary Landscape Statement. The preliminary landscape statement shall contain a brief description of the planting and design actions that are intended to meet the requirements of this Section.

2. Building Permit. The documentation identified in Section 11.4.30.010.E: Statement of Surety, shall be submitted with the Building Permit application.

3. Completion of Installation. Upon completion of installation of the landscape, the landscape design principal or owner shall submit to the Director a certificate of completion and a certificate of conformance, stating that the project has been installed as designed, or with documentation of suitable substitutions.

F. **Alternative Provisions.** The Director shall:

1. Consider and may allow the substitution of design alternatives and innovations that will lead to a greater reduction in water consumption than the measures identified in this Section; and

2. Accept documentation methods, water allowance determinations, and landscape and irrigation design requirements of Title 9, Public Property, Public Works, & Building Regulations, Chapter 9.70, Water Efficient Landscaping, and the accompanying "Guidelines for Implementation of the City of Seal Beach Water Efficient Landscape Ordinance No. 1588" in lieu of the requirements of this Section in cases where it is demonstrated that compliance with those requirements will lead to a greater or equivalent reduction in water consumption than the measures identified in this Section.

§ 11.4.30.050 Invasive Plant Species.

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on a site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the site. Any existing landscaping that does not meet the above requirements shall be removed.

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Chapter 11.4.35
Coastal Development Permit

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Chapter 11.4.40
Nonconforming Uses, Structures, and Lots

§ 11.4.40.005 Purpose.

Certain structures, uses and lots no longer comply with all Zoning Code requirements due to regulations adopted after such structures, uses and lots were legally established. Provided the structures, uses and lots comply with the terms and regulations contained herein and do not cause an adverse impact upon public health, safety, and welfare, this chapter allows the:

A. Use and occupancy of nonconforming structures.

B. Continued operation of nonconforming uses.

C. Development and use of nonconforming lots.

§ 11.4.40.010 Maintenance and Repair of Nonconforming Structures.

A. **Continuation of Nonconforming Structures**. A lawful nonconforming structure may be used, occupied and maintained in its current size and configuration.

B. **Maintenance, Nonstructural Repairs and Interior Alterations.** An owner may perform non-structural repairs and interior alterations to structures that are nonconforming or contain nonconforming uses, provided the structure is not enlarged, the life of the structure is not extended or the nonconforming use is not expanded.

C. **Structural Repairs Requiring Only a Building Permit.** An owner shall apply for and obtain a building permit prior to performing any structural repair, including modification or repair of bearing walls, columns, beams or girders, to:

1. Nonconforming Single-Unit Residences. Provided:

a. The residence is located in a residential zone;

b. The residence has an existing garage that meets minimum dimensional requirements under this Code; and

c. The improvement will not increase habitable space.

2. All Other Nonconforming Structures. Provided:

a. The structure is not enlarged;

b. The life of the structure is not extended;

c. The nonconforming use is not expanded; and

d. The cost of any structural repair during a 12-month period does not exceed 40% of the appraised value of all improvements.

D. **Structural Repairs Requiring a Minor Use Permit.** An owner shall apply for and obtain a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, prior to performing any structural repair not governed by Subsection C, above.

§ 11.4.40.015 Minor Improvements to Nonconforming Residential Structures.

A. **Minor Improvements Requiring Only a Building Permit.**

1. Skylights.

2. Solar Systems.

3. Windows.

4. Decorative exterior improvements.

5. Utilities.

6. Other similar minor structural improvements approved by the Planning Commission.

B. Minor Improvements Requiring a Minor Use Permit.

1. Open roof decks.

2. Balconies and porches (not enclosed).

3. Roof additions over balconies and porches.

4. Roof eaves projecting 5 feet into the required rear yard setback in the RLD-9 District, along Ocean Avenue between First Street and Eighth Street.

5. Exterior doors.

6. Garages, carports, and additional covered parking spaces.

7. Interior wall modifications and remodeling which involves removal of or structural alteration to less than 25% of the structure's interior walls. Such interior wall modifications or remodeling may increase the number of bathrooms provided that the number does not exceed the following bedroom/bathroom ratio: one bath for each bedroom plus an additional half-bath. The number of bedrooms shall not be increased if the subject property is nonconforming due to density or parking.

8. Reduction in the number of units involving removal or structural alteration to less than 50% of the structure's interior walls.

9. Other similar minor improvements, as determined by the Director.

§ 11.4.40.020 Structural Alterations or Additions to Single Unit Residences Require a Conditional Use Permit (All Residential Districts).

A. **Conditionally Permitted Alterations and Additions.** Subject to Subsection B of this Section, the Planning Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, for structural alterations or additions to any single unit residence that is nonconforming only with respect to one or more of the following required development standards:
(Ord. No. 1611)

1. Maximum building height;

2. Minimum building setbacks;

B. **Required Features for Conditionally Permitted Alterations and Additions.** No Conditional Use Permit shall be issued pursuant to Subsection A unless both of the following requirements are met:

1. Applicable minimum yard dimensions are maintained; and

2. The nonconforming side yard setback is no less than 3 feet in width. Notwithstanding this requirement,

a. Existing legal non-conforming exterior stairways that comply with all other applicable provisions of the California Building Code may be located in the setback.

b. Side yard setbacks may be less than 3 feet in width on properties developed pursuant to a "Precise Plan" or "Planned Unit Development."

§ 11.4.40.025 Valuation of Improvements.

The Building Official shall determine the value of improvements by considering the total cost of all construction for which a permit is required, including: finish work, painting, roofing, electrical, plumbing heating, air conditioning, and any permanent work or permanent equipment.

§ 11.4.40.030 Nonconforming Multi-Unit Residential and Nonresidential Structures May Not Be Structurally Altered or Expanded; and Exceptions.

A. **Multi-Unit Residential Property.** A multi-unit residential structure may not add any habitable space. A multi-unit residential structure may add a Patio Enclosure not exceeding 200 square feet, as defined in Section 11.6.05.010, provided that the open or glazed area of two or more walls shall be equal to at least 50 percent of the area between the floor plate and ceiling plate within the RHD-PD zone; and 65 percent of the area between the floor plate and ceiling plate within all other residential zones, and provided all other Development Standards for the Residential Zone in which the property is located can be met. A nonresidential structure that is nonconforming or contains a nonconforming use may not be structurally altered or expanded unless such alteration or expansion makes the structure conforming. (Ord. No. 1611)

B. **Non-Residential Property.**

1. Substandard Yards or Open Space. A structure that is nonconforming only because of substandard yards or open space may be altered or expanded; provided that any alteration or expansion does not further reduce the size of required yards and open space.

2. Commercial Centers over 20 Acres - Inadequate Landscaping. A commercial center over 20 acres in size that is nonconforming only because of inadequate landscaping may be altered or expanded:

a. Upon receiving a building permit if 7% or more of its total lot area is landscaped.

b. Upon the approval of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, if less than 7% of its total lot area is landscaped. Provided the center remains in compliance with the terms and conditions of the Conditional Use Permit, a building permit may be issued for subsequent alterations and expansions.

i. Landscape Program. All applications for a Conditional Use Permit shall be accompanied by a: proposed landscape program

showing landscaping proposed for a minimum of 7% of the total lot area; schedule; and site plan of the center, drawn to scale and indicating, but not limited to, the following information:

(a) Lot dimensions;

(b) Location, size and total square footage of all structures;

(c) Location and number of parking spaces;

(d) Pedestrian, vehicular and service access;

(e) Common areas; and

(f) Location and square footage of existing landscaping.

ii. Approval of Landscape Program. The Planning Commission shall approve a proposed landscape program if such program provides for the installation of the required amount of landscaping within a reasonable period of time, taking into consideration, among other factors, the total lot area of the center, the number of businesses within the center, the existing amount of landscaping, and the cost to comply with the landscaping required.

3. Main Street Specific Plan District. A structure located within the Main Street Specific Plan District that is nonconforming only because of inadequate parking may be altered or expanded, and/or its use expanded or changed, provided:

a. The alteration, expansion or change does not further reduce the existing number of parking spaces, and

b. The owner supplies additional parking spaces to meet the parking requirements for the difference in area between the existing building and the altered or expanded building, and

c. The owner supplies additional parking spaces to meet any increase in parking requirements for the expanded or new use.

If a property owner cannot meet off-street parking requirements, the owner may pay an in-lieu fee pursuant to the provisions of Section 11.4.20.020.D: Main Street Specific Plan District In-Lieu Parking Program.

§ 11.4.40.035 Changes, Substitutions or Expansions of Nonconforming Uses.

A. **Replacement with a More Conforming Use.** The Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to replace a nonconforming use with another nonconforming use only if the Commission finds that the new use is more conforming to the General Plan and zoning ordinance than the previous use.

B. **Expansion Within a Conforming Structure.** The Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to expand a nonconforming use occupying a portion of a legally conforming structure.

C. **Expansion within a Nonconforming Structure.** The Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to expand a nonconforming use in a nonconforming structure, provided the structure conforms to the requirements of the California Building Code and any structural expansion meets the requirements of this Zoning Code and the California Building Code.

D. **Expansion within a Structure That Does Not Conform to the California Building Code.** The Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to expand a nonconforming use in a structure that does not conform to the California Building Code only if the structure is brought into conformance with all applicable California Building Code requirements.

§ 11.4.40.040 Conditional Use Permit to Change Nonconforming Status.

Any property owner may apply for a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to conform a use that became nonconforming upon the adoption of an ordinance requiring a use permit for the use. Such application shall be filed within 1 year of the effective date of such ordinance unless the Planning Commission provides additional time to file.

§ 11.4.40.045 Abandonment of Nonconforming Uses; Conditional Use Permit for Reestablishment of Abandoned Uses.

A. **Nonconforming Uses Abandoned After 6 Months.** Except as provided in Subsection B: Conditional Use Permit Required for Reestablishment of Abandoned Uses, no nonconforming use may be resumed, reestablished, re-opened or replaced by another nonconforming use after it has been abandoned or vacated for 6 months or more.

B. **Conditional Use Permit Required for Reestablishment of Abandoned Uses.** Notwithstanding Subsection A, the Planning Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, reestablishing a nonconforming use in a legally established structure. In addition to making any other findings required pursuant to this Code, the Commission shall consider whether:

1. The structure has been abandoned or vacant less than one year, and the owner has made diligent efforts to replace the nonconforming use with a similar use or a more conforming use.

2. The structure cannot be used for any conforming use because of its original design or because of lawful structural changes made for a previous use.

3. The structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50% of the assessed value of the structure, as determined in accordance with this Chapter, within any 5-year period.

4. The structure can be modified to decrease the extent of any nonconformities and to increase compliance with current development standards.

5. The use will be detrimental to surrounding uses.

In addition to imposing other reasonable conditions of approval, the Commission may impose a time limit on the duration of the nonconforming use.

§ 11.4.40.050 Restoration of Damaged Nonconforming Structures.

A. **Damage Equal to or Less than 50%.** A nonconforming structure damaged 50% or less of its replacement cost by fire, explosion or other occurrence may be restored and the use that existed therein at the time of the occurrence may be continued in the same manner that lawfully existed prior to the occurrence. For the purposes of this Section, replacement cost shall be determined as of the day immediately prior to the occurrence.

B. **Residential Structure – Damage Greater than 50%.** A nonconforming residential building damaged to the extent of more than 50% of its replacement cost by fire, explosion or other occurrence may be restored and reoccupied in the same residential manner that lawfully existed prior to the occurrence, as follows:

1. Reconstruction Pursuant to Building Permit. The Director may issue a building permit to reconstruct the damaged structure, provided:

a. The owner provides the applicable minimum number of standard, open and accessible covered parking spaces.

b. The property meets or exceeds minimum setbacks required by this Title.

c. The reconstructed building does not exceed the maximum height standards of this Title.

d. The number of units on the property shall not exceed the number of units legally existing at the time of the occurrence, or one unit for each 950 square feet of lot area, whichever is less. For the purpose of calculating density, all fractions of units shall be rounded to the next highest whole number.

2. Reconstruction Pursuant to Minor Use Permit. If the owner is unable to provide the minimum number of required parking spaces, the Planning Commission may issue a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, to reconstruct the damaged structure, provided:

a. The owner provides a minimum of one standard, open and accessible covered parking space for each unit. Tandem spaces existing at the time of the occurrence shall be restored, but interior spaces shall not be counted in satisfying the requirement of one space per unit.

b. The property meets or exceeds minimum setbacks required by this Title.

c. The reconstructed structure does not exceed the maximum height standards of this Title.

d. The number of units on the property shall not exceed the number of units legally existing at the time of the occurrence, or one unit for each 950 square feet of lot area, whichever is less. For the purpose of calculating density, all fractions of units shall be rounded to the next highest whole number.

3. General Provisions. In addition to the specific provisions of subsections 1 and 2, above:

a. There shall be no increase in the habitable area, unless this Title allows additional habitable space.

b. There shall be no increase in the number of units, unless this Title allows additional units.

c. No units measuring less than 500 square feet may be restored unless the Director makes the following findings:

i. All units and rooms meet the minimums established for residential occupancies under the California Building Code.

ii. All feasible area has been utilized to enlarge substandard units, given the availability and location of space on the site, or the constraints imposed by parking requirements and the existing sound primary structure.

d. Any entitlement conferred by a permit issued pursuant to this Section shall expire if reconstruction does not commence within one year from the date of issuance, in which case the nonconforming structure or use shall be considered abandoned and subject to Section 11.4.40.045: Abandonment of Nonconforming Uses; Conditional Use Permit for Reestablishment of Abandoned Uses.

e. The Building Official shall determine replacement cost, using valuation methods adopted by the Building Official. If the property owner disputes the Building Official's determination, the owner may, at its own cost, hire a licensed appraiser, approved by the Building Official, to determine replacement cost.

C. **Minor Use Permit; Non-Residential Structure Damaged More than 50%.** The Planning Commission may issue a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, to restore a nonconforming non-residential structure damaged to the extent of more than 50% of its replacement cost by fire, explosion or other occurrence provided:

1. The owner provides, at a minimum, the same number of on-site parking spaces as were provided as of the day immediately prior to the occurrence. The owner shall increase the ratio of parking to square footage, either by reducing the square footage or by providing additional parking on-site. The City may not require a reduction in square footage of more than 25%.

2. The property meets or exceeds minimum setbacks required by this Title.

3. The reconstructed structure does not exceed the maximum height standards of this Title.

D. **Director and Building Official Review – Legality of Existing Improvements.** The owner of any damaged nonconforming structure is responsible for establishing the lawful existence of all improvements in the course of the reconstruction process. The owner may apply for a City

determination of the structural integrity of the structure and the legality of improvements. The Master Fee Schedule establishes the fee for such determination. Upon application, the Building Official shall inspect the interior and exterior of the structure and review City planning and building files. Following the review, the Director shall issue a statement of findings, which shall be final and conclusive unless appealed to the Planning Commission. The owner may obtain information contained in the City's public records regarding the owner's nonconforming structure without filing the application provided hereunder.

E. **Alternate Procedures After a Natural Disaster.** The City Council may adopt alternative procedures for the approval of the reconstruction of nonconforming structures damaged by a natural disaster. See also Part I: General Provisions; Section 11.1.05.025.F: Application During Local Emergency.

F. **Reassessment Procedure.** Pursuant to California Government Code Section 43007, every person who on the lien date of any year was the owner of, or had in such person's possession, or under such person's control, any taxable improvement, which improvement was thereafter destroyed without such person's fault by fire or by any other means prior to July 31st of that year and cannot be thereafter rebuilt because of a zoning prohibition, may on or before such date as may be prescribed by the county assessor, or by state law, apply for the reassessment of such improvement and deliver to the county assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the improvement immediately after the destruction, and the county assessor shall, on or before October 31st of that year assess the improvement, or reassess it if it has already been assessed, according to the condition and value immediately after the destruction and upon such notice as it may find to be proper the board of supervisors of the county may, until November 30th of that year equalize any such assessment or reassessment. The tax rate fixed for property on the roll on which the improvement so assessed appears or the improvement so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with the provisions hereof. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount and the difference shall be cancelled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to the taxpayer.

§ 11.4.40.055 Nonconforming Historic Buildings.

A. The Planning Commission may issue a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, to preserve, renovate or rebuild any locally recognized historic nonconforming building, provided it finds,

in addition to the findings required by Chapter 11.5.20: Development Permits, that:

1. The building has local historic significance; or

2. The architecture has local historic significance.

B. The Planning Commission may authorize deviations from the Municipal Code necessary to preserve the structure or its historical significance, provided it finds that:

1. The deviation is necessary to preserve the existing architecture.

2. The owner has executed and recorded all agreements necessary to ensure preservation.

3. The building is structurally sound.

C. The Commission may impose any reasonable conditions.

§ 11.4.40.060 Nonconforming Use of Land Where No Structure Involved.

The nonconforming use of vacant land shall cease within one year from the date such use became nonconforming.

§ 11.4.40.065 Nonconforming Lots.

A. **Minimum Legal Area and Dimensions of Lots of Record.** Any lawfully created lot that does not have applicable minimum area, frontage, width or depth may be developed for any use permitted by applicable zoning, provided:

1. The lot is shown on a duly approved and recorded subdivision map or record of survey map or described in a deed or valid contract of sale of record prior to the adoption of the ordinance that made the lot nonconforming.

2. The lot's area, frontage, width and depth were legal at the time that the instrument creating the lot became of record.

3. The lot conforms to all applicable regulations, other than minimum area, frontage, width or depth.

Table 11.4.40.065: Minimum Legal Area and Dimensions of Lots of Record, sets forth legally acceptable minimum lot areas and widths.

B. No lot area, yard or open space shall be reduced below minimum zoning requirements, nor shall the density be increased except in conformity with the regulations established by this chapter.

C. The minimum width of corner lots shall be 10% greater than the minimum width for non-corner lots.

D. When any lot contains a greater area than the required minimum lot area for the zone in which it is located, said lot may be divided into individual lots provided each resulting lot contains the applicable minimum required area, frontage, width or depth.

E. These provisions notwithstanding, the City may merge substandard lots as provided for in Title 10: Subdivisions, Chapter 10.35: Lot Line Adjustments, Mergers, Certificates of Compliance and Reversion to Acreage, and pursuant to the Map Act.

TABLE 11.4.40.065

MINIMUM LEGAL AREA AND DIMENSIONS OF LOTS OF RECORD

Time Period	Ordinance/ Section	Area Zone	Minimum Area (Square Feet)	Minimum Width (Feet)
Prior to 1-18-55	Ordinance 406			
		R-1	2,400	25
		R-2	2,400	25
		R-3	2,400	25
1-18-55 to 1-15-66	Section 21-8			
		R-1	5,000	50*
		R-2	5,000	50*
		R-3	5,000	50*
1-15-66 to 6-26-74	Section 21-8			
		R-1 (RLD)	7,000	70
		R-2 (RMD)	7,000	70
		R-3 (RHD)	7,000	70
6-26-74 to 4-10-91	Ordinance 948			
		R-1 (RLD)	5,000	50*
		R-2 (RMD)	5,000	50*
		R-3 (RHD)	5,000	50*

* Minimum corner lot width – 55 feet.

§ 11.4.40.070 Nonconforming Light Manufacturing Uses or Structures in a Residential Zone. (Ord 1626)

Notwithstanding any other provision of the Zoning Code, including but not limited to Section 11.4.40.045, any use or structure legally established on a property previously zoned for light manufacturing that is made nonconforming by the City-initiated rezoning of the property for residential use may continue as or convert to any nonconforming use or structure consistent with the prior light manufacturing designation of the property.

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CHAPTER 11.4.45
TRANSPORTATION DEMAND MANAGEMENT

§ 11.4.45.005 Purpose and Intent.

A. This article is intended to comply with Section 65089.3(a)(2) of the California Government Code, which requires the City to adopt a Trip Reduction and Travel Demand Management Ordinance.

B. New commercial, industrial, and mixed-use developments which employ 100 or more persons adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service on roadways, and can require significant capital expenditures to augment the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the City to:

1. Reduce the number of peak-period vehicle trips generated by development;

2. Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus and rail transit, bicycles and walking, and the development of facilities that support such modes;

3. Reduce vehicle trips, traffic congestion, and public expenditure and improve air quality pursuant to existing project review and permit processing procedures;

4. Promote coordinated implementation of strategies to reduce transportation demand on a county-wide basis.

5. Achieve the most efficient use of local resources through coordinated and consistent regional and local TDM programs.

§ 11.4.45.010 Definitions.

The following definitions shall apply to this Chapter:

A. Applicant: a person who is responsible for the planning, design or construction of a development project.

B. Decision-maker: the City Council for a development project that requires any approval required by this Code to be considered by the City Council in the absence of an appeal. "Decision-maker" means the Planning Commission

for a development project that requires no approval which is required by this Zoning Code to be considered by the City Council in the absence of an appeal but does require at least one approval which is required by this Zoning Code to be considered by the Planning Commission in the absence of an appeal. "Decision-maker" means the Director for a development project that requires no approval which is required by this Zoning Code to be considered by the Planning Commission or City Council in the absence of an appeal.

C. Development Project and Project: any project, other than an exclusively residential project, which requires at least one discretionary approval by the City and which meets or exceeds the employment thresholds set forth in Section 11.4.45.015: Application, below.

D. Employee: any person employed by an employer.

E. Employer: any person or persons, firm, business, educational institution, government agency, nonprofit agency or corporation, or other entity which employs 100 or more persons at a single worksite.

F. Floor Area: the sum of the horizontal areas of all floors within a building measured from the exterior faces of exterior walls or from the centerline of party walls separating 2 buildings. The floor area of any basement, cellar or attic with headroom of more than 6.5 feet shall be included. A basement, cellar or attic floor space with 6.5 feet of headroom or less, as well as the area of courtyards and floor area devoted to parking and maneuvering of vehicles, shall be excluded.

G. Mixed-Use Project: a development that combines any of the following land uses with one or more of the others: residential uses, retail, and professional offices, as defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code.

H. Peak-Period: the hours between 6:00 a.m. and 10:00 a.m., Monday through Friday.

I. Property Owner: the legal owner or owners of real property on which a development project is located.

J. Tenant: an employer which leases space in a development project.

K. Transportation Demand Management (TDM): the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM includes, but is not limited to, programs which encourage alternatives to the single occupant vehicle (SOV) such as carpools, vanpools and transit; reduction or elimination of vehicle trips, and efforts to encourage rescheduling of peak period trips to non-peak periods.

L. Trip Reduction: reducing the number of work-related trips in single-occupancy vehicles during the peak period.

M. Worksite: a building, or group of buildings located on one or more adjacent lots, as that term is defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code, which are owned or operated by one employer or by 2 or more employers under common control. Two or more employers shall be deemed to be "under common control" if any person or entity possesses, directly or indirectly, the power to direct, or to cause the direction of, the management and policies of those employers.

§ 11.4.45.015 Application.

A. The provisions of this article apply to all development projects that are estimated to employ 100 or more persons under the methodology set forth in Section B, below.

B. Total employment of a development project shall be estimated as follows:

1. Subject to the approval of the decision-maker, an applicant may prepare employment projections for a project; or

2. The decision-maker may estimate the number of employees to be generated by a project under the criteria of Section 11.4.45.015.B.3: Employment Generation Standards, below. Alternatively, the decision-maker may approve a different estimate on the basis of substantial credible evidence that the employment generated by a project will differ from the estimate calculated under the standards of that section.

3. Employment Generation Standards.

a. Commercial land uses as defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code are deemed to generate one employee for each 500 square feet of floor area.

b. Offices, as that term is defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code, are deemed to generate one employee for each 250 square feet of floor area.

c. Industrial park uses, as that term is defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code, are deemed to generate one employee for each 525 square feet of floor area.

d. Hotels, as that term is defined in Section 11.6.05.010: Definitions of Specialized Terms and Phrases, of this Zoning Code, are deemed to generate one employee per room.

e. Mixed use developments are deemed to employ a number of persons equal to the total of the estimates generated by applying paragraphs 3.a. through 3.d. of this section to the various components of the project.

§ 11.4.45.020. Development Standards.

An applicant shall incorporate into a project the following improvements in the manner and to the extent required by the decision-maker:

A. **Preferential Parking for Carpool Vehicles.**

1. The applicant shall reserve employee parking spaces for carpool vehicles in a number specified by the decision-maker and shall mark those spaces "Carpool Only."

2. The applicant shall permit carpool spaces to be used only for vehicles in which at least 2 employees or tenants of the project, or employees or tenants of neighboring projects as to which the City has approved a Reciprocal Preferential Carpool Parking Agreement for the benefit of the instant project, regularly travel to the project.

3. Such carpool spaces shall be located near employee entrances or at other preferential locations approved by the Director.

B. **Bicycle Parking and Shower Facilities.**

1. An applicant shall provide secure, adequate and convenient storage for bicycles.

2. An applicant shall provide showers and locker rooms for employees of each sex in each building with a floor area of 100,000 or more square feet. The decision-maker may require an applicant to provide such facilities in any development with a total floor area of 100,000 or more square feet, even though no single building has a floor area of 100,000 or more square feet.

C. **Bus Stop Improvements.**

An applicant who proposes a development adjacent to one or more roadways on which public transit is provided may be required to provide bus pullouts, bus pads, and bus shelters to the extent specified by the decision-maker if the

decision-maker determines that the project will generate significant transit ridership and that the provision of such improvements is required to avoid traffic congestion or other public safety hazards due to the loading and unloading of transit passengers at the development site. Such improvements may also be required of developments adjacent to roadways on which the decision-maker determines that it is reasonably foreseeable that public transit will be provided within the estimated useful life of those improvements.

D. **Information on Transportation Alternatives.**

1. An applicant who proposes a development with a floor area of 25,000 or more square feet shall provide a bulletin board, computer display or other information area that offers appropriate information on available transportation alternatives to the single-occupancy vehicle. This area shall be centrally located and accessible to all employees and tenants of the development project.

2. The information provided pursuant to paragraph D.1. of this section may include:

a. Current maps, routes and schedules for public transit;

b. Ridesharing match lists;

c. Available TDM incentives; and

d. Ridesharing promotional material.

E. **Pedestrian Access.**

An applicant shall provide paved pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

§ 11.4.45.025. Property Owner Responsibility.

The property owner shall be responsible for providing and maintaining the facilities and services specified in the development standards set forth in this Chapter and for otherwise complying with the provisions of this article.

§ 11.4.45.030. Enforcement and Penalties.

A. No building permit, certificate of occupancy, or other entitlement for use may issue pursuant to this Code unless an appropriate officer of the City determines that the development project for which the permit is sought fully complies with the requirements of this article.

B. If during the construction of a development it comes to the attention of the Director that construction is deviating from the plans approved by the City in a manner that will result in a failure to comply with the requirements of this article, the Director shall authorize the issuance of one or more stop work orders pursuant to this Code.

C. The provisions of this article may be enforced by any other means permitted by this Code or by other law.

§ 11.4.45.035. Appeal.

Any decision under this Chapter may be appealed pursuant to Title 1: General Provisions, Chapter 1.20: Review of Quasi-Judicial Decisions of the Municipal Code.

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Chapter 11.4.50
Adult Businesses

§ 11.4.50.005 Zone Conformance Application.

It is unlawful for any person to operate, engage in, conduct or carry on any adult entertainment business as that term is defined in Title 5: Business Licenses and Regulations, Chapter 5.15: Adult Entertainment, Section 5.15.010: Definitions unless the owner of such business first obtains from the Director a zone clearance for such business.

A. Applications for a zone clearance shall be submitted on a form provided by the Director and shall be accompanied by a nonrefundable application fee in an amount established by resolution of the City Council pursuant to Title 5: Business Licenses and Regulations, Chapter 5.15: Adult Entertainment, Section 5.15.095: Fees.

B. If the Director determines that the applicant has completed the application improperly, the Director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the Director shall grant the applicant an extension of time 10 days to complete the application properly. The time period for granting or denying the requested zone clearance shall be stayed during the period in which the applicant is granted an extension of time.

§ 11.4.50.010 Approval or Denial of Zone Conformance.

The Director of Development Services shall, within 30 City business days of the filing of a complete application, approve and issue a zone clearance if the provisions of Section 11.4.50.015: Location Criteria have been satisfied; otherwise the zone clearance shall be denied. Notice of the approval or denial of the zone clearance shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service on the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial. The time period set forth in this paragraph shall not be extended except upon the written consent of the applicant.

§ 11.4.50.015 Location Criteria.

A. **Separation Requirements.** An adult entertainment business may be located in the districts specified in this code, provided that the business satisfies all of the following requirements:

1. The adult entertainment business is not within 1,000 feet of any other adult entertainment business located within or outside the City.

2. The adult entertainment business is not within 400 feet of any residential district boundary located within or outside the City.

3. The adult entertainment business is not within 1,000 feet of any public park, educational or religious facility located within or outside the City.

B. **Measurement of Distances.** The distances set forth in subsection A above shall be measured as a straight line, without regard to intervening structures or objects, from the property line of the property containing the adult entertainment business to the property line of the property so used at the time of submission of the permit application; provided, however that the distances between adult entertainment businesses as set forth in paragraph 1 of subsection A, above, shall be measured from the outside wall of the tenant space of each adult entertainment business.

C. No adult entertainment business may be located within the City except as provided in this section.

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Chapter 11.4.55
Affordable Housing Bonus

§ 11.4.55.005 General Affordable Housing Provisions.

A. **State Law Governs.** The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and State law, the State law provisions shall govern, unless otherwise specified.

B. **Compatibility.** All affordable housing units shall be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects shall be comparable with the design and use of market-rate units in appearance, use of materials, and finished quality. The design and appearance of the affordable housing units shall be compatible with the design of the total housing project and consistent with the surrounding neighborhood. Forms, materials and proportions that are compatible with the character of the surroundings shall be used.

C. **Availability.** All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project unless both the City and the developer agree in the Affordable Housing Agreement to an alternative schedule for development.

D. **Affordable Housing Agreement.** An Affordable Housing Agreement shall be made a condition of the discretionary planning permits for all projects granted a density bonus, pursuant to this Chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the affordable housing units will be constructed. The Agreement shall be consistent with Section 11.4.55.025.D: Affordable Housing Agreement Required.

E. **Median Income Levels.** For the purpose of determining the income levels for Households under this Chapter, the City shall use the Orange County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide regular updates.

F. **Effect of Granting Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require a general plan amendment, zoning change, or other discretionary approval.

§ 11.4.55.010 State Affordable Housing Density Bonus.

A. **Density Bonus.** Pursuant to Government Code Section 65915, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by this Chapter and the General Plan, and 1 or more of the Affordable Housing Incentives set forth in Section 11.4.55.020: Affordable Housing Concessions and Incentives, below, if the applicant agrees or proposes to construct any one of the following:

1. Lower Income Units. A density bonus of 20% if 10% of the total units of a housing development are Target Units affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

2. Very Low Income Units. A density bonus of 20%, if 5% of the total units of a housing development are Target Units affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.

3. Senior Citizen Housing Development. A density bonus of 20%, if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.

4. Moderate Income Units in Condominium and Planned Unit Developments. A density bonus of 5% if 10% of the total dwelling units in a condominium project, as defined in subdivision (f) of, or in a Planned Development, as defined in subdivision (k) of Section 1351 of the Civil Code, are Target Units affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

5. Housing Accompanied by Land Donation. A density bonus of 15%, if a housing developer agrees to donate land to the City, subject to the requirements of Section 11.4.55.030: Density Bonuses for Housing Developments Accompanied by Land Donation, below.

B. **Applicability.** The provisions of subsection A shall be applicable to residential projects of 5 or more units, and senior citizen housing developments of at least 35 units.

C. **Calculation of Density Bonuses.**

1. Density Bonus Units. When calculating the number of permitted density bonus units, all fractional units shall be rounded up to the next whole number. The density bonus shall not be included when determining the number of target affordable or senior housing units to be provided in a development project.

2. Sliding Scale for Greater Density Bonus. An applicant is entitled to receive a bonus larger than the percentages specified in subsection A if the percentage of affordable housing exceeds the percentages specified in subsection A, subject to the following provisions:

a. Lower Income Dwellings. For each additional 1% increase above 10% in the proportion of units affordable to lower income households, the density bonus shall be increased by 1.5% up to a maximum of 35% of the maximum allowable residential density for the site.

b. Very Low Income Dwellings. For each additional 1% increase above 5% in the proportion of units affordable to very low income households, the density bonus shall be increased by 2.5% up to a maximum of 35% of the maximum allowable residential density for the site.

c. Condominium and Planned Unit Developments. For each additional 1% increase above 10% in the proportion of units affordable to moderate income households in condominium and planned unit developments, the density bonus shall be increased by 1% up to a maximum of 35% of the maximum allowable residential density for the site.

d. Housing Accompanied by Land Donation. For each additional 1% increase above the minimum 10% land donation described in Section 11.4.55.030: Density Bonuses for Housing Developments Accompanied by Land Donation, below, the density bonus shall be increased by 1%, up to a maximum of 35% of the maximum allowable residential density for the site.

D. **Applicant May Request Smaller Density Bonus.** Notwithstanding the foregoing, the City may award a smaller density bonus than specified in this section if the Applicant so requests.

§ 11.4.55.015 State Childcare Facility Density Bonus.

A. **Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of Section 11.4.55.010.A: Density Bonus, above, and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

1. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or.

2. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

B. **Conditions of Approval.** The City shall require as a condition of approving the housing development that the following occur:

1. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which Section 11.4.55.025.B: Duration of Affordability of Rental Units, following, requires that the affordable housing units remain affordable.

2. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level, pursuant to Section 11.4.55.015.A: Density Bonus, above.

C. **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

§ 11.4.55.020 Affordable Housing Concessions and Incentives.

A. **Number of Incentives or Concessions.** In addition to a density bonus, an applicant is entitled to receive incentives or concessions as follows:

1. One incentive or concession for projects that include at least 10% of the total units for lower income households, at least 5% for very low income households, or at least 10% for persons and families of moderate income in a condominium or planned development, or

2. One incentive or concession for senior citizen housing developments, or

3. Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a condominium or planned development, or

4. Three incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a condominium or planned development.

B. **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection A, unless the City makes a written finding that either:

1. The concession or incentive is not necessary in order to provide the proposed targeted units, or

2. The concession or incentive would have a specific adverse impact that can not be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.

C. **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below. In addition to the incentives listed, the City may allow for fast track and priority processing for a project with affordable housing.

1. Modification of Development Standards. Up to 20% in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:

a. Reduced minimum lot sizes and/or dimensions.

b. Reduced minimum building setbacks and building separation requirements.

c. Reduced minimum outdoor and/or private outdoor living area requirements.

d. Increased maximum lot coverage.

e. Increased maximum building height.

2. <u>Reduced Parking.</u>

a. Upon the applicant's request, the City shall allow a reduction in required parking, excluding handicapped parking. Notwithstanding the foregoing, the parking must satisfy at least the following minimum ratios:

i. One on-site space for 0 to 1 bedroom units;

ii. Two on-site spaces for 2 to 3 bedrooms

iii. Two and a half spaces for 4 or more bedrooms.

b. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

c. At the applicant's request, tandem parking may be counted toward meeting these parking requirements.

3. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.

4. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

D. **Additional Affordable Housing Incentives.** The City may allow for additional affordable housing incentives to be granted on a case-by-case basis, when requested by an applicant when more than 50% of the affordable housing units provided contain 3 or more bedrooms to meet the needs of large families.

§ 11.4.55.025 Administration.

A. **Application and Review Process.** A preliminary review of development projects proposed pursuant to this Chapter is encouraged pursuant to Chapter 11.5.10: General Procedures, to discuss and identify potential application issues, including proposed modifications to development standards. The applicant shall request in the application the incentives the applicant wishes to obtain. The application shall include financial data showing how the incentives are necessary to make the affordable units feasible. Applications shall be reviewed and processed according to the provisions of Chapter 11.5.10: General Procedures.

B. **Duration of Affordability of Rental Units.** All lower income and very low income housing units shall be kept affordable for a minimum period of 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with State law.

C. **Definition of Affordability.** Those units targeted for lower income households as defined in Section 11.4.55.010: State Affordable Housing Density Bonus, above, shall be affordable at a rent that does not exceed 30 % of 60 % of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed 30 % of 50 % of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed 35 % of 110 % of area median income. Median income levels shall be the income limits for Orange County households as provided for in Section 11.4.55.005.E: Median Income Levels, above.

D. **Affordable Housing Agreement Required.** All affordable housing projects shall be subject to the approval of an affordable housing agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code, which shall be recorded as a covenant on the title to the Property. The terms of the Agreement shall be reviewed and revised as appropriate by the Director and/or City Attorney, who shall formulate a recommendation to the Planning Commission for final approval. This Agreement shall include, but is not limited to, the following:

1. Number of Units. The total number of units approved for the projects, including the number of affordable housing units.

2. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.

3. Target Group. A description of the household income groups to be accommodated by the project and a calculation of the Affordable Rent or Sales Price, or a commitment to provide a Senior Citizen Housing Development.

4. Certification Procedures. The party responsible for certifying rents or sales prices of inclusionary units, and the process that will be used to certify renters or purchasers of such units.

5. Schedule. A schedule for the completion and occupancy of the affordable housing units.

6. Remedies for Breach. A description of the remedies for breach of the Agreement by either party.

7. Required Term of Affordability. For lower income and very low income units, duration of affordability of the housing units, pursuant to Section 11.4.55.025.B: Duration of Affordability of Rental Units, above. Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.

8. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.

9. Other Provisions. Other provisions to ensure implementation and compliance with this Chapter.

10. Condominium and Planned Unit Developments. In the case of condominium and planned unit developments, the Affordable Housing Agreement shall provide for the following conditions governing the initial sale and initial resale and use of affordable housing units:

a. Target Units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Chapter.

b. Target Units shall be initially owner-occupied by eligible Very Low, Lower, or Moderate Income Households.

c. Upon resale, the seller of a Target Unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.

11. Rental Housing Developments. In the case of rental housing developments, the Affordable Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.

b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter.

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

E. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

1. General. At least a one year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.

2. Required Notice. Notice shall be given to the following:

a. The City;

b. The State Housing and Community Development Department (HCD);

c. The Orange County Housing Authority;

d. The residents of the affordable housing units proposed to be converted; and

e. Any other person deemed appropriate by the City.

F. **Conversion of Affordable Rental Units.** If an owner of a housing development issues a notice-of-intent to convert affordable housing rental units to market-rate housing, the City shall consider taking one or more of the following actions:

1. Meet with the owner to determine the owner's financial objectives;

2. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and

3. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of redevelopment housing set-aside funds or assistance in accessing state or federal funding.

§ 11.4.55.030 Density Bonuses for Housing Developments Accompanied by Land Donation.

The City shall grant a density bonus pursuant to Section 11.4.55.010: State Affordable Housing Density Bonus, above, to a housing development if the applicant agrees to donate land to the City and the applicant satisfies all of the following requirements:

A. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

B. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 % of the number of residential units of the proposed development;

C. The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure, as determined by the Director;

D. The transferred land has appropriate zoning and development standards to make the development of the affordable units feasible, as determined by the Director;

E. Prior to the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the City prior to the time of transfer;

F. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units meeting the requirements of an affordable housing agreement as set forth in Section 11.4.55.025.D: Affordable Housing Agreement Required;

G. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer; and

H. The transferred land is within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

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Chapter 11.4.60
Hazardous Waste Facilities

§ 11.4.60.005 Purpose.

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. The Zoning Ordinance has been amended to implement general policies regarding hazardous waste management facilities pursuant to State Assembly Bill No. 1201 - Tanner, 1989, Assembly Bill 2948 - Tanner, 1986, and Assembly Bill 477 - Greene, 1987 (Chapter 6.5 of the California Health and Safety Code), and Program A-3 in the Orange County Hazardous Waste Management Plan.

§ 11.4.60.010 Definitions.

For the purpose of this Section the terms listed in this section shall be defined as follows; provided, however, references to statutes or regulations in existence at the time this Chapter is adopted shall also include references to such statutes or regulations as they may be amended or changed in the future:

A. 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).

B. General Fund: the State of California General Fund.

C. Governor's Appeal Board: a board formed to review the appeal by an "applicant," as defined herein, of a specified hazardous waste facility land use decision 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 herein. The Governor's Appeal Board's membership, purpose and procedures are defined by State Health and Safety Code Section 25199.9.-14.

D. Hazardous Waste: any material identified in:

1. Section 25115 or 25117 of the California Health and Safety Code as set forth in Section 66680 and 66684 of Title 22 of the California Administrative Code; or

2. The Code of Federal Regulations, Title 40, Sections 261.31-261.33.

E. Health and Safety Assessment: a technical and environmental evaluation of a proposed facility, site, and surrounding area prior to consideration of a Conditional Use Permit application. The assessment shall consider the qualities and the physical and chemical characteristics of those specific types of waste that would be handled. The assessment shall include a hydraulic evaluation as well as an evaluation of the 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.

F. Immobile Populations: schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, and other similar facilities.

G. 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 by 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.

H. Land Use Decision: a discretionary decision of the City concerning a specified hazardous waste facility including the issuance of land use permit, a Conditional Use Permit, the granting of a Variance, the subdivision of property and the modification of existing property lines pursuant to Title 7 (commencing with Section 65000) of the Government Code.

I. 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 under Section 11.4.60.035: Local Assessment Committee, below.

J. Off-site Hazardous Waste Facility: any structures, other appurtenances, and improvements on the land, and all contiguous land serving more than 1 producer of hazardous waste and used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste including but not limited to:

1. incineration facility (i.e., rotary kiln, fluid bed, etc.);

2. residual repository (receives only residuals from hazardous waste treatment facilities);

3. stabilization/solidification facilities;

4. chemical oxidation facilities;

5. neutralization/precipitation facilities; or

6. transfer/storage facilities.

K. Office of Permit Assistance (OPA): the State of California Office of Permit Assistance.

L. Office of Planning and Research (OPR): the State of California Office of Planning and Research.

M. Residuals Repository: a waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities.

N. Specified Hazardous Waste Facility: a specific off-site facility project proposal.

§ 11.4.60.015 Applicability.

The specific requirements of this Section are applicable to the siting and development of off-site hazardous waste treatment, storage, and transfer and disposal facilities as defined in Section 11.4.60.010: Definitions.

The off-site facility definition does not apply to:

1. 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; or

2. Permanent on-site hazardous waste facilities at locations where hazardous waste are produced, and which are owned by, leased to, or under the control of the producer of the waste.

All such facilities (i.e., off-site, on-site, and TTU'S) shall require state licensing to install and operate.

§ 11.4.60.020 Procedure.

The following procedures are for the purpose of identifying the steps for processing a Conditional Use Permit application pursuant to Chapter 11.5.20: Development Permits, for a specified off-site hazardous waste facility. These procedures include the steps to be taken by the applicant, State and City.

A. At least 90 days before filing an application with the City for a Conditional Use Permit for a specified hazardous waste facility project, the applicant shall file, with the Office of Permit Assistance (OPA) in the State's Office of Planning and Research and with the City, a Notice of Intent to make an application. The Notice of Intent shall specify the location to which the Notice of Intent is applicable and shall contain a complete description of the nature, function and scope of the project. The OPA shall immediately notify the affected state agencies of the Notice of Intent. The City shall publish a notice in a newspaper of general circulation in the area affected by the proposed project, shall post notices in the location where the project is proposed, and shall notify, by a direct mailing, the owners of contiguous property, as shown in the latest equalized assessment role. A Notice of Intent is not transferable to a location other than the location specified in the notice and shall remain in effect for 1 year from the date it is filed with a local agency or until it is withdrawn by the proponent, whichever is earlier. The project applicant shall pay a City-imposed fee equal to the cost of notification required by this section. (Requirement of Section 25199.7(a) of the California Health and Safety Code.)

B. Within 90 days after a Notice of Intent is filed with the OPA, the OPA shall convene a public meeting within the City to inform the public of the nature, function, and scope of the proposed facility project and the procedures that are required for considering applications for the project. OPA shall provide notice to the City setting forth the location and time of the meeting so that City representatives may attend. (Requirement of Section 25199.7(c) of the California Health and Safety Code.)

C. Any time after receiving notification of the filing of a Notice of Intent but no later than 30 days after the application for a specified hazardous waste facility project is accepted as complete, the City Council shall appoint a 7-member Local Assessment Committee (LAC) pursuant to the provisions of Section 11.4.60.035; Local Assessment Committee. The project applicant shall pay a fee to cover the City's costs of establishing and convening the local assessment committee. The fee shall accompany the application for a land use decision. (Requirement of Section 25199.7(d) of the California Health and Safety Code.)

D. The City shall notify the OPA within 10 days after an application for a land use decision (Conditional Use Permit) for a specified hazardous waste facility project is accepted as complete by the City. Within 60 days after receiving this notice, the OPA shall convene a meeting of the lead and responsible agencies for the project, the applicant, the LAC and the interested public, for the purpose of determining the issues which concern the agencies that are required to review the project and the issues which concern the public. The meeting shall take place in the City. (Requirement of Section 25199.7(4)(e) of the California Health and Safety Code.)

E. Following the meeting as contemplated in Section 11.4.60.020.D., the applicant and the LAC shall meet and confer on the specified hazardous waste facility project proposal for the purpose of establishing the terms and conditions under which the project may be acceptable to the community. (Requirement of Section 25199.7(4)(f) of the California Health and Safety Code.)

F. At the request of the applicant, the City Council shall, within 60 calendar days after the City has determined that an application for a Conditional Use Permit for a hazardous waste facility is complete, issue an initial written determination on whether the hazardous waste facility project is consistent with both the City General Plan and Zoning Ordinance in effect at the time the application was received, and the Orange County Hazardous Waste Management Plan. (Requirement of Section 25199.5(a) of the California Health and Safety Code.)

1. If the LAC finds that it requires assistance and independent advice to adequately review a proposed hazardous waste facility project, it may request technical assistance grants from the City to enable the LAC to hire a consultant to assist and/or advise the LAC. The LAC may use technical assistance grant funds made available to it to hire a consultant to do either, or both, of the following:

a. Assist the committee in reviewing and evaluating the application for the project, the environmental documents prepared for the project pursuant to the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code) and any other documents, materials, and information that are required by a public agency in connection with the application for a land use decision or a permit.

b. Advise the LAC in its meetings and discussion with the facility proponent to seek agreement on the terms and conditions under which the project may be acceptable to the community.

2. The project applicant shall pay a fee equal to the amount of any technical assistance grant provided to the LAC from the City.

3. The City shall deposit any fee imposed in an account created in the City, maintain records of all expenditures from the account, and return any unused funds and accrued interest to the project applicant upon completion of the review of the proposed hazardous waste facility project. (Requirement of Section 25199.7 of the California Health and Safety Code.)

G. An applicant may file an appeal of a use permit determination made by the final approval body for a specified hazardous waste facility project with the Governor or the Governor's designee. (Requirement of Section 25199.9 of the California Health and Safety Code.)

§ 11.4.60.025 Applicant Requirements.

In connection with a submittal of a Conditional Use Permit application pursuant to Chapter 11.5.20: Development Permits, for an off-site hazardous waste facility, the applicant shall submit:

A. A completed application form.

B. A completed environmental assessment form.

C. Property owner verification/permission for request.

D. A deposit/fee as required by City Council Resolution.

E. A scaled site plan and development plan drawn in sufficient detail to clearly describe the following:

1. Physical dimensions of property and structures;

2. Location of existing and proposed structures;

3. Setbacks;

4. Methods of circulation;

5. Ingress and egress;

6. Utilization of property under the requested permit;

7. The distance from the project property lines to the nearest residential structure;

8. Proximity of the project to 100-year floodplain areas;

9. Proximity of the project to any known earthquake fault zones;

10. The relationship of the proposed project to all above-ground water supplies as well as known underground aquifers that could conceivably suffer contamination;

11. Topographic description of the property and surrounding area;

12. Existing and proposed utilities which service or will be needed to service the facility;

13 Identification of surrounding zoning and land uses;

14. Landscape plans showing theme and location of all landscape areas;

15. Building elevations showing building height, exterior materials, and architectural theme; and

16. Other information as required by the Director.

F. A preliminary geological study of the property and surrounding area which incorporates as deep a soils analysis as there are known aquifers, regardless of the potability of those aquifers.

G. A report identifying of all wastewater, treated and untreated, generated by the proposed facility and the method and place of final discharge.

H. A report identifying the amounts (tonnage) and types of hazardous wastes to be treated at the proposed facility; the sources of these wastes; the ultimate disposition of the wastes; and the anticipated life of the facility. Information shall be provided on the amount, sources, and types of hazardous wastes to be treated based on an actual survey of the industries to be served and, thereby, be representative of the wastes that will be processed at the facility.

I. Within 45 days of a scheduled public hearing on an Environmental document or the Conditional Use Permit, 5 sets of mailing labels and an original copy as outlined in Section 11.4.60.040: Public Hearings.

J. A schedule that clearly sets forth ample opportunity for public input into the proposed project prior to any formally advertised and scheduled public hearings, in order to ensure adequate public testimony on the project in an effort to mitigate all public concerns prior to the formal review.

K. A written plan that identifies an ongoing monitoring program to ensure no unintentional release of any hazardous substance from the site. This shall include any ongoing monitoring necessary by other permitting agencies such as State Department of Health Services, the South Coast Air Quality Management District, Environmental Protection Agency, Santa Ana Regional Water Quality Control Board, etc.

L. A preliminary contingency plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions or

any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion, or release of hazardous waste constituents which could threaten human health or the environment. The preliminary contingency plan shall address the requirements included in Section 11.4.60.060.C: Contingency Plan.

M. A letter of justification describing how the proposed project will meet the findings in Section 11.4.60.045: Findings.

N. Other information as required by the Director to demonstrate compliance with the Facility Siting Criteria as outlined in Section 11.4.60.055: Facility Siting Criteria and Permitting Requirements.

§ 11.4.60.030 Environmental Review.

A. The project shall be subject to environmental analysis pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000-21177; 15000-15387).

B. The environmental analysis shall address but not be limited to the following:

1. At least 2 reasonable alternatives to the project which shall be reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 15060(d).).

2. Visual, noise and any olfactory impacts associated with the project and recommended mitigation measures.

3. All anticipated air quality impacts associated with the project and proposed mitigation to ensure no degradation of air quality in the area.

4. All probabilities of accidents or spills at the site, as well as, transportation-related accidents from the point of origin to the facility. Such health and safety assessment shall identify mitigation measures to reduce identified risks. The assessment shall identify the most probable routes for transporting hazardous wastes to the facility from within Orange County and Los Angeles County.

5. Traffic impacts associated with the project and recommended mitigated measures.

6. All anticipated water quality impacts associated with the project and proposed mitigation to ensure no degradation of water quality in the area.

7. Other information as required by the California Environmental Quality Act.

§ 11.4.60.035 Local Assessment Committee.

Pursuant to Section 11.4.60.020: Procedure, sub-section C, the City Council shall appoint a Local Assessment Committee (LAC) comprising at least 7 members.

A. Membership. The membership of the LAC shall:

1. Be broadly constituted to reflect the makeup of the community and shall include 3 representatives of the community at large, 2 representatives of environmental or public interest groups, and 2 representatives of affected businesses and industries. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed specified hazardous waste facility project. (Requirement of Section 25199.7(d)(1) of the California Health and Safety Code.)

2. Advise the City of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community. The LAC shall do the following:

a. Enter into a dialogue with the applicant for the proposed hazardous waste facility project to reach an understanding with the applicant on:

i. The measures that should be taken by the applicant in connection with the operation of the proposed hazardous waste facility project to protect the public health, safety, and welfare, and the environment of the City.

ii. The special benefits and remuneration the applicant will provide the City as compensation for the local costs associated with the operation of the facility. (Requirement of Section 25199.7(d)(2)(a) of the California Health and Safety Code.)

3. Represent generally, in meetings with the applicant, the interests of adjacent communities. (Requirement of Section 25199.7(d)(2)(B) of the California Health and Safety Code.)

4. Receive and expend the technical assistance grants made available as specified in Section 4.60.020.F. (Requirement of Section 25199.7(d)(2)(C) of the California Health and Safety Code.)

5. Adopt rules and procedures which are necessary to perform its duties as outlined herein. (Requirement of Section 25199.7(d)(2)(D) of the California Health and Safety Code.)

6. Advise the City of the terms, provisions, and conditions for project approval which have been agreed upon by the LAC and the applicant and of any additional information which the LAC deems appropriate. The legislative body of the City may use this advice for its independent consideration of the project. (Requirement of Section 25199.7(d)(2)(E) of the California Health and Safety Code.)

7. Cease to exist after final administrative action has been taken by the State and local agencies on the permit applications for the project for which the LAC was formed. (Requirement of Section 25199.7(d)4) of the California Health and Safety Code.)

B. The approval body shall provide staff resources to assist the LAC in performing its duties. (Requirement of Section 25199.7(d)(3) of the California Health and Safety Code.)

C. If the LAC and the applicant cannot resolve any differences through the meetings specified in Section 11.4.60.020: Procedure; subsection E, the OPA may assist pursuant to Section 25199.4 of the California Health and Safety Code. (Requirement of Section 25199.7(h) of the California Health and Safety Code.)

§ 11.4.60.040 Public Hearings.

A. **Information Required for Public Hearing.** The applicant shall provide the following information on 5 sets of mailing labels and an original set within 45 days of a scheduled public hearing:

1. A listing of all property owners within 500 feet of the boundaries of the proposed project as shown on the latest equalized assessment roll of Orange County.

2. A listing of all addresses within 500 feet of the boundaries of the proposed project if:

a. The property is not occupied by the property owner (tenant occupied); or

b. The property is not yet listed on the latest equalized assessment roll of Orange County.

3. A listing of all owners associations governing property within 500 feet of the boundaries of the proposed project.

4. A map which is keyed to all of the above listings.

B. **Public Notices.**

1. Notice of a public hearing shall be given not less than 15 days nor more than 60 days prior to the date of the hearing.

2. Notices shall contain information on the project, including a brief description of the proposal, the environmental review status, and the hearing date, time and location.

3. Notices shall be mailed out to all names on the list required by Section 11.4.60.040.A: Information Required for Public Hearing.

4. Notices shall be displayed on the property and at public posting sites designated by the City Council and/or published in newspaper(s) of general circulation.

C. **Public Hearings.**

1. The Director shall set the time and place of public hearings required to be held by the Planning Commission.

2. The Planning Commission shall hold at least 1 public hearing and shall approve, deny or conditionally approve the request by resolution based on the findings required in Section 11.4.60.045: Findings.

D. **Time Limits.** The Conditional Use Permit for a hazardous waste facility shall become valid 15 days after the date of the decision by the Planning Commission unless appealed. If appealed and then approved by the City Council, it shall become valid on the date of City Council adoption of the resolution of approval.

§ 11.4.60.045 Findings.

No Conditional Use Permit shall be granted pursuant to Chapter 11.5.20: Development Permits, unless the Planning Commission adopts a resolution setting forth the following findings:

A. The project will be consistent with the General Plan.

B. The project will not be detrimental to the health, safety or general welfare of the community.

C. The project site is or will be adequately served by roads and other public or private service facilities.

D. The project will be consistent with the Regional Fair Share Facility Needs Assessment and siting policies established in the Orange County Hazardous Waste Management Plan.

E. The project will comply with the Facility Siting Criteria per Section 11.4.60.055: Facility Siting Criteria and Permitting Requirements.

§ 11.4.60.050 Appeals.

A. Any decision of the Planning Commission may be appealed to the City Council by the applicant, the City Council, or any interested person as defined in Section 11.4.60.010: Definitions within 15 days of the date of the decision.

B. Appeals shall be filed with the City Clerk and shall be accompanied by a letter stating the reasons for the appeal. The City Clerk shall schedule the appeal for a hearing within 60 days of receipt of the appeal.

C. An appeal shall be accompanied by a deposit/fee as required by the City Council. An appeal by a member of the City Council shall not be subject to the payment of a deposit/fee.

D. The City Council shall hold at least one public hearing on any appeal in accordance with Section 11.4.60.040: Public Hearings.

E. The City Council may affirm, reverse or modify the previous decision. The decision of the City Council shall be final unless appealed pursuant to Sub-Section F.

F. An applicant or an interested person may file an appeal of a Conditional Use Permit determination made by the City Council to the Governors Appeals Board within 30 days after the date the City takes final action on the land use decision pursuant to the California Health and Safety Code Section 25199.9. An interested person may appeal only on the basis that the conditions imposed do not adequately protect the public health, safety or welfare. Procedures for filing an appeal are outlined in Sections 25199.9.-14 of the California Health and Safety Code.

§ 11.4.60.055 Facility Siting Criteria and Permitting Requirements.

The following siting criteria has been established for use by hazardous waste facility applicants in locating and designing suitable facility sites and appropriate facilities, and by the City in evaluating proposed sites and facility projects. The

purpose of the criteria are to reduce public health and environmental risks and governmental costs associated with development of the facility. (Reference: "January 1989 Orange County Hazardous Waste Management Plan, with Amendments June 1991" - Table V-3.)

A. **Protect the Residents of Orange County (and Seal Beach).**

1. Health and Safety Assessment.

All Facilities: Facilities shall be sited so as not to create significant risks or cause adverse impacts to the health and safety of populations in surrounding public and private areas, as determined by a Health and Safety assessment. A Health and Safety Assessment by a qualified preparer is required for a proposed facility prior to approval of a local permit, to provide technical and environmental evaluation of the proposed facility, site, and surrounding area. A Health and Safety Assessment will provide the information and analysis needed to demonstrate compliance of the proposed facility with the Siting Criteria. The scope of the assessment will vary according to the size, type and proposed location of the facility. 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. When environmental impact reports and health risk assessments are required, their scopes should provide the information and analysis required, and thereby suffice for the Health and Safety Assessment.

The Health and Safety Assessment shall evaluate, at minimum the area within 2,000 feet of the site, which is designated as a sensitive area, and shall evaluate the potential impact on sensitive populations. Sensitive populations include residential populations, employment populations, and immobile populations such as those in schools, hospitals, convalescent homes, jails and other similar facilities within the area of potential impact. The Health and Safety Assessment must consider the quantities and the physical and chemical characteristics of the specific types of waste that would be handled, the facility design features and planned operational practices. The need and distance for any buffering of the facility from residential areas or other sensitive land uses will be identified. The Assessment must include a hydrologic evaluation, and must assess risks due to physical hazards such as flooding and earthquakes and potential water or air pollution. The Assessment will detail credible potential accidents, including the distance over which effects would carry a variety of options for reducing risks, and procedures for dealing with the effects. The Assessment will identify the capabilities (including equipment and trained personnel) and response times of existing emergency services with regard to accidents at the facility, and will provide an emergency evacuation plan. If existing emergency services are deemed inadequate, the local agency may require the developer to supplement those services with onsite trained personnel and equipment.

Avoidance or mitigation of potential significant health or safety risks must be demonstrated to the satisfaction of the local permitting agency and the California Department of Health Services.

2. Distance from Populations.

Treatment, Recycling and Collection Facilities: Facilities shall comply with local minimum zoning code setbacks, unless a greater buffer distance from other uses is deemed necessary, based on a required Health and Safety Assessment.

Residuals Repositories: A minimum buffer distance of 2,000 feet from residences and other sensitive land uses is required for a hazardous waste residuals repository per Health and Safety Code Section 25202.5(b) and (d). The size of the buffer zone necessary to protect public health and safety will be identified based on a required Health and Safety Assessment.

B. **Ensure the Structural Stability of the Facility.**

1. Floodplains.

All Facilities: Facilities must be designed, constructed, operated and maintained to preclude failure due to flooding, per flood control authorities and requirements. Provisions must be made to contain and test storm runoff prior to discharge in areas subject to contamination by waste or treated material. The required Health and Safety Assessment will address flooding risks associated with the facility.

Treatment, Recycling and Collection Facilities: Facilities may be located in areas subject to 100-year flooding only if protected by offsetting engineered improvements, such as berms or raising the facility above flood levels. This includes areas subject to flooding by dam or levee failure and natural causes such as river flooding, flash floods, rainfall or snowmelt, tsunamis (tidal waves), seiches (earthquake-induced waves in lakes), and coastal flooding. A structural analysis or engineering design study must be provided which shows methods to prevent inundation or washout.

Residuals Repositories: Repositories are prohibited from locating in floodplain areas subject to 100-year flooding from natural causes or dam failure, even with protection, per Code of Federal Regulations (CFR), Title 40, Section 264.18(b), and California Administrative Code (CAC), Title 22, Section 66391(a)(11)(b).

2. Earthquakes.

All Facilities: Facilities must have a minimum of 200-foot setback from active or recently active earthquake faults, per the California Administrative Code (CAC), Title 22, Section 6391(a)(11)A(1) and (2). The required Health and Safety Assessment will address earthquake safety of the facility.

3. Unstable Soils.

Treatment, Recycling and Collection Facilities: Facilities are prohibited from locating in areas of potential rapid geologic change, unless the facility and its containment structures have engineered design features to assure structural stability. This includes areas with unstable soils, steep slopes, and areas subject to liquefaction, subsidence or other sever geologic constraints. The required Health and Safety Assessment will include a geologic report defining any such constraints and engineered solutions.

Residuals Repositories: Repositories are prohibited form locating in areas of potential rapid geologic change, subsidence, or liquefaction per California Code of Regulations, Title 23, Subchapter 15, Section 2531(e). The required Health and Safety Assessment will include a geologic report.

C. **Protect Surface and Groundwater Quality.**

1. Containment and Groundwater Monitoring.

All Facilities: Facilities shall be fully enclosed by containment structures of impermeable materials which would contain any unauthorized release of hazardous material. Facilities shall be equipped with leak detection, spill control and recovery capability. Groundwater monitoring wells must be located around each facility to determine background vadose zone and groundwater quality, and to detect leaks and spills from the facility, unless demonstrated to be safe without them through the Health and Safety Assessment. An ongoing groundwater monitoring program should be developed in consultation with local, state and water district representatives.

2. Water Quality.

All Facilities: Facilities shall not be sited within watershed areas which flow to open reservoirs or aqueducts that contain drinking water supplies. Facilities shall not be located such that domestic water supply wells can be adversely affected from unauthorized releases of contaminants. As a guideline, facilities should not be located within 1 mile of domestic supply wells in the Forebay area (principal recharge area to the Orange County groundwater basin), or 0.5 miles from domestic supply wells in the pressure area of the

Orange County groundwater basin, unless demonstrated to be safe at closer proximity through the Health and Safety Assessment. Facilities shall not be located within wellhead protection zones as identified by EPA guidelines or municipal water supply agencies and local water districts, unless demonstrated to be safe at closer proximity through the Health and Safety Assessment. Facilities shall not be located where they may impact the quality of surface waters (lakes, rivers, streams, creeks, etc.) or groundwater resources which have been identified for beneficial uses by the Regional Water Quality Control Board Basin Plan (per State Water Resources Control Board Policy Resolution 88-63, or subsequent Board Resolution). The required Health and Safety Assessment will identify water quality issues. Facilities must meet federal, state and local water quality requirements.

Treatment, Recycling and Collection Facilities: Facilities are encouraged to locate outside of structured recharge areas to regional aquifers as defined in local or state plans, including injection barrier well areas. Facilities may locate in the following areas only with increased engineered design features such as horizontal and vertical containment and monitoring systems to ensure protection:

a. Major aquifer recharge areas;

b. Areas of permeable strata and soils;

c. Areas where the existing groundwater has beneficial uses as described in the Basin Plan.

Facilities with subsurface storage or treatment must be sited, designed and operated to ensure that hazardous materials will be above the tension-saturated zone.

Residuals Repositories: Repositories are prohibited from locating in principal recharge areas to regional aquifers as defined in local or state plans, including the Forebay area. Repositories are prohibited in areas of high permeability (such as sand and gravel) per the requirements of the State Water Quality Control Board and California Code of Regulations, Title 23, Subchapter 15, Section 2531(b). Repositories may locate only where the uppermost water-bearing zone or aquifer is presently mineralized (by natural or man-induced conditions) to the extent that it is not considered for beneficial use by the Basin Plan. Repositories must be sited, designed and operated to ensure that hazardous materials will always be above the tension-saturated zone.

3. <u>Wastewater.</u>

All Facilities: Facilities generating wastewaters should locate in areas with adequate industrial sewer capacity. The quality of

wastewater must meet all federal, state and local agency discharge requirements and the facility must obtain a valid industrial wastewater discharge permit.

D. **Protect Air Quality.**

1. Air Quality Non-Attainment and PSD Areas.

All Facilities: Facilities are prohibited in Class I areas as identified in the Clean Air Act, and within wilderness, National Parks, memorial areas and similarly dedicated areas. Facilities may be sited in other non-attainment and PSD (Prevention of Significant Deterioration) areas only if they meet the requirements of the South Coast Air Quality Management District. The required Health and Safety Assessment will identify air emissions, impacts and mitigations associated with the facility.

E. **Protect Environmentally Sensitive Areas.**

1. Wetlands.

All Facilities: Facilities are prohibited from locating in wetlands such as saltwater, fresh water and brackish marshes, swamps and bogs, as defined in local, regional and state plans and policies (generally, areas inundated by surface or groundwater with a frequency to support, under normal circumstances, a prevalence of vegetative or aquatic life which requires saturated soil conditions for growth and reproduction).

2. Animal and Plant Habitats.

All Facilities: Facilities are prohibited from locating within critical or significant habitat areas of animal and plant species (including threatened or endangered species), as defined in local, regional or state plans and policies.

3. Prime Agricultural Lands.

All Facilities: Facilities are prohibited from locating on prime agricultural lands, as defined in California law and local plans, unless an overriding public need is served and demonstrated.

4. Recreational, Cultural and Aesthetic Resources.

Collection Facilities: Low-volume transfer and storage facilities may locate in protected, recreational, cultural or aesthetic resource areas, as defined by local, regional, state or national plans or policies, only if necessary to handle hazardous wastes generated by workers, residents, or visitors in these areas.

Treatment and Recycling Facilities and Residuals Repositories: Facilities are prohibited from locating in protected recreational, cultural and aesthetic resource areas, as defined by local, regional, state or national plans or policies.

5. Mineral Resource Areas.

All Facilities: Facilities are prohibited from locating on lands containing significant mineral deposits, as classified by local plans or California's mineral land class maps and reports, if the extraction of the mineral deposit would be precluded.

6. Military Lands.

All Facilities: Facilities are prohibited from locating on military lands by the policy of the U.S. Department of Defense (DOD).

F. **Ensure Safe Transportation of Hazardous Waste.**

1. Proximity to Waste Generation Areas.

Treatment, Recycling & Collection Facilities: Facilities should locate close to sources of hazardous waste generation (generally industrial areas) to minimize the risks of transportation.

Residuals Repositories: Repositories may be located further from the sources of hazardous waste generation than other facilities because of the need for greater operating areas and buffer zones.

2. Proximity and Access to Major Routes.

All Facilities: Facilities shall be located to minimize distance from major transportation routes. Facilities must have good access by roads designed to accommodate heavy vehicles. Travel routes from facilities to major transportation routes shall not pass through residential neighborhoods, shall minimize residential frontages, and shall be demonstrated as safe with regard to road design and construction, accident rates, excessive traffic, etc. The required Health and Safety Assessment will evaluate risks associated with transportation of hazardous wastes.

G. **Protect the Social and Economic Goals of the Community.**

1. Consistency with General Plan.

All Facilities: Facilities must be consistent with local planning policies, including the City or County general plan and zoning ordinances.

2. Fiscal Impact.

All Facilities: A facility's fiscal impact upon the City must be delineated.

3. Socioeconomic Impacts.

All Facilities: The City shall require the facility developer to fund an independent study on socioeconomic impacts of the facility.

4. Consistency with Orange County Hazardous Waste Management Plan.

All Facilities: Facilities shall be consistent with the goals and policies of the Orange County Hazardous Waste Management Plan, and must demonstrate compliance with the siting criteria established herein.

Facilities shall be consistent with the fair share principal, and with any inter-jurisdictional agreements on hazardous waste management. Local needs are to be the primary basis for facility siting criteria decisions, along with regional commitments; facilities are to be designed and sized primarily to meet the hazardous waste management needs of Orange County, or to meet the County's broader regional commitments under an inter-jurisdictional agreement.

§ 11.4.60.060 Special Development Requirements.

A. **General Conditions.** The City may impose conditions on the granting of a Conditional Use Permit for a hazardous waste facility in order to achieve the purposes of this Article and the General Plan and to protect the health, safety and general welfare of the community.

B. **Safety and Security.**

1. The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto any portion of the facility.

2. The operator shall provide a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the facility.

3. An artificial or natural barrier (e.g., a wall or a wall combined with a landscaped berm) shall be constructed which completely surrounds the facility.

4. All gates or other entrances into the facility shall be provided with adequate means to control entry at all times. Signs with the legend, "Danger - Hazardous Waste Area - Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility, and at other locations, in sufficient numbers to be seen from any approach. The legend shall be written in English, Spanish and any of the language predominate in the area surrounding the facility, and shall be legible from a distance at least 50 feet. Existing signs with a legend other than "Danger - Hazardous Waste Area - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

C. **Contingency Plan.**

1. The hazardous waste facility is required to have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste to air, soil, or surface water. The plan shall be carried out immediately whenever a fire, explosion, or unplanned release occurs.

2. <u>The contingency plan shall include:</u>

a. The actions employees must take in response to a fire, explosion, unplanned release of hazardous waste;

b. Arrangements agreed to by local emergency response officials;

c. The names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. (If more than one name is listed, the order in which they may assume authority shall be given, with one person designated as primary coordinator.) The emergency coordinator shall be available to respond to an emergency and shall have the responsibility for coordinating all emergency response measures. The emergency coordinator shall be familiar with all aspects of the contingency plan, all operations and activities of the facility, the location and characteristics of wastes handled, and general facility layout. The emergency coordinator shall have the authority to commit the resources needed to carry out the contingency plan;

d. A listing of all emergency equipment at the facility, including its location and an outline of its capabilities;

e. An evacuation plan for employees where evacuation may be necessary, including signals used to begin evacuation, primary evacuation routes and alternate routes.

3. Facility Emergency Coordinator Responsibilities shall be identified in the contingency plan to include, at minimum, the following:

a. In event of emergency (imminent or natural) fire, the emergency coordinator shall immediately activate facility alarms to notify employees and shall contact appropriate state or local emergency response agencies.

b. In the event of a fire, explosion, or release of any hazardous material, the emergency coordinator shall immediately identify the character, exact source, amount and real extent of any released materials. Concurrently, the emergency coordinator shall assess possible hazards, both direct and indirect, to human health or the environment that may result from the emergency.

c. If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health and the environment outside the facility, the emergency coordinator shall report his findings as per the following Subsections d and e.

d. If evacuation is necessary, local officials shall be so notified.

e. The emergency coordinator shall, in every situation, notify the State Office of Emergency Services at 1-800-852-7550 providing the following information:

i. Name and telephone number of person reporting;

ii. Name and address of facility;

iii. Time and type of incident;

iv. Name and quantity of material(s) involved;

v. Extent of injuries; and

vi. Possible hazard to human health and the environment outside facility.

f. During the emergency, the emergency coordinator shall take all reasonable measures to ensure that fires, explosions, and releases do not occur or spread, including such measures as:

i. Stopping operations;

ii. Collecting and containing released waste; and

iii. Removing or isolating containers.

g. If the facility stops operations during an emergency, the emergency coordinator shall monitor for leaks, pressure build-ups, gas generation or ruptures in valves, pipes or other equipment as appropriate.

h. Immediately after an emergency, the emergency coordinator shall provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material resulting from a release, fire or explosion.

i. Other activities required of the emergency coordinator after an emergency are:

i. No wastes incompatible with the release material is handled until clean-up is completed; and

ii. Emergency equipment is cleaned and ready for use before operations are resumed.

4. Owner/Operator Responsibilities shall be identified in the contingency plan to include, at minimum, the following:

a. Notify the State Department of Health Services and appropriate State and local authorities that the above requirements have been met before operations are resumed in the affected area.

b. Record the time, date and details of any incident which requires implementing the contingency plan.

c. Within 15 days submit a written report on the incident to the State Department of Health Services. The report shall include:

i. Name, address and telephone number of the owner/operator;

ii. Name, address and telephone number of the facility;

iii. Date, time and type of incident;

iv. Name and quantity of materials involved;

v. Extent of any injuries;

vi. Assessment of actual or potential hazards to human health or the environment, where applicable; and

vii. An estimate of the quantity of material recovered and its disposition.

d. A copy of the contingency plan shall be maintained at the facility. A copy shall be sent to Public Safety, Orange County Fire Authority, surrounding hospitals, Orange County Health Care Agency, and other regulatory agencies as deemed appropriate.

e. The contingency plan shall be reviewed and amended when any of the following occur:

i. The facility permit is revised;

ii. Applicable regulations are revised;

iii. The plan fails in an emergency;

iv. Operations at the facility change in a way that materially increases the potential of fire, explosion or unplanned release of hazardous waste;

v. The list of emergency coordinators changes;

vi. The list of emergency equipment changes.

D. **Monitoring.**

1. Upon reasonable notice, the City, their designated representatives and representatives of other agencies may enter a parcel on which a Conditional Use Permit for a hazardous waste facility has been granted for the purpose of monitoring the operation of the facility.

2. The holder of a Conditional Use Permit for a hazardous waste facility shall report quarterly to the City the amount, type and disposition of all wastes processed by the facility. Included in the report will be copies of all manifests showing the delivery and types of hazardous waste materials. The

report should also include a map showing the exact location (coordinates and elevation) by quantity and types of materials placed in repositories or otherwise stored or disposed of on-site.)

3. All structures shall remain accessible for inspection purposes.

E. **Closure Plan.**

The owner or operator of a hazardous waste management facility shall submit a written closure plan. A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan shall include at least:

1. A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation which will be open during the life of the facility.

2. An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility.

3. A description of the steps needed to decontaminate facility equipment during closure.

4. An estimate of the expected year of closure and a schedule for final closure. The schedule shall include a minimum, the initial time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure.

The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner, or operator shall amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change of operating plans or facility design, a modification of the closure plan shall be requested at the same time.

5. The plan shall clearly indicate an effective and ongoing use for the facility after closure. The plan will identify how the subject property will be used after the anticipated life of the project; the nature and type of reclamations, provisions for maintenance of the project and finally the requirements for long-term monitoring of the reclaimed area to insure no hazardous materials are leaking from the site.

6. The plan shall indicate financial arrangements (irrevocable trust or other form of security arrangement) for the purpose of providing funds for the closure of its site and its long-term post closure monitoring maintenance, per Section 4.60.060.F: Financial Responsibility, sub-section 3.

F. **Financial Responsibility.** The owner/operator shall show proof of liability insurance as follows:

1. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to: general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect's and engineer's professional liability insurance. All such insurance shall name the City as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.

2. Additionally, coverage will be provided for workers compensation insurance and such other insurance as may be required. Such insurance will name the City as either additional insured or as an additional loss payee. Certificates of Insurance will be submitted to the City annually.

3. An Irrevocable Trust will be established to provide funds for closure of the site and its long-term post-closure and monitoring and maintenance. Funds for this trust would be provided by the owner/operator of the facility quarterly based on quantity and types of hazardous wastes received and processed or percentage of gross income. The terms of the Trust would be as agreed upon by the project owner/operator and the City. The terms will be reviewed annually in regards to the amount of funds in the trust and anticipated closure, monitoring and maintenance costs. Applicant shall provide a bond in an amount to be determined by the City for purposes of closure of the site.

4. The owner/operator shall defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees from all claims, actions or liabilities arising out of the issuance of this permit, operations at the facility and transportation of wastes to and from the facility.

G. **Use of Permit.**

1. A Conditional Use Permit for a hazardous waste facility shall be granted for only those substances and quantities identified in the conditions of approval. No additional types of wastes or increases in the quantity of approved wastes shall be allowed beyond those specified in the approved permit, unless a separate application is made therefore which shall satisfy the same procedures and contents as those required in an initial application.

2. Conditional Use Permits granted for an off-site hazardous waste facility shall be used within 3 years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of 5 years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than 5 years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the final approval body, on forms provided by the Development Services Department and shall be filed with the Director, accompanied by the appropriate fee. Within 60 days following the filing of a request for an extension, the director shall set the matter as an advertised public hearing on the regular agenda of the final approval body. An extension of time may be granted by the final approval body upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of 10 years, calculated from the effective date of the issuance of permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

3. Permit Review and Renewal. Permit review and renewal shall be determined at the time of approval and shall not exceed 5 years.

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Chapter 11.4.65
Tattoo Establishments

§ 11.4.65.005 Permit Requirement.

A Conditional Use Permit is required to establish a tattoo establishment pursuant to Chapter 11.5.20: Development Permits.

§ 11.4.65.010 Definitions.

As used In the Chapter, unless the context otherwise requires, the following terms shall have the meanings ascribed to them respectively.

A. Health Officer: that person or office designated by order of the City Council of the City or by contract approved by the Council as the person or office having responsibility for the enforcement of the provisions of this article.

B. Operator: any person, whether the proprietor or another person, administering a tattoo to any customer or a tattooing establishment.

C. Proprietor: the person having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises or the business.

D. Tattoo: an indelible mark or figure fixed upon a body by insertion of pigment under the skin or by production of scars.

E. Tattoo Establishment: any premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein incidental to such use.

§ 11.4.65.015 Location.

Tattoo establishments shall be located a minimum distance of 1,000 feet from other tattoo establishments.

§ 11.4.65.020 License Requirements.

Tattoo establishments shall have all licenses required by the State, County or City.

§ 11.4.65.025 Maintenance of Premises.

A. All tattooing establishments shall be equipped with running hot and cold water, with adequate toilet facilities and with all such appliances, furnishings, and materials as may be necessary to enable persons employed in and about such establishments to comply with the requirements of this Chapter.

B. The floors, furnishings, and equipment of tattooing establishments shall be kept clean at all times during business hours. For the purposes of this paragraph a floor shall not be considered clean if it has not been swept and mopped within the preceding 24 hour period

C. All operating tables in tattooing establishments shall be constructed of metal with white enamel or porcelain finish, or stainless steel.

D. Each tattooing establishment shall have adequate lighting and ventilation. For purposes of this paragraph lighting or ventilation shall be considered as inadequate if it fails to comply with a standard prescribed by the Health Officer.

E. No tattooing establishment shall be used as a sleeping room or dormitory.

§ 11.4.65.030 Source of Dyes and Inks.

A. Proprietors of tattooing establishments shall, on request of the Health Officer, submit in writing to the Health Officer the source of all dyes or inks retained for use in tattooing operations, and thereafter shall notify the Health Officer in writing of any dyes or inks obtained for use in tattooing operations from any source other than those previously submitted.

B. No dyes or inks from any sources which have been disapproved by the Health Officer shall be retained available for use in tattooing operations.

§ 11.4.65.035 Maintenance of Pigments, Dyes and Equipment.

No pigments, dyes, or equipment shall be retained available for use in tattooing operations unless cleaned and sterilized as provided in this section. For purposes of the section, equipment shall include needles, needle lubes, towels, blade holders, wiping cloths, paper towels and napkins, charcoal, gauze bandages (unless purchased in individual sterile packages), and all similar items.

A. All equipment shall be thoroughly cleaned before being sterilized. Instruments shall be cleaned with soap or detergent by use of a brush. The interior of needle barrels shall be brushed. After cleaning, equipment shall be thoroughly rinsed under running fresh tap water.

B. All equipment shall be sterilized by autoclaving. Each piece of equipment shall be individually wrapped with paper in an approved method for autoclaving. Metal foil may not be used. Tattooing needles shall be threaded through the metal tube that attaches to the tattooing vibrator and shall be placed in a glass (or autoclavable plastic test tube) with a cotton plug for autoclaving. Wiping tissues shall be sterilized in a single pack to be used for one tattoo and then be discarded. All packs shall be marked with temperature recording tape or labels.

C. Dyes or inks shall be used from containers with a cap that completely covers the opening and is attached to the neck of the dye container, sterilized in an autoclave after first being filled with the dye. Dye shall be handled utilizing antiseptic techniques and the dye containers filled with dye shall be autoclaved at least once a week or more often if necessary to keep the dye in a sterile condition. The dyes may be placed in Teflon squeeze bottles that will withstand autoclaving.

D. Steam sterilization of the above listed equipment shall be accomplished in an autoclave with at least 15 pounds pressure per square inch (251°F) for at least 15 minutes. Other means of sterilization may be approved by the Health Officer.

E. All sterilized dyes, pigments and equipment shall be stored in a manner which will insure sterility at the time of use.

F. Proprietors shall maintain sufficient sterilized equipment available at the beginning of each workday to allow completion of such workday without requiring resterilization of such equipment.

§ 11.4.65.040 Maintenance of Stencils.

No stencil, whether new or used, shall be retained in a manner available for use in any tattooing operation unless it has been pre-cleaned and disinfected in the following manner:

A. Each stencil must be pre-cleaned by being scrubbed with soap and brush to the extent necessary to remove any accumulations of carbon and Vaseline in the etched grooves of the stencil.

B. Each stencil, after being pre-cleaned and dried, must be disinfected by being soaked, design-cut side down, in a closed container of 70% alcohol for not less than 30 minutes at room temperature.

C. Each stencil, after being disinfected, shall be air dried for not less than 30 minutes by being suspended in a manner exposing both sides to the air, and thereafter shall be stored for next use in a clean envelope.

§ 11.4.65.045. Tattooing Operations.

All tattoo establishments shall comply with the following operation standards.

A. **Skin Condition of Customers.** No tattooing operation shall be performed on skin surface areas containing any rash, pimples, boils, or infection or otherwise manifesting any evidence of unhealthy conditions.

B. **Potential Health Risks.** The establishment owner shall provide written information as required by the Health Officer about blood-borne diseases and their transmission to all tattoo operators and maintain records to verify operator receipt of this information. The tattoo operator shall inform the customer, of any potential health risks involved whenever the skin is violated as required by the Health Officer.

C. **Health Conditions of Operator.** No tattooing operations shall be performed unless the operator is free of communicable diseases and pustular skin lesions.

D. **Smoking.** No operator shall smoke while performing a tattooing operation.

E. **Apparel of Operator.** The operator must wear a clean, light-colored, short-sleeved smock while performing the tattooing operation.

F. **Cleanliness of Operator.** No operator shall perform a tattooing operation with unclean hands. For purpose of this paragraph hands shall not be considered clean unless they have been thoroughly washed with soap from a single service dispenser and warm water vigorously rubbing all surfaces of lathered hands for at least 10 seconds, followed by thorough rinsing under a stream of water. Hands shall be dried using single service towels from a dispenser or hot air blower. If a liquid soap is used, the dispenser shall be cleaned and filled with fresh soap only when empty.

Tattoo operators shall wear protective gloves while handling needles or blades, or doing any procedure that may cause bleeding. Gloves shall be discarded between each customer.

G. **Shaving.** No tattooing operation involving shaving shall be performed unless the skin is washed with soap prior to the shaving and unless the blade used in shaving is previously unused and unless the blade holder has been autoclaved since its previous use.

H. **Skin Preparation.** No tattooing operation shall be performed unless the skin is adequately prepared prior to the operation. For purposes of this paragraph, skin shall be considered adequately prepared if it is thoroughly washed with soap following shaving and thereafter scrubbed gently 3 times with 70% Isopropyl alcohol, using a separate sterile gauze pad each such time; and no alternate method of skin preparation shall be considered adequate unless approved in writing by the Health Officer.

I. **Use of Stencils.** No tattooing operation involving the use of stencils shall be performed unless all of the following requirements have been complied with:

1. Each stencil must be precleaned pursuant to Section 4.65.040: Maintenance of Stencils.

2. Each stencil, having been precleaned, must be wiped with sterile gauze soaked in 70% alcohol and air dried immediately prior to its use, in the tattooing operation.

3. Petroleum jelly used for stencils must be obtained from a collapsible tube which has not previously been used in any tattooing operation and must be applied to the skin with sterile gauze which has not previously been used.

J. **Use of Approved Dyes.** No tattooing operation shall be performed using dyes or inks of a type that has been disapproved for use by the Health Officer pursuant to Section 11.4.65.030: Source of Dyes and Inks.

K. **Use of Sterile Dyes.** No tattooing operation shall be performed unless the following requirements have been complied with:

1. The dye or ink used for the tattoo must be obtained from pre-sterilized dye or ink bottles and, prior to the tattooing operation, aseptically transferred from such bottles into sterile paper cups which have not previously been used in any tattooing operation. No refilling of the dye cup is permitted.

2. No dye or ink shall be used in which needles used on another person have been dipped.

L. **Use of Sterile Equipment.** No tattooing operation shall be performed using equipment that has not been cleaned and sterilized In the manner set forth in Section 11.4.65.035: Maintenance of Pigments, Dyes and Equipment.

M. **Discarding of Certain Equipment.** Operators shall discard the following items immediately alter use in any tattooing operation:

1. Blades used in shaving;

2. Tubes and gauze used in application of petroleum jelly used for stencils; and

3. Paper cups used for dye or ink.

§ 11.4.65.050 Inspections; Health Services Fee Schedule.

The County Health Officer shall periodically make inspections of tattooing establishments located in the City to determine if the proprietor or operator of such establishment is complying with the provisions of this Chapter. The County shall, by annual Board Resolution, adopt health service fees to be paid by the proprietor or operator of the tattoo establishment. Such fees to be paid directly to the County Health Officer and retained by the County as reimbursement for such services related to this Chapter.

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Chapter 11.4.70
Wireless Telecommunications Facilities

§ 11.4.70.005 Purpose.

This Chapter provides a uniform and comprehensive set of standards and procedures to regulate the development, placement, installation, and operation of wireless telecommunications antennas and related facilities ("wireless telecommunications facilities") consistent with the goals, objectives, and policies of the General Plan and the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunications facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character and scenic vistas.

It is the City's intent to apply these regulations to accomplish the following:

A. Provide incentives for well-designed and appropriately located antennas and wireless communications facilities.

B. Encourage the leasing of publicly owned properties where feasible or desirable.

C. Encourage the use of existing facilities by multiple service providers.

D. Encourage the placement of antennas on existing structures.

E. Provide a competitive and broad range of telecommunications services and high quality telecommunications infrastructure to meet the community's needs and serve as an important and effective part of Seal Beach's emergency response network.

§ 11.4.70.010 Definitions.

As used in this Chapter the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Antenna: any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals, including devices with active elements extending in any direction, and directional parasitic arrays with elements attached to a generally horizontal boom which may be mounted on a vertical support structure.

B. Amateur Radio Antenna: any antenna used for transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission (FCC).

C. Building or Roof Mounted: an antenna mounted on the side or top of a building or another structure (e.g., water tank, billboard, church steeple, freestanding sign, etc.), where the entire weight of the antenna is supported by the building, through the use of an approved framework or other structural system which is attached to one or more structural members of the roof or walls of the building.

D. Co-location: the location of 2 or more wireless, hard wire, or cable communication facilities on a single support structure or otherwise sharing a common location. Co-location shall also include the location of communication facilities with other facilities (e.g., water tanks, light standards, and other utility facilities and structures).

E. Communication Facility: an unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.

F. Dish Antenna: a dish-like antenna used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.

G. Electromagnetic Field: the local electric and magnetic fields caused by voltage and the flow of electricity that envelop the space surrounding an electrical conductor.

H. Equipment Cabinet: a cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.

I. Ground Mounted: any freestanding antenna, the entire weight of which is supported by an approved freestanding platform, framework, or other structural system which is attached to the ground by a foundation.

J. Monopole: a single freestanding pole, post, or similar structure, used to support equipment associated with a single communication facility.

K. Multipoint Distribution Service: a microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of

Title 47 of the Code of Federal Regulations and any interpretative decisions thereof issued by the Federal Communications Commission.

L. Panel: an antenna or array of antennas that are flat and rectangular and are designed to concentrate a radio signal in a particular area. Also referred to as a directional antenna.

M. Satellite Antenna: an antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

N. Service Provider: any authorized provider of communication services.

O. Stealth Facility: a communications facility that is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure. Also referred to as a concealed antenna.

P. Tower: any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Q. Whip Antenna: an antenna consisting of a single, slender, rod-like element, which is supported only at or near its base. They are typically less than 6 inches in diameter and measure up to 18 feet in height. Also referred to as omnidirectional, stick or pipe antennas.

§ 11.4.70.015 Applicability.

The requirements of this Chapter shall apply to all telecommunications facilities that transmit and/or receive electromagnetic signals including, but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The following facilities are exempt from these requirements provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property:

A. Licensed amateur (ham) radio and citizen band operations that:

1. Comply with the applicable height limits of the zoning district; and

2. Are not located within any yard abutting a public right-of-way or any required setback.

B. Hand-held, mobile, marine, and portable radio transmitters and/or receivers;

C. Emergency services radio;

D. Radio and television mobile broadcast facilities;

E. Equipment cabinets or rooms to service existing antennas when completely located inside of permitted structures; and

F. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment that meets the standards set forth in this Chapter and will have little or no change in the visual appearance of the facility following written notification to the Director.

G. Ground or building-mounted receive-only radio or television antennas not exceeding the maximum height permitted by this Zoning Code, including any mast, or receive-only radio or television satellite dish antennas subject to the following restrictions:

1. Residential Districts.

a. Satellite antennas that do not exceed 39 inches in diameter and are for the sole use of a resident occupying the same residential parcel so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel. Such antennas shall not be located in any area between a building and the adjacent public right-of-way.

b. Satellite antennas may be installed on, or attached to, any existing building or other structure so long as the height of the antenna measured from existing grade does not exceed the permitted height in the applicable Base District. Zone. The antennas must be for the sole use of residents occupying the same residential parcel on which the antennas are located and shall not be located in any required parking or loading area.

c. No more than the number of antennas necessary to receive the programming available for reception in the viewer's local viewing area or listener's local receiving area shall be installed.

2. Commercial, Public, and Semi-Public Districts.

a. A satellite antenna that does not exceed 79 inches in diameter is permitted anywhere on a parcel in a commercial, public, or semi-public district provided the location does not reduce required parking or loading, diminish pedestrian or vehicular access, or require removal of landscaping maintained as a condition of project approval. Such antennas shall not be located

within a required front yard or side yard abutting a street unless screened from view from any public right-of-way or adjoining property.

b. A satellite antenna that is mounted on any existing building or other structure such that it is not visible from any vantage point exterior to the building or structure, for example an antenna on a roof behind a parapet wall. All wires and/or cables necessary for operation of the antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

c. Satellite antennas mounted on the roof of an existing building so long as the height of the antenna measured from existing grade does not exceed the permitted height in the Base District Zone.

H. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current CPUC or FCC permit or a copy of applicable FCC regulations prior to its installation.

I. All antennas and related wireless communications facilities existing on the date of adoption of this Chapter and installed in accordance with applicable federal regulations shall be considered nonconforming legal uses that shall be allowed to continue as they presently exist. Routine maintenance and repairs shall be permitted on existing antennas and facilities but the replacement or upgrade of existing facilities and all new antennas, structures, and other facilities shall comply with the requirements of this Chapter.

§ 11.4.70.020 Submittal Requirements.

An Applicant shall file a written application for a Conditional Use Permit with the Director in accordance with the application procedures under Chapter 11.5.10: General Procedures. In addition to any other requirements, applications shall, at a minimum, include the following information:

A. **Inventory.** An inventory list and map of existing wireless communication facilities operated by the applicant within 2 miles of the proposed site ("Service Area"). The inventory list must include specific information as to location, height, and design of each facility. The City may share such information with other applicants seeking to locate wireless communication facilities within the Service Area, in order to encourage co-location.

B. **Report on Alternatives.** A report explaining why the wireless communication facility is needed at the requested location. If applicant is seeking to construct a new monopole, applicant shall explain why co-location or location

on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the City has requested that the applicant co-locate its wireless communication facility on a site, applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.

C. **Wireless Communication Facility Plans.** Plans shall include a fully dimensioned diagram of the proposed facility and antennas, including height, shape, size and nature of construction. The plans for a monopole must provide sufficient detail to demonstrate that the structure will be able to accommodate at least one other similar telecommunications provider in addition to the applicant. The plans should include a diagram showing the separation between the proposed wireless communication facility and any existing facility or facilities on the same support structure or site, if co-location is planned.

D. **Site Plans.** A fully-dimensioned site/landscaping plan that includes, at a minimum, the following information: specific placement of the proposed tower, equipment shelters, and any other wireless communication facility on the site; setbacks from adjacent property lines; the location of existing structures, trees, and other significant site features identifying those features proposed to be removed; the type and locations of plant materials proposed to screen wireless communication facility components; and the proposed materials and color(s) for the wireless communication facility.

E. **Visual Analysis.** Photo-simulations showing views of the proposed facility from surrounding residential properties and public rights-of-way at varying distances with a map indicating the locations used for the analysis and their distances from the site.

F. **Documentation of Compliance.** Copies of all applicable licenses or other approvals required by the Federal Communications Commission and any other agency of the Federal or State government with authority to regulate wireless communication facilities including documentation of compliance with all conditions imposed in conjunction with such licenses or approvals. In addition, the application shall include any environmental documentation required to obtain such license or approval together with such engineering calculations demonstrating that the proposed wireless communication facility will comply with all applicable FCC requirements and standards.

G. **Fees.** In addition to any other fees required by this Zoning Code, Applicants shall pay a permit fee as established by the Master Fee Schedule to cover the reasonable actual cost and a reasonable administrative fee for consulting services required by the City to evaluate any technical aspect of the wireless communication facility application.

§ 11.4.70.025 Additional Standards.

In order to ensure compatibility with surrounding land uses, protect public safety and natural, cultural, and scenic resources, preserve and enhance the character of residential neighborhoods and promote attractive non-residential areas, in addition to all other applicable requirements of this Zoning Code, all wireless telecommunications facilities subject to the requirements of this Chapter shall be located, developed, and operated in compliance with the following standards unless the Planning Commission approves a use permit subject to the findings required by Section 11.4.70.035: Required Findings, based on information in the record, that approval of an exception will not increase the visibility of the facility, decrease public safety, degrade the appearance and aesthetic appeal of the community or degrade cultural or natural resources. All new telecommunications facilities in any zoning district shall meet the following requirements and standards:

A. **Location and Siting.** All facilities shall be designed and sited to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses. As used in this Chapter, “readily visible” means that a person with normal vision can see the facility and distinguish it as an antenna or other component of a wireless telecommunications facility.

1. Notwithstanding Items 2-9 of this subsection A, new antennas and other similar facilities may be located on the existing utility towers that exist in the linear utility easements in the City, provided that they do not project more than 2 feet beyond the exterior of the tower structure.

2. No facility shall be sited within 100 vertical feet of a ridge top unless it has been designed to blend with the surrounding natural or existing built environment so that it is effectively unnoticeable or due to the specific location, existing development or existing vegetation, the facility will be screened from public view.

3. No facility shall be sited where it will be silhouetted against the sky as viewed from a public park or other public recreation area or intrude into a significant or sensitive view corridor.

4. No facility shall be sited where it will be readily visible from a public right-of-way, public park or cultural facility.

5. No facility shall be located in a residential zoning district where it is readily visible from the habitable area of a dwelling unit within 300 feet.

6. No telecommunications antenna or ancillary facility shall be established as the primary use on any site unless the site has already been developed with a legally established wireless facility.

7. Antennas, support structures, and equipment shelters may be installed on the roof or directly attached to any existing building or structure if they are not visible from the public right-of-way or from the habitable portion of any dwelling unit within 300 feet or are architecturally integrated into the design of the building or structure so long as such facilities do not protrude more than 2 feet horizontally from the building or structure, and comply with the height requirements of the applicable Base District Zone.

8. No wireless facility that is readily visible from an off-site location shall be installed closer than 1 mile from another wireless telecommunications facility that is readily visible or un-camouflaged, unless it is a collocated facility on a multiple-user site, has been designed or camouflaged so that it blends into the surrounding natural or existing built environment.

9. Sites that require construction or grading on slopes of 30% or more shall be avoided unless environmental review shows that all drainage and erosion impacts can be mitigated to less than significant levels.

B. **Support Structures.** Support structures for wireless telecommunications facilities shall be any of the following:

1. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least 1 other similar wireless communications provider.

2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility.

3. An existing non-residential building.

4. An existing structure other than a building including but not limited to, light poles, electric utility poles, water towers, steeples, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

5. A new alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that is designed to conceal or camouflage the facility. The term "functioning" as used here means the light pole

serves a useful and appropriate lighting function as well as a wireless communications function.

C. **Height.** The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached to it. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

1. A freestanding antenna or monopole shall not exceed the height limit of the applicable Base District Zone in which the antenna or monopole is located.

2. Building-mounted wireless telecommunications facilities shall comply with the height requirements of the applicable Base District Zone.

3. A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles, except wireless telecommunications facility antennas may extend up to 15 feet above the lights array of a ball field light pole.

4. Wireless telecommunications facilities mounted on an existing tower or monopole structure may exceed the height of the existing structure by 5 feet, up to the maximum height allowed by the applicable Base District Zone, if camouflaged as part of the structure design.

5. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

D. **Setback.** When determining whether a wireless telecommunications facility complies with the following requirements, the setback shall be measured from the closest point on the base of the tower or structure to the applicable property line or structure.

1. Except as otherwise provided for in this Chapter, all wireless facilities that are not building mounted or mounted on an existing structure shall meet the following setback standards:

a. Set back a minimum distance of 100 feet from any residentially zoned property, dwelling unit, school or daycare facility, public park,

or outdoor recreation area, unless it is designed as a flagpole, tree, or other stealth structure approved by the Director;

b. Set back from any adjacent property line a minimum distance that is equal to 110% of the height of the facility (including attached antennae) or a minimum distance equal to the building setback for the district in which it is located, whichever is greater.

c. Guy wire anchors shall be set back at least 20 feet from any property line.

2. Any equipment cabinet or building shall comply with the required setbacks for accessory structures of the zoning district in which it is located.

3. A satellite dish that is greater than 39 inches in diameter shall not be located within a required front, side or rear setback and shall not be located in any area between a building and the adjacent public right-of-way.

4. A satellite dish that is greater than 79 inches in diameter shall not be located within a required front yard or side yard abutting a street in any non-residential district.

E. **Design and Screening.** Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing supporting structures, so as to reduce visual impacts to the extent feasible.

1. Based on their potential aesthetic impact, the order of preference for facility type is: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

2. All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location or other objectives of this Chapter.

3. Telecommunications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.

4. To the extent technologically feasible, wireless telecommunications facilities, including all components thereof, shall be painted or textured to camouflage the installation, achieve architectural compatibility, or otherwise minimize the facility's visibility. Paint colors, which must be non-reflective, are subject to approval.

5. All telecommunications facilities subject to the requirements of this Chapter shall be installed in such a manner so as to maintain and enhance existing native vegetation and minimize disturbance of existing topography unless the decision-making authority determines that such changes will help to minimize the visual impact of the facility. Site plans shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.

6. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

7. Wireless telecommunication facilities shall be not be lighted except when authorized personnel are present on-site at night or unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes, if the beam is directed downwards, shielded from adjacent properties and kept off when personnel are present at night.

8. No advertising shall be placed on wireless telecommunications facilities, equipment cabinets, or associated structures.

9. In residential districts ground-mounted satellite dishes with a diameter greater than 39 inches shall be screened from view from any public right-of-way and adjoining property.

10. At the time of modification or upgrading of facilities, providers shall, to the extent feasible, replace existing equipment with equipment of equal or greater technical capacity and reduced size so as to reduce visual impacts.

F. **Equipment Cabinets and Buildings.**

1. Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as

approved by the Director. Any wall shall be architecturally compatible with the building or immediate surrounding area.

a. An equipment cabinet shall not exceed 8 feet in height and a building shall not exceed one story. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple wireless providers. Notwithstanding the foregoing, an equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth herein.

G. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. Security fencing, if any, shall not exceed 6 feet to 10 feet in height, consistent with fencing in the area. Fencing shall be no less than the above grade height of the equipment cabinet. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

2. Anti-climbing features shall be incorporated into wireless telecommunications facilities, as needed, to reduce potential for trespass and injury.

3. The permittee shall be responsible for maintaining the site and facilities free from graffiti.

H. **Radio Frequency Standards; Noise.**

1. Wireless telecommunications facilities shall comply with federal standards for radio frequency (RF) emissions and interference. No wireless telecommunications facility or combination of facilities shall at any time produce power densities that exceed the FCC's limits for electric and magnetic field strength and power density for transmitters or operate in a manner that will degrade or interfere with existing communications systems as stipulated by federal law. Failure to meet federal standards may result in termination or modification of the permit.

2. Wireless facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for

testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

I. **Co-Location.** The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Director may require the applicant to obtain a third party technical study at applicant's expense. The Director may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing facilities to meet federal standards for emissions.

4. When antennas are co-located, the Planning Commission may limit the number of antennas with related equipment to be located at any one site by any provider to prevent negative visual impacts.

5. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request or revocation of an existing permit.

J. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs. At a minimum, such facilities shall comply with the following requirements:

1. At least 1-hour fire resistant interior surfaces shall be used in the construction of all buildings.

2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the California Building Code.

3. Monitored automatic fire extinguishing systems approved by the Orange County Fire Authority shall be installed in all equipment buildings and enclosures.

4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

K. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunications facility may be required to post a cash or surety bond pursuant to Section 11.5.10.065: Performance Guarantees, in a form and amount acceptable to the Director to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated. This requirement shall always be imposed if the facility is located in a residential zone.

§ 11.4.70.030 Procedures.

A wireless telecommunications facility subject to the requirements of this Chapter shall not be established, expanded, or otherwise modified except in conformance with the following requirements.

A. **Permitted When in Compliance with Standards.** The following wireless telecommunications facilities shall be permitted in any Residential, Commercial, Semi-Public, or Public district subject to the Director's determination of compliance with the applicable requirements of this Chapter:

1. Satellite antennas pursuant to the provisions of Section 11.4.70.015.G.

2. A facility co-located on an existing legally established monopole, utility tower, or support structure in any zoning district provided the following conditions are met:

a. The existing facility on which the co-located facility will be located: (i) was approved after January 1, 2007 by discretionary permit; (ii) was approved subject to an environmental impact report, negative declaration, or mitigated negative declaration; and (iii) otherwise complies with the requirements

of Government Code Section 65850.6(b) for wireless telecommunications collocation facilities.

b. The co-located facility does not increase the height or location of the existing permitted tower/structure, or otherwise change the bulk, size, or other physical attributes of the existing permitted wireless communication facility.

3. Temporary wireless telecommunications facilities.

B. **Conditional Use Permit.** All other wireless telecommunications facilities, specifically including but not limited to any new ground-mounted tower or monopole, and public safety communications towers sixty-five (65) feet in height or less shall require the approval of a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits.

C. **Minor Modifications.** The Director may approve minor modifications to any legally established wireless telecommunications facility, including replacement in-kind with smaller or less visible equipment and aesthetic upgrades, without notice or hearing. Such modifications shall be subject to compliance with the standards set forth in this Chapter and all existing conditions of approval based on written notification to the Director.

§ 11.4.70.035 Required Findings.

A. **General Findings.** The Planning Commission may approve or approve with conditions any Use Permit required under this Chapter after making the following findings in addition to any other findings required pursuant to Chapter 11.5.20: Development Permits:

1. The proposed use conforms with the specific purposes of this Chapter and any special standards applicable to the proposed facility;

2. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location.

3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

4. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible as defined in Section 11.4.70.025.A: Location and Siting.

B. **Additional Findings for Facilities not Co-Located.** To approve a wireless telecommunications antenna that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower, the Planning Commission shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:

1. Would have more significant adverse effects on views or other environmental considerations;

2. Is not permitted by the property-owner;

3. Would impair the quality of service to the existing facility; or

4. Would require existing facilities at the same location to go off-line for a significant period of time.

C. **Additional Findings for Facilities in a Residential Zone.** To locate a facility in a residential zoning district where it is readily visible from the habitable area of a dwelling unit within 300 feet, or at any location where it is readily visible from a public right-of-way, public park, or other public recreation or cultural facility, the Planning Commission shall find that:

1. It is not feasible to provide the service at another location; or to incorporate additional measures such as a decrease in height, increase in setback, change in design, relocation relative to other structures or natural features, that would further reduce its visibility; and

2. The proposed facility provides an important link in applicant's service area build-out and is necessary to provide personal wireless services to City residents.

D. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the Planning Commission shall make one or more of the following findings:

1. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility.

2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

E. **Additional Findings for Any Other Exception to Standards.** The Planning Commission may waive or modify requirements of this Chapter upon finding that strict compliance would result in noncompliance with applicable federal or state law.

§ 11.4.70.040 Exercise of Permits; Cessation.

A. **Cessation of Operations.** If use of the facility is discontinued for more than 90 consecutive days, the permit shall expire and permittee must remove the facility or the Director or City Engineer may cause the facility to be removed at the expense of the permittee/owner of the facility. Within 30 days of cessation of operations of any wireless telecommunications facility approved pursuant to this Chapter, the operator shall notify the Director in writing.

1. The permit for such wireless telecommunications facility shall be deemed lapsed and of no further effect 6 months thereafter unless:

a. The Director has determined that the same operator resumed operation within 6 months of the notice; or

b. The City has received an application to transfer the permit to another operator.

2. No later than 30 days after a permit has lapsed under the preceding subsection, the operator shall remove all wireless telecommunication facilities from the site. If the operator fails to do, the property owner shall be responsible for removal, and may use any bond or other assurances provided by the operator pursuant to the requirements of Section 11.4.70.025.K: Surety Bond, to do so. If such facilities are not removed, the site shall be deemed to be a nuisance pursuant to Title 7: Public Peace, Morals and Welfare, Chapter 7.40: Nuisance Abatement and the City may call the bond to pay for removal.

3. Failure to inform the Director of cessation of operations of any existing facility shall constitute a violation of the Zoning Code and be grounds for:

a. Prosecution;

b. Revocation or modification of the permit:

c. Calling of any bond or other assurance secured by the operator pursuant to the requirements of Title 7: Public Peace, Morals and Welfare, Chapter 7.40: Nuisance Abatement; and/or

d. Removal of the facilities.

B. **Exercise of Permits.** Any Conditional Use Permit issued pursuant to this Article shall expire automatically if the use is not commenced pursuant to the requirements of Chapter 11.5.10: General Procedures.

C. **Transfer of Permit.** Any FCC-licensed telecommunications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility, shall provide written notification to the Director and request transfer of the existing use permit. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing use permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing use permit, he/she shall notify the applicant who may revise the application or apply for modification to the Use Permit pursuant to the requirements of Chapter 11.5.10: General Procedures.

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Chapter 11.4.75
Common Interest Developments

§ 11.4.75.005 Permit Requirement.

Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required for the subdivision of land or airspace for the creation of common interest developments.

§ 11.4.75.010 Site Planning and Design Standards.

Common interest developments shall comply with this section, the requirements of the applicable zoning district in Part II: Base District Regulations of this Zoning Code, and:

A. Residential common interest developments shall also comply with the provisions of Section 11.4.05.110: Residential Uses – Multi-Unit Project Standards; and

B. Non-residential common interest developments shall also comply with Section 11.2.10.015.J: Design Provisions – Main Street Specific Plan District where applicable, and any provision of this chapter applicable to the specific non-residential use proposed.

§ 11.4.75.015 Residential Projects – Conditions, Covenants, and Restrictions (CC&Rs).

To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and facilities shall be subject to approval by the Director and the City Attorney. In addition to the CC&Rs that may be required by the California Department of Real Estate in compliance with Title 6 of Part IV of Division II of the Civil Code or other state laws or policies, the declaration, proprietary lease, cooperative housing corporation bylaws, or other similar document shall provide for the following:

A. **Assignment or Conveyance of Private Open Space.** The surface area and appurtenant airspace of private open space areas including an atrium, balcony, deck, private patio, or solarium required by Section 11.4.05.110: Residential Uses – Multi-Unit Project Standards, and any integral portion of those spaces that may exceed the minimum area requirements, shall be available for the exclusive use of its respective unit as described and recorded in the recorded map, except that where the private open space is totally within the boundary described by the interior surfaces of the unit, it shall be assigned, conveyed, or leased as an integral part of the dwelling unit.

B. **Assignment or Conveyance of Private Storage Areas.** The surfaces and appurtenant airspace of private storage areas including the private storage space required by Section 11.4.05.110: Residential Uses – Multi-Unit Project Standards, shall be available for the exclusive use of its respective unit as described and recorded in the recorded map, except that where the private storage space is totally within the boundary described by the interior surfaces of the unit, as it would be in a closet opening upon a unit's room or hallway, it shall be assigned, conveyed, or leased as an integral part of the dwelling unit.

C. **Maintenance.** The CC&Rs and other management documents shall contain a provision establishing the obligation and duty of the governing body of the project to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Zoning Code and all other applicable laws, regulations, and standards.

D. **Assessment for Maintenance of Common Areas and Facilities.** In order to protect the public health, safety, and welfare, provisions shall be made both for annual assessments for maintenance and for capital improvements.

E. **Utility Easements Over Private Streets and Other Areas.** The Commission may require public utility easements adjacent to public streets or over other portions of the project to accommodate electrical lines, fire hydrants, sanitary sewers, storm drainage, street furniture, water and gas mains and meters, and similar urban infrastructure. The Commission may also require access routes necessary to ensure that fire fighting equipment can reach and operate efficiently in all areas of the project.

F. **Limitation on Exterior Changes.** The CC&Rs shall include a provision stating that the association or individual owners or occupants of units in the development shall not, without the written approval of the Director cause, permit or approve any material additions, alterations, or changes to the exterior of the development, or reduce or fail to maintain assessments for the maintenance and upkeep of the exterior of the development.

G. **Authorization for Governmental Access and Enforcement.** The CC&Rs shall include the following provisions in addition to those identified above in this section.

1. A provision stating that the City, County, state and federal government, and any authorized agency, bureau, or department shall have the right of immediate access to all portions of common areas of the project not assigned for the exclusive use of the owner of a particular unit at all times for the purpose of preserving the public health, safety, and welfare except in those instances where a common area is accessible only through a private unit. Notice

of the right of government agency access shall be prominently displayed in the common areas of the project.

2. A provision stating that authorized City representatives shall have the right to enter the development for the purpose of performing required maintenance and repairs in the event the association fails to do so, and for correcting or abating any nuisance or violation of state law or the Municipal Code, in compliance with Title 1: General Provisions, Chapter 1.15: Enforcement, of the Municipal Code.

3. A written procedure for the reimbursement of costs incurred by the City in performing any of the acts authorized by this section or the CC&Rs.

4. A provision stating that the City shall have the right to enforce the provisions contained in the CC&Rs as a third-party beneficiary to them, or in connection with the maintenance, repair, or utilization of any easement or other property rights held by the City, either on, appurtenant to, or nearby the project.

5. A provision stating that the City shall be entitled to an award of reasonable legal expenses in any action to enforce the provisions of this section or the Conditions, Covenants, and Restrictions.

6. Any other provisions which the Director and City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the Municipal Code or the conditions of approval of the project.

H. **Amendment of the CC&Rs or Other Management Document.** An amendment to the CC&Rs or other management documents that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Director. To that end, the amendment shall not be effective unless:

1. The text of the amendment shall have been submitted to the City 60 days before its adoption by the owners;

2. The City has either approved the amendment or failed to disapprove it within the 60-day period; and

3. The recorded or other instrument effecting the amendment shall recite that it was submitted and approved or not disapproved in compliance with this subsection.

I. **Partition and Sale of Condominiums and Community Apartments.** One or more of the project owners may initiate the partition (or the dissolution of the cooperative housing corporation) by sale of the entire project as

if the owners of all units in the project were tenants in common in the entire project, in the same proportion as the interests in the common areas or in the stock or members of the cooperative housing corporation. However, a partition shall be made only upon a showing of the existence of one or more of the conditions identified in state law (Civil Code Section 1354), or that:

1. Two years after damage or destruction to the project which renders a material part unfit for its use, the project has not been rebuilt or repaired substantially to its former condition before its damage or destruction;

2. One-half or more of the project has been destroyed or substantially damaged and owners holding in aggregate more than 50% interest in the common area or the cooperative housing are opposed to repair or restoration of the project; or

3. The structure has existed for more than the number of years shown in Table 11.4.75.015.I.3: Criteria for Partition or Sale, and is obsolete and uneconomic, and the percentage of owners shown in Table 11.4.75.015.I.3: Criteria for Partition or Sale, holding in aggregate a percentage interest in the common areas or cooperative housing corporation, are opposed to the repair or restoration of the project.

TABLE 11.4.75.015.I.3 CRITERIA FOR PARTITION OR SALE	
Age of Structure	**Percentage of Interest Held by Owners**
30 years	70%
40 years	60%
50 years	50%
60 years	40%
70 years	30%

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Chapter 11.4.80
Condominium Conversions

§ 11.4.80.005 Purpose.

The requirements of this Chapter for the conversion of existing multi-unit rental housing to condominiums are intended to:

A. Reduce the impact of conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums;

B. Ensure that the purchasers of converted housing have been properly informed of the physical condition of the structure offered for purchase;

C. Ensure that converted housing achieves high quality appearance and safety, is consistent with the goals of the General Plan, and complies with the density requirements of the General Plan;

D. Attempt to provide an opportunity for housing ownership of all types, for all levels of income and in a variety of locations; and

E. Attempt to maintain a supply of rental housing for low and moderate income persons and families.

§ 11.4.80.010 Permit Requirement.

Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to convert existing dwelling units to a condominium subdivision.

§ 11.4.80.015 Date of Conversion.

As used in this Section, the date of conversion for condominium conversions shall mean the date that the Final Map for the project is approved by the Council.

§ 11.4.80.020 Application Requirements.

In addition to the application requirements in Chapter 11.5.10: General Procedures, Section 11.5.10.010: Application Forms and Fees, the application for a condominium conversion shall include the following.

A. **Physical Elements Report.** The applicant shall provide a physical elements report, which shall include the following.

1. Property Condition. A report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion:

a. Roofs;

b. Foundations;

c. Exterior paint;

d. Paved surfaces;

e. Mechanical systems;

f. Electrical systems;

g. Plumbing systems, including sewage systems;

h. Swimming pools;

i. Sprinkler systems for landscaping;

j. Utility delivery systems;

k. Central or community heating and air conditioning systems;

l. Fire protection systems including automatic sprinkler systems, alarm systems or standpipe systems; and

m. Structural elements.

The report shall be prepared by a licensed architect or by a registered civil or structural engineer other than the owner. A replacement cost shall be provided for any element with a useful life of less than 5 years;

2. Structural Pest Control Report. A structural pest control report prepared by a licensed structural pest control operator in compliance with Business and Professions Code 8516; and

3. Building History. A building history report including the following information:

a The date of construction of all elements of the project.

b. A statement of the major uses of the project since construction.

c. The date and description of each major repair or renovation of any structure or structural element since the date of construction. For the purposes of this Subsection, the term "major repair" means any repair for which an expenditure of more than $50,000.00 was made.

Failure to provide information required by Subsections A.3.a through A.3.c, above, shall be accompanied by a declaration, given under penalty of perjury, setting forth reasonable efforts undertaken to discover the information and reasons why the information cannot be obtained.

B. **Additional Information Required.** The application shall also include the following information:

1. Rental rate history for each type of unit for the previous five years;

2. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether any tenants are receiving federal or state subsidies:

3. Proposed sale price of unit;

4. Proposed homeowner's association fees;

5. Names and addresses of all tenants; and

6. Evidence that a certified letter of notification of intent to convert was sent to each tenant for whom a signed copy of the notice is not submitted.

Failure to provide the above information shall be accompanied by declaration given under penalty of perjury setting forth reasonable efforts undertaken to discover the information and reasons why the information cannot be obtained.

C. **Covenants, Conditions and Restrictions.** A draft “Covenants, Conditions and Restrictions” (CC&R's) document shall be submitted for review and approval by the Department of Development Services and the City Attorney. At a minimum, the Document shall address the formation of a "Community Association" or “Homeowners Association” that will be responsible for the maintenance of common areas, disclosure of management agreements, allocation of off-street parking for residents and guests, and operating and maintenance budgets.

§ 11.4.80.025 Public Hearing Notice.

In addition to the public hearing notice requirements in Chapter 11.5.10: General Procedures, notice of the hearing shall be mailed to each tenant at least 10 days prior to the public hearing on the Conditional Use Permit application. Notice of the hearing shall also be posted on the property at least 10 days prior to the hearing.

§ 11.4.80.030 Physical Development Standards.

The conversion of an existing condominium shall require compliance with the following standards prior to a unit being offered for sale.

A. **Compliance with other Codes, Standards and Policies.**

1. Each residential building shall comply with the minimum standards of City and State housing codes as of the date of conversion.

2. Each building shall on the date of conversion comply with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as set forth in the California Building Code.

3. Each building as of the date of conversion shall comply with all applicable requirements of this Zoning Code, the Municipal Code, and the goals and policies of the General Plan, except where the building is nonconforming in compliance with Chapter 11.4.40: Nonconforming Uses, Structures, and Lots.

4. Multiple units proposed for condominium conversion shall conform to all applicable standards of the Zoning Code, including but not limited to height, setbacks, parking and minimum floor area, but excluding density. Condominium conversions shall observe the following standards for density.

a. RMD-18 District: 2,500 sq. ft. of land per dwelling unit.

b. RHD-20 District: 2,178 sq. ft. of land per dwelling unit.

c. RHD-33 District: 1,350 sq. ft. of land per dwelling unit.

d. RHD-46 District: 960 sq. ft. of land per dwelling unit.

e. For the purpose of calculating density all fractional numbers of units where the fractional portion is greater than 0.5 may be rounded to the next highest number.

f. Proposed condominium conversions for which a Final Tract Map has been filed with the County of Orange on or before September 1, 1987, shall have the right to rebuild the number of units legally existing at the time of approval, subject to Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, only to consider the possibility of increasing the number of on-site parking spaces subject to the availability and location of space on the site and the constraints imposed by the existing structure(s).

5. Each condominium project shall comply with all applicable provisions of the Subdivision Map Act (Government Code 66410 et seq.).

B. **Utility Metering.**

1. The consumption of water, gas, and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit and plumbing fixture. Each unit shall have access which shall not require entry through another unit to its own meter and heater.

2. Each unit shall have its own panel or access thereto for all electrical circuits which serve the unit.

C. **Condition of Equipment and Appliances.** The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided are in proper working condition as of the close of escrow. At such time as the homeowner's association takes over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association are in proper working condition.

D. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the Conditional Use Permit shall be refurbished and restored as necessary to achieve high quality appearance and safety. The Building Official shall provide recommendations, based on a physical inspection of the premises, regarding recommended refurbishing and restoration as part of the Conditional Use Permit consideration.

E. **Common Attic Area.** All common attic areas over individual dwelling units shall be separated by sound-rated assemblies from the top of wall to bottom of roof sheathing over all common or party walls, and the appropriate access to each attic space shall be provided in compliance with the California Building Code.

§ 11.4.80.035 Tenant Rights.

A. **Notice of Intent.** A notice of intent to convert shall be delivered to each tenant's dwelling unit. Evidence of delivery shall be submitted with the Conditional Use Permit application for conversion. The form of notice shall be as approved by the Director and shall contain not less than the following:

1. Name and address of current owner;

2. Name and address of the proposed subdivider;

3. Approximate date on which the Conditional Use Permit application is to be filed;

4. Approximate date on which the tentative map is proposed to be filed;

5. Approximate date on which the final map or parcel map is to be filed;

6. Approximate date on which the use is to be vacated by non-purchasing tenants;

7. Tenant's right to purchase;

8. Tenant's right of notification to vacate;

9. Tenant's right of termination of lease;

10. Statement of limitations on rent increase;

11. Provision for special cases; and

12. Provision of moving expenses.

B. **Tenant's Right to Purchase.** As provided in Government Code 66427.1.D., any present tenant of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.

§ 11.4.80.040 Vacation of Units.

Each non-purchasing tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit shall have not less than 180 days from the date of receipt of notification from the owner of his intent to convert, or from the filing date of the final subdivision map, whichever date is later, to find substitute housing and to relocate. Once notice of intent to convert is served to a tenant, any existing long-term lease agreement may be rescinded by the tenant without penalty. Notification of such termination shall be submitted in writing to the landlord 30 days prior to the termination of the lease.

§ 11.4.80.045 Increase in Rents.

From the date of approval of the Tentative Map until the date of conversion, no tenant's rent shall be increased more frequently than once every 6 months, and at a rate not greater than 50% of the rate of increase in the Consumer Price Index (all items, Los Angeles-Long Beach), on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the Tentative Map.

§ 11.4.80.050 Moving Expenses.

The subdivider shall provide moving expenses of 2.0 times the monthly rent, but in no case less than $3,000.00, to any tenant who relocates from the building to be converted after approval of the condominium conversion by the City, except when the tenant has given notice of his intent to move prior to receipt of notification from the subdivider of his intent to convert.

§ 11.4.80.055 Notice to New Tenants.

After submittal of the application to convert, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of Section 11.4.80.020: Application Requirements and Section 11.4.80.025: Public Hearing Notice of this Chapter.

§ 11.4.80.060 Project Reports: Copy to Buyers.

For a condominium conversion, the original owner shall provide each purchaser with a copy of all reports, in their final, acceptable form, along with the Department of Real Estate White Report, prior to the purchaser's completing an escrow agreement or other contract to purchase a unit in the project, and the developer shall give the purchaser sufficient time to review the reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the Director, at the project site.

§ 11.4.80.065 Disturbance to Tenants During Conversion.

A written agreement shall be filed with the Department of Development Services that no tenant shall be unreasonably disturbed by building, remodeling or sales activity. Such agreement shall also provide that except in an emergency situation, tenants shall be granted two (2) days notice prior to required access for repairs, improvements, or showing to prospective buyers or mortgagees.

§ 11.4.80.070 Exception – Leisure World.

The provisions of this Chapter shall not apply to that certain area of the City commonly known as Leisure World.

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Chapter 11.4.85
Use Classifications

§ 11.4.85.005 Applicability.

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. Part II: Base District Regulations and Part III: Overlay District Regulations rely on these defined use classifications and specify in separate schedules the land uses permitted, subject to specific limitations, and those requiring approval of an Administrative or Conditional Use Permit. These use classifications are also referred to in Chapter 11.4.20: Off-Street Parking and Loading.

§ 11.4.85.010 Classification of Uses.

A. **Uncertainty of Uses.** When there is uncertainty, the Director shall determine whether a specific use should be considered within one or more use classifications or not within any classification in this Chapter, pursuant to Section 11.1.10.015: Rules of Interpretation. The Director may determine that a specific use is not within a classification if its characteristics are substantially incompatible with those typical of uses named within the classification. Decisions by the Director may be appealed to the Planning Commission pursuant to Title 1: General Provisions, Chapter 1.20: Review of Quasi-Judicial Decisions.

B. **Accessory or Primary Use.** The Director shall determine whether a use or activity is a primary or accessory use of a building or space. Decisions by the Director may be appealed to the Planning Commission. The Director shall use the following criteria in making the determination:

1. The description of the activity or activities in relationship to the characteristics of each use category.

2. The relative amount of site or floor space and equipment devoted to the activity.

3. The relative amounts of sales from each activity.

4. The relative number of employees in each activity.

5. Building and site arrangement.

6. How the use advertises itself.

7. Whether the activity would be likely found independent of the other activities on the site.

8. Whether the use would be harmonious and compatible with surrounding land uses.

C. **Separate Classification of Each Establishment.** Where a single lot contains activities which resemble 2 or more different activity types, each of the principal activities conducted on a single lot by each individual establishment, management, or institution shall be classified separately.

§ 11.4.85.015 Residential Use Classifications.

A. **Residential Housing Types.**

1. Single Unit Dwelling. One dwelling unit, attached or detached, located on a single lot. This use includes manufactured housing but not mobile homes.

2. Second Unit. An attached or detached accessory residential dwelling unit per State law that provides complete independent living facilities for 1 or more persons and is located on the same lot as a primary, single-family dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as the primary dwelling.

3. Two-Unit Dwelling (Duplex). A single building that contains 2 primary dwelling units, or a single lot with 2 freestanding buildings, each of which is designed for occupancy by 1 household.

4. Multiple Unit Residential. Three or more dwelling units on a single site or lot. Types of multiple-family dwellings include: townhouses, garden apartments, and other apartment buildings.

B. **Family Day Care.** A day-care facility licensed by the California State Department of Social Services that is located in a single-family residence or other dwelling unit where an occupant of the residence provides care and supervision for children.

1. Small Family. A facility which provides care for 8 or fewer children.

2. Large Family. A facility which provides care for 7 to 14 children.

C. **Group Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes rooming

and boarding houses, dormitories, and private residential clubs, offering shared living quarters, but excludes hotels, residential care facilities and transitional housing facilities.

D. **Senior Citizen Housing.** Housing that is available only to households occupied by senior citizens, qualifying residents, and permitted health care residents, subject to the limitations of Civil Code Section 51.3 or any successor statute. Notwithstanding the foregoing, residents of Senior Citizen Housing may host guests that are not senior citizens, qualifying residents, or permitted health care residents, for up to 60 days per year.

E. **Transitional Housing.** Establishments providing temporary housing in a structured living environment and where residents have access to various voluntary support services, such as health, mental health, education and employment/training services to obtain skills necessary for independent living. Living accommodations are shared living quarters with or without separate kitchen or bath facilities for each room or unit. The occupancy period shall be at least 30 days. This category excludes temporary housing that does not include support services and community social service facilities such as emergency shelters.

§ 11.4.85.020 Public, Semi-Public and Service Use Classifications.

A. **Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the internment of human or animal remains and/or cremating the dead. This classification includes mausoleums, burial places, and memorial gardens.

B. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, including residential accommodations that are available to members or guests on a temporary basis for periods of less than 30 consecutive days, but excluding residential hotels. This classification includes union halls and social clubs.

C. **Community Center.** Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers. This classification excludes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.

D. **Community Social Service Facilities.** Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may

also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

E. **Cultural Institutions.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

F. **Day Care Center.** Establishments providing non-medical care for 1 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults and any other day-care facility licensed or certified by the California State Department of Social Services, excluding small or large family day-care.

G. **Government Offices.** Administrative, clerical, or other public offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

H. **Hospitals and Clinics.** Facilities licensed by the California State Department of Health Services providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for in-patient and outpatient treatment including drug and alcohol abuse programs as well as training, research, and administrative services for patients and employees.

1. Hospitals. Institutions providing medical and surgical care to the sick or injured including operating facilities and beds for patients to stay overnight. These establishments may include nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, employee housing, temporary housing for patient families, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.

2. Clinics. Noncommercial, public, community-based facilities, other than hospitals, where patients are admitted for examinations and treatment by 1 or more physicians, usually on a "walk-in" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. These facilities are distinguished from private medical and dental offices which are generally smaller-scale in nature.

I. **Park and Recreation Facilities.** Public parks, playgrounds, trails, wildlife preserves, and open spaces. This classification also includes public and non-commercial playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, as well as related food concessions or community centers within the facilities.

J. **Parking Facilities, Public.** The exclusive or primary use of a parcel for parking in either an open paved area or structure used for parking motor vehicles, owned by a public agency or under contract to a public agency.

K. **Public Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment and material storage areas. This classification includes corporation yards, equipment service centers, and similar public facilities.

L. **Public Safety Facilities.** Facilities for public safety and emergency services, including a facility that provides police and fire protection and other emergency medical services.

M. **Religious Facilities.** A facility used primarily for religious services, including churches, temples, and similar religious facilities. This classification excludes private schools (as defined in this section), other educational facilities, administrative facilities and offices, community centers, and other uses when not incidental to a facility used primarily for religious services.

N. **Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for 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 additions. This category excludes transitional housing and community social service facilities.

1. <u>Residential Care, General.</u> A residential care facility providing 24-hour non-medical care for more than 6 persons in a single unit in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California.

2. <u>Residential Care, Limited.</u> A residential care facility providing 24-hour non-medical care for 6 or fewer persons in a single unit, in need of personal services, supervision, protection, or assistance essential for

sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California.[1] This classification includes residential care facilities restricted to persons 60 years of age or older if there are 6 or fewer residents. Six or fewer persons does not include the licensee or members of the licensee's family or persons employed as facility staff.

3. Residential Care, Senior. A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents, as provided in Health & Safety Code § 1569.316 or a successor statute. This classification includes continuing care retirement communities and lifecare communities licensed for residential care by the State of California.

O. **Schools, Public or Private.** Facilities for primary or secondary education, including public schools, charter schools, and private institutions having curricula comparable to that required in the public schools of the State of California.

§ 11.4.85.025 Commercial Use Classifications.

A. **Animal Sales and Services.** Retail sales and services of animals, including grooming, and/or veterinary care for animals on a commercial basis. This classification allows 24-hour accommodation of animals receiving medical or grooming services but does not include kennels. This classification also excludes dog walking and similar pet care services not carried out at a fixed location, and retail stores selling pet supplies only.

B. **Kennel.** Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, 4 or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

C. **Artists' Studios.** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is required.

[1] A residential care facility with 6 or fewer persons and not licensed by the State of California is considered a residential use.

D. **Automobile/Vehicle Sales and Services.**

1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance.

2. Automobile/Vehicle Sales and Leasing. Sales or leasing of automobiles, motorcycles, trucks, and/or lawn and garden-type tractors, including storage and incidental maintenance.

3. Automobile/Vehicle Service and Repair, Major. Repair of automobiles, trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair, body and fender, transmission, tire, muffler, and wheel and brake shops, as well as auto glass services, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

4. Automobile/Vehicle Service and Repair, Minor. Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories, including gasoline service stations; gas convenience marts; quick-service oil, tune-up; and tire sales and installation, where repairs are made or service provided in enclosed bays and vehicles are not typically stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, and repair of heavy trucks or construction vehicles.

5. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

6. Large Vehicle Sales, Service, and Rental. Sales, servicing, and rental of trucks, motor homes, recreational trailers and equipment, boats, and other similar vehicles.

E. **Banks and Other Financial Institutions.** Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, and businesses offering check-cashing facilities.

1. With Drive-Through Facilities. Financial institutions providing retail banking services to patrons remaining in automobiles.

2. Automated Teller Machines (ATMs). Automated devices that perform banking or financial functions operated by the consumer.

F. **Bed and Breakfasts.** Establishments providing guest rooms for lodging on a less-than-weekly basis, within a single-family dwelling, with

incidental eating and drinking service provided from a single kitchen for lodgers and residents only.

G. **Building Materials and Services.** Retailing, wholesaling, 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 definition does not include building contractors' yards, large-scale "warehouse" stores (see Home Improvement Sales and Services), hardware stores with less than 10,000 square feet in floor area, or plant nurseries.

H. **Business Services.** Establishments that primarily provide 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, and model building.

I. **Commercial Recreation.** Provision of participant or spectator recreation to the general public, excluding public park and recreation facilities.

1. Large-scale. This classification includes large indoor or outdoor facilities including: sports stadiums and arenas; amusement and theme parks; bowling centers; racetracks; amphitheatres; driving ranges not in conjunction with a golf course; large fitness centers, gymnasiums, handball, racquetball, or tennis club facilities greater than 20,000 square feet; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

2. Small-scale. This classification includes small, generally indoor facilities, although some facilities may be outdoor, including: billiard parlors, dance halls, gymnasiums, handball, racquetball, or tennis club facilities less than 20,000 square feet, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

J. **Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

1. Bars. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of beer.

2. Restaurants, Fast Food. Establishments where ready-to-eat prepared foods and beverages are: (1) sold for immediate consumption on- or off-premises; (2) are available upon a short waiting time; and (3) are packaged

and served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: a limited menu, food is paid for prior to consumption, the facility in which the activity/use is occurring provides a take-out counter space and substantial delineated area for customer queuing, employees generally wear a standard uniform, and the facility has late or long hours of operation.

3. Restaurants, Full Service. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided.

4. Restaurants, Limited Service. Establishments where food and beverages are prepared and may be consumed on the premises, taken out, or delivered, but where no table service is provided and patrons pay before eating. This classification includes cafeterias, delis, coffee shops, and snack bars but excludes fast-food restaurants and take-out only establishments.

5. Restaurants, Take-Out Only. Establishments where food and beverages are prepared and may be taken out or delivered, but may not be consumed on the premises. No seating is provided on the premises.

6. With Drive-Through Facilities. Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.

7. With Outdoor Eating Areas. Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way.

K. **Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include markets, groceries, liquor stores, and retail bakeries.

1. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

2. Convenience Market. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a service station but does not include delicatessens or specialty food shops. It excludes establishments which have a sizeable assortment of fresh fruits and vegetables or fresh cut meat.

3. General Market. Retail markets of food and grocery items for primarily offsite consumption. Typical uses include supermarkets, and specialty food stores such as bakeries, candy, nuts and confectionary stores, meat or produce markets, vitamin and health food stores, cheese stores and delicatessens.

4. Liquor Stores. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

L. **Funeral Parlors and Mortuaries.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

M. **Home Improvement Sales and Services.** Retail sales, rental, and related services of hardware, plumbing, electrical, heating, air conditioning, building supplies, lumber, tools and equipment, plants and garden products, rocks and soils, patio furniture, swimming pools, spas and hot tubs, lighting fixtures, kitchen and bathroom fixtures and cabinets, paint, carpeting, floor coverings, or wallpaper. This use classification does not include hardware stores with less than 10,000 square feet of area, or plant nurseries. See also Section W: Retail Sales, following.

N. **Hotels and Motels.** Establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming hotels, boarding houses, or residential hotels designed or intended to be used for sleeping for a period of 30 consecutive days or longer. This classification also excludes bed and breakfast facilities and similar accommodations that an occupant of single-family housing provides on the same premises incidental to the primary residential use of the property.

O. **Laboratories.** Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, research and development or testing services.

P. **Live/Work Unit.** A artist, commercial or industrial unit with incidental residential accommodations that includes adequate working space reserved for artist, commercial or industrial use and regularly used for such purpose by one or more persons residing in the unit and a cooking space and sanitary facilities in conformance with applicable building standards. Up to 50 % of the gross floor area may be reserved for and primarily used as living space.

Q. **Maintenance and Repair Services.** Establishments providing appliance repair, office machine repair, janitorial services, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and pest control services.

R. **Offices, Business and Professional.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, advertising, architectural, computer software design, engineering, graphic design, insurance, interior design, investment, and legal offices. This classification excludes hospitals, banks, and savings and loan associations.

1. Walk-in Clientele. Offices of firms or organizations providing services to the public that rely on heavy pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling, and financial tax services.

S. **Offices, Medical and Dental.** Offices of firms or organizations providing medical or dental services, such as physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification includes medical/dental laboratories within medical office buildings but excludes clinics or independent research laboratory facilities.

T. **Parking Facilities, Commercial.** Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.

U. **Personal Improvement Services.** Provision of instructional services or related facilities, including photography; fine arts; crafts; dance or music studios; driving schools; business and trade schools; diet centers, reducing salons, single-purpose fitness studios such as yoga studios or aerobics studios. This classification is intended for more small-scale storefront locations and is distinguishable from small-scale commercial recreation uses that tend to occupy larger sites and generate more noise. This classification does not include massage except as an accessory use.

1. Massage, Accessory. A use where massages occur as an accessory to a Personal Improvement Services use, either permanently or temporarily, and the area where the massage occurs occupies less than 20 % of the gross floor area of the principal Personal Improvement Services use.

V. **Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, and travel agencies. This classification does not include massage except as an accessory use.

1. Massage, Accessory. A use where massages occur as an accessory to a Personal Services use, either permanently or temporarily, and the area where the massage occurs occupies less than 20 % of the gross floor area of the principal Personal Services use.

W. **Retail Sales.** The retail sale and rental of merchandise not specifically listed under another use classification. This classification includes drug stores, pharmacies, department stores, clothing stores, furniture stores, pawn shops, pet supply shops, hardware stores, video rental stores, and businesses retailing goods including: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware (under 10,000 square feet of sales area), appliances, antiques, 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.

1. Large Format. Retail establishments having over 20,000 square feet of sales area with a primary façade over 100 feet in length that sells merchandise and bulk goods for individual consumption, including membership warehouse clubs and superstores.

X. **Tattoo Parlors.** Facilities that apply tattoos to the human body.

Y. **Theaters.** Live and motion picture theaters.

§ 11.4.85.030 Industrial Use Classifications.

A. **Contractors' Yards.** On- or off-site storage of contractors' materials or equipment.

B. **Handicraft/Custom Manufacturing.** Manufacture of crafts, art, sculpture, stained glass, and similar items. Incidental sales of products produced by an artist on-site may also be conducted within this space.

C. **Manufacturing, Light.** Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; food and beverage manufacturing/distribution; providing industrial services; or conducting industrial or scientific research, including product testing. This classification excludes basic industrial processing and recycling of cans, bottles, cardboard and similar consumer materials.

D. **Manufacturing, Medium.** Manufacturing or assembly of products from extracted, raw or finished materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes: tobacco product manufacturing, textile mills, textile product mills, apparel manufacturing, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, and fabricated metal product manufacturing.

E. **Warehousing and Storage.** Storage and distribution facilities without onsite sales to the public on-site or direct public access.

1. Indoor Commercial Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets.

2. Outdoor Storage. Storage of vehicles or commercial goods in open lots.

3. Personal Storage. Facilities offering storage for individual use, including mini-warehouses.

§ 11.4.85.035 Transportation, Communication, and Utilities Use Classifications.

A. **Communication Facilities.**

1. Antennae and Transmission Towers. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

2. Facilities Within Buildings. Includes radio, television, or recording studios and telephone switching centers; excludes antennae and transmission towers.

B. **Recycling Facilities.** Facilities for receiving, temporarily storing, and transferring materials for recycling, reuse, or final disposal.

1. Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

2. Recycling Collection Point. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

3. Recycling Processing Facility. Facilities that receive, sort, store and/or process recyclable materials.

C. **Utilities, Major.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

D. **Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

E. **Hazardous Waste Facility.** All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste management units, or combinations of these units.

§ 11.4.85.040 Agriculture Use Classifications.

A. **Nurseries.** Establishments primarily engaged in retailing nursery and garden products – such as trees, shrubs, plants, seeds, bulbs, and sod - that are predominantly grown elsewhere but which may sell a limited amount of product they grow themselves. All merchandise is kept within an enclosed building or a screened enclosure and fertilizer of any type is stored and sold in package form only. This classification includes wholesale and retail nurseries.

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Chapter 11.4.90
Historic Preservation

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