

Wednesday, May 28, 2025, 6:30 PM
COUNCIL CHAMBER
6650 Beach Boulevard
Buena Park, CA 90621

PLANNING COMMISSION
AGENDA

6:30 p.m.

1. GENERAL

- 1.A. CALL TO ORDER
- 1.B. ROLL CALL
- 1.C. PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

2.A. ORAL COMMUNICATIONS

This is the portion of the meeting set aside to invite public comments regarding any matter within the jurisdiction of the Planning Commission. Public comments are limited to no more than three minutes each. If comments relate to a specific agenda item, those comments will be taken following the staff report for that item and prior to the Planning Commission vote. Those wishing to speak are asked to add their information at the digital kiosk located at the entrance of the Council Chamber.

3. CONSENT CALENDAR

- 3.A. APPROVAL OF MINUTES
April 23, 2025

4. NEW BUSINESS

5. PUBLIC HEARING

- 5.A. TEXT AMENDMENT C-25-1 AMENDING TITLE 19 OF THE BUENA PARK MUNICIPAL CODE, GENERAL PLAN AMENDMENT GP-25-2 AMENDING THE LAND USE AND COMMUNITY DESIGN ELEMENT OF THE GENERAL PLAN, AMENDMENTS TO THE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS REGULATING THE HOUSING INCENTIVE OVERLAYS AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT EIR-25-1

6. STAFF REPORTS

- 6.A. STAFF REPORTS

7. AGENDA FORECAST

7.A. ANNOUNCEMENTS, CONFERENCE REPORTS AND CALENDAR REQUESTS

8. COMMISSION REPORTS

8.A. COMMISSION REPORTS

9. ADJOURNMENT

9.A. ADJOURNMENT

This agenda contains a brief general description of each item to be considered. Supporting documents are available for review and copying at City Hall or at www.buenapark.com. Supplementary materials distributed to the Planning Commission less than 72 hours before the meeting are posted to the City's website at www.buenapark.com and copies are available for public inspection beginning the next regular business day in the Planning Division Office. Video streaming of the meeting is available on the City's website. This governing body is prohibited from discussing or taking action on any item which is not included in this agenda; however, may ask clarifying questions, ask staff to follow-up, or provide other direction. The order of business as it appears on this agenda may be modified by the governing body.

In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the City Clerk's Office at (714) 562-3750 or the California Relay Service at 711. Notification at least 48 hours prior to the meeting will enable the City to make arrangements to assure accessibility.

If you would like to participate in any matter of business on the agenda and would like translation in Chinese, Korean, Spanish, Tagalog, or Vietnamese, please contact the **Planning Division at (714) 562-3620 48-hours prior to the meeting**. Residents requiring translation during Oral Communications are encouraged to bring interpreters.

시의회 목록에 있는 정식 안건에 대해 의견을 발표하고 싶으신 경우, 중국어, 한국어, 스페인어, 타갈로에 대한 통역사가 필요하시면 시미팅 48시간전 시서기 오피스로 (714-562-3750) 연락하시면 됩니다. 정식안건이 아닌 주민 발언시간에 발표하실 경우, 본인의 통역사를 직접 모시고 오시면 감사하겠습니다.

Si le gustaría participar en audiencia pública o cualquier asunto de negocios programado en la agenda y necesita traducción en chino, coreano, español, tagalo o vietnamita, comuníquese con la Oficina del Secretario de la Ciudad, 48 horas antes de la reunión al (714) 562-3750. Para participar en los comentarios públicos sobre cualquier otro asunto dentro de la jurisdicción del ayuntamiento, se les recomienda que traiga un intérprete.

I, Ruth Santos, City of Buena Park, do hereby certify, under penalty of perjury under the laws of the State of California that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at Buena Park City Hall, 6650 Beach Blvd., and uploaded to the City of Buena Park website www.buenapark.com.

Ruth Santos
Sr. Administrative Assistant

Date Posted: May 22, 2025



A. APPROVAL OF MINUTES

April 23, 2025

Meeting	Agenda Group
Wednesday, May 28, 2025, 6:30 PM	CONSENT CALENDAR Item: 3A.
Prepared By	
Ruth Santos, Senior Administrative Assistant	

Attachments

[2025-04-23 PC M Draft.pdf](#)

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
April 23, 2025

The regular meeting of the Planning Commission of the City of Buena Park convened at 6:30 p.m. on April 23, 2025, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California, with Chair Diep presiding.

PRESENT: COMMISSIONERS: Davis, Judeh, Patiño, Schoales, and Diep

Matt Foulkes, Community and Economic Development Director
Ian McAleese, Senior Planner
John W. Lam, Assistant City Attorney
Ray Tae, Senior Office Assistant
Ruth Santos, Senior Administrative Assistant

1. GENERAL

- 1A. CALL TO ORDER
- 1B. ROLL CALL
- 1C. PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

None

3. CONSENT CALENDAR

- 3A. APPROVAL OF MINUTES – March 12, 2025 Planning Commission Meeting

3B. SIGN PROGRAM NO. SN-24-4 - A request to establish a sign program for an existing single-story multi-tenant commercial center development and a freestanding restaurant with drive-thru establishment to provide consistent and complementary signage throughout the existing commercial development at 6131 and 6161 Lincoln Avenue within the Community Shopping (CS) zone.

The motion passed unanimously

AYES: 5 COMMISSIONERS: Davis, Judeh, Patiño, Schoales, and Diep

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**RESOLUTION NO. 6374
SIGN PROGRAM NO. SN-24-4**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING A REQUEST TO ESTABLISH A SIGN PROGRAM NO. SN-24-4 FOR AN EXISTING SINGLE-STORY MULTI-TENANT COMMERCIAL CENTER DEVELOPMENT AND A FREE-STANDING RESTAURANT WITH DRIVE-THRU ESTABLISHMENT LOCATED AT 6131 AND 6161 LINCOLN AVENUE (APNS: 260-021-07, AND 08) WITHIN THE COMMUNITY SHOPPING (CS) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

4. PUBLIC HEARING

4A. TERMINATION ON NONCONFORMING USE - A request for the Planning Commission, pursuant to Buena Park Municipal Code Section 19.132.020, to consider termination of a nonconforming motel use at 7891 Whitaker Street, and to declare continued existence of the nonconforming use to be a public nuisance.

Mr. Foulkes presented the staff report.

Chair Diep opened the public hearing.

In response to Chair Diep, Ms. Santos stated that staff received and distributed copies of two emails from the following residents:

1. Brian Robinson wrote regarding several incidents where guests from the Coral Motel jumped the fence into his property, being chased by people with guns; harassed his dogs, stole vegetables from his plants, and threw trash and drug paraphernalia into his backyard;
2. Russ and Dorothy Higgins wrote about the Coral Motel being an eyesore of trash, prostitution, and drugs; the rundown look of the area; and that they would like to see it torn down and the land put to better use.

Frank A. Weiser, Law Offices of Frank A. Weiser, counsel for the business owner, spoke about the due process required in Conditional Use Permit (CUP) revocation and nonconforming use/declaration of nuisance hearings, the pending status of the Code Enforcement administrative hearing, and the business owner's intent to sell the property. He asked for a continuance of this item due to what he described as lack of due process, and until after the conclusion of the administrative hearing and the sale of the property.

Linda O'Donnell, 7932 8th Street, Buena Park, CA 90621, said that she lives behind the Coral Motel. She described the look of the motel as horrible and the surrounding areas unsafe. She said that there are police cars parked by the motel during the day and at night.

Luis Cardenas said that he owns the property next door to Coral Motel, described cases of vandalism on his property by occupants of the motel, and his desire to sell his property. He expressed his agreement with staff's recommendation.

Commissioners Davis and Vice Chair Judeh asked Mr. Weiser to respond to concerns raised in the staff report and expressed by members of the public.

Mr. Weiser stated that certain old violations cited in the Code Enforcement administrative hearing were handled in the past. He again spoke about the lack of due process on this case, the pending status of the administrative hearing, and the business owner's intent to sell the motel. He therefore requested for a continuance on this item or a denial of staff's recommended action.

Mr. Foulkes and Mr. Lam clarified that the Code Enforcement administrative hearing and the item under consideration at this meeting are two different issues. Mr. Lam explained that this item is not a revocation of the CUP, the sale of the motel is not on this agenda, and this public hearing is the due process for the action recommended by staff.

Chair Diep closed the public hearing.

Commissioner Davis moved and Vice Chair Judeh seconded the motion to approve the resolution terminating the nonconforming Land Use privilege at 7981 Whitaker Street (Coral Motel) and declaring continued existence of the nonconforming use to be a public nuisance.

AYES: 5 COMMISSIONERS: Davis, Judeh, Patiño, Schoales, and Diep

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**RESOLUTION NO. 6375
TERMINATION OF A NONCONFORMING PRIVILEGE**

**A RESOLUTION OF THE PLANNING COMMISSION OF
BUENA PARK, CALIFORNIA, TERMINATING A
NONCONFORMING LAND USE PRIVILEGE (OPERATION
OF A MOTEL IN THE AUTO CENTER SPECIFIC PLAN) AT
7891 WHITAKER STREET, CITY OF BUENA PARK (APN:
277-052-27) PURSUANT TO SECTION 19.132.020 OF THE
BUENA PARK MUNICIPAL CODE, AND DECLARING
CONTINUED EXISTENCE OF THE NONCONFORMING USE
TO BE A PUBLIC NUISANCE**

5. NEW BUSINESS

5A. STUDY SESSION – Staff gave a presentation regarding a future Public Hearing item to amend the Land Use and Community Design Element of the General Plan, amendments to the Buena Park Municipal Code, amendments to the Objective Design and Development Standards, and certification of an Environment Impact Report to implement multiple programs within the 2021-2029 General Plan Housing Element.

Staff responded to questions from the Planning Commission.

6. STAFF REPORT:

None

7. AGENDA FORECAST:

Mr. Foulkes announced that the Study Session item at this meeting will be considered at the May 14, 2025 Planning Commission meeting.

8. COMMISSION REPORTS:

Vice Chair Judeh reported on her attendance at the Estrella Awards.

9. ADJOURNMENT:

At 8:42 p.m., Chair Diep adjourned the Planning Commission meeting.

Deborah Diep
Chair

ATTEST:

Harald Luna
Acting Planning Manager

A. TEXT AMENDMENT C-25-1 AMENDING TITLE 19 OF THE BUENA PARK MUNICIPAL CODE, GENERAL PLAN AMENDMENT GP-25-2 AMENDING THE LAND USE AND COMMUNITY DESIGN ELEMENT OF THE GENERAL PLAN, AMENDMENTS TO THE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS REGULATING THE HOUSING INCENTIVE OVERLAYS AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT EIR-25-1

Meeting	Agenda Group
Wednesday, May 28, 2025, 6:30 PM	PUBLIC HEARING Item: 5A.
Prepared By	
Matt Foulkes, Director of Community and Economic Development	

BACKGROUND:

The City of Buena Park General Plan establishes the fundamental policy framework to guide decisions related to land use and development, public services and facilities, public safety, resource management, recreation, culture, and the overall health and quality of life in the community. The General Plan presents a vision for the City's future, and embodies goals, policies, and strategies to turn that vision into a reality. The General Plan consists of ten interrelated elements including:

- Land Use and Community Design
- Mobility
- Community Facilities
- Conservation and Sustainability
- Open Space and Recreation
- Safety
- Noise
- Economic Development
- Housing
- Environmental Justice

The last comprehensive update to the General Plan was completed in 2010, but the Housing, Mobility, Land Use and Community Design and Environmental Justice Elements have been updated individually over the last 15 years. While all General Plan Elements are interrelated, the Housing Element and the Land Use and Community Design Element are the most interconnected in terms of goals and policies as it relates to development in the City. For example, policies regarding location, type, and density of residential development contained in the Land Use and Community Design Element directly relate to the Housing Element and are used as the basis for evaluating potential policy adjustments to allow increased residential capacity consistent with established General Plan goals. The State Department of Housing and Community Development (HCD) requires cities to update their Housing Element every eight years. These updates are commonly referred to as “Housing Element Cycles”. The City Council approved the City’s 6th Cycle Housing Element in 2022 and it was certified by HCD in 2024. Within the certified Housing Element there are 18 Programs which are required to be implemented in order for the Housing Element to remain certified. Nine of the 18 Housing Element Programs are incorporated into the proposed General Plan and Zoning Code updates which were scheduled to occur in two phases. The first phase, which was completed and approved by the City Council in February 2024 included:

- Amend the General Plan Land Use Map and Zoning Map for those properties identified in the Sites Inventory of the Housing Element;
- Create five (5) new Housing Incentive Overlay zones (HIO) and Objective Design and Development standards; and
- Update the existing Housing Opportunities Overlay (HOO) zone to increase permitted density.

The second phase is to update the Zoning Code (Title 19 of the Municipal Code) related to Administration (Division 1), Single-Family (Division 3), Multi-Family (Division 4) and Mixed-Use Zones (Division 7), update the objective design and development standards and update the Land Use and Community Design Element of the General Plan to reflect the updates to the Zoning Code.

The Community and Economic Development Department contracted with CASC Engineering and Consulting, Inc. to assist the City with both phase 1 and 2 as well as with completion of the required environmental analysis (CEQA) for the Zoning Code and General Plan amendments. The proposed amendments to the General Plan and Zoning Code will facilitate the development of 10,322 dwelling units and 438,333 square feet of new commercial space citywide. It is important to note that the proposed amendments to the General Plan and Zoning Code are for planning purposes only and no specific construction project is proposed as part of the action to adopt the amendments to the General Plan and Zoning Code.

DISCUSSION:

Municipal Code Amendments (Title 19).

The proposed amendments to Title 19 (Zoning Code) include amendments to Division 1 (Administration), Division 3 (Single-Family), Division 4 (Multi-Family) and Division 7 (Mixed-Use). As a result of the extent of the amendments made to each of these Divisions, the attached Resolution will repeal and replace each of these Divisions in their entirety rather than showing the deletions in strike-through. All new text is shown in double-underline. A summary of the proposed amendments is provided below, while Attachment 1 (Resolution) contains the complete listing of all amendments to Title 19.

Division 1 – Administration: Amendments to Division 1 include:

- Definitions for the newly created Mixed-Use Zones (General Mixed-Use, Central Buena Park Mixed-Use, Entertainment Mixed-Use and Commercial Office Mixed-Use).
- Definition for the Housing Incentive Overlay Zone (HIO) which includes MU-45, MU-60 and MU-100), Housing Opportunity Overlay (HOO), Religious Congregational and Fraternal Overlay (RCFO) and Hotel/Motel Conversion Overlay (HMC0).
- New or updated definitions for various uses and activities throughout the City.

- Updates/amendments to Administrative Procedures to:
 - Remove unused or outdated processes.
 - Define ministerial approval process for qualifying project types.
 - Update notification requirements to comply with recent state laws.
 - Update the types of projects that are subject to the Site Plan Review process to streamline qualifying single-family residential development, artificial turf installation and commercial signage.
 - Clarify measurement metric for Adjustment requests.
 - Expand the types of projects that are subject to the Interdepartmental Review process to include qualifying projects within the HIO, HOO and RFCO.

Division 3 – Single-Family Residential: Amendments to Division 3 include:

- Addition of HIO to the list of overlay zones.
- Addition of Planned Unit Developments section with updated standards.
- Updates to be consistent with State Density Bonus Laws.
- Updates to be consistent with Urban Lot Splits (SB9).
- Updates to the permitted uses table to reflect new uses and accessory uses that are permitted or conditionally permitted in the single-family zones.
- Update to reflect new standards pertaining to the keeping of chickens and bees.
- New objective development standards for new, expanded or altered single-family residential including: orientation of buildings, driveways, massing, windows, rooflines, garage doors, building materials and architectural styles.
- Updates to building setbacks and clarification on setback measurements for front, side, rear and reversed corner lots.
- Updates to the permitted encroachments and projections.
- New objective development standards pertaining to right-of-way improvements, street dedications and other Public Works related improvements required for single-family residential development.
- Updates to the fence/wall requirements and permitted materials.
- Updated artificial turf standards.
- New tree removal standards to reduce the amount of unnecessary tree removals and preserve the urban tree canopy.
- Updated and clarified driveway standards.
- New Electric Vehicle (EV) standards.
- Updates to be consistent with State law pertaining to Accessory Dwelling Units.
- Updates to Cluster Housing Development standards.
- Updates to be consistent with State law pertaining to emergency shelters.
- Clarification regarding what structures can be used for short-term rentals.

Division 4 – Multi-Family Residential: Amendments to Division 4 include:

- Addition of HIO, HOO, RCFO and HMC0 to the list of overlay zones.
- Addition of CBPMU and EMU to the list of Mixed-Use Zones.
- Clarification on the use of Lot Consolidation Bonus in Multi-Family Zones.
- Updates to be consistent with State Law pertaining to Density Bonus.
- Updates to the permitted uses table to reflect updated uses and accessory uses within the multi-family zone.
- Updates to the height limits allowed in the RM-10 and RM-20 zones.
- Objective development standards for building form, step backs, privacy and rooflines.
- Updates to the minimum unit size for multi-family dwellings.
- New definitions and development standards for non-habitable accessory structures.
- Objective development standards for exterior materials and architectural styles.
- Updates to existing standards for yard encroachments as well as additional permitted encroachments.

- Updated open space requirements including standards for common open space, recreational amenities and private open space.
- New objective development standards for right-of-way improvements required by Public Works.
- Updates to requirements for exterior walls and fences.
- Updates to landscaping requirements, development standards and maintenance.
- Updated surface parking and garage dimensions for multi-family development.
- Updates to parking requirements to be consistent with State Law.
- New objective development standards for equipment/utility location and screening.
- New and updated development standards for Cottage Cluster Development.

Division 7 – *Mixed-Use Zones*: Amendments to Division 7 include:

- New definitions for GMU, CBPMU, EMU, COMU, HIO, HOO, RCFO and HMCO zones.
- New residential and non-residential density and floor area ratio (FAR)
- Update to reflect current Density Bonus regulations.
- New minimum site dimensions for lots within each mixed-use zone.
- New permitted uses table for residential and commercial uses allowed within the various mixed-use zones and overlays.
- New height limits for development within the mixed-use zones.
- Objective development standards regarding building form, step backs, articulation, rooflines, exterior materials and architectural styles.
- New development standards for open space requirements for both common and private open space, permitted encroachments, recreational amenities and rooftop decks.
- Objective development standards for right-of-way improvements required by Public Works.
- New development standards for outdoor storage, trash facilities, patios, and other outdoor equipment.
- New development standards for fences, walls and hedges including height requirements, location and materials.
- New development standards for landscaping including locations, plant materials and landscape plan submittal requirements.
- New development standards for vehicle circulation, parking and access including standards for parking structures and loading areas.
- Objective standards for noise control and lighting.
- New standards for live/work style units.

Pursuant to Buena Park Municipal Code Chapter 19.124.010, the Planning Commission must find that the proposed Title 19 (Zoning) Code amendments are consistent with the General Plan and whether the proposed amendments will negatively impact housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available. The proposed amendments are consistent with the goals, policies, purposes, objectives, and programs of the City's General Plan, specifically the Housing Element and the Land Use and Community Design Element. The result of the amendments will increase and not diminish the land available for housing within the City while also balancing the public service needs of the City residents and the fiscal and environmental resources available. The proposed text amendments will facilitate the development of 10,322 dwelling units along with 438,333 square feet of commercial square footage. The proposed amendments have been analyzed for potential environmental impacts through the preparation of an environmental impact report (EIR).

Land Use and Community Design Element Amendments

In addition to the amendments to Title 19 (Zoning Code), there are also proposed amendments to the Land Use and Community Design Element of the General Plan. The Land Use and Community Design Element directs development patterns by identifying and describing the location and distribution of existing and future land uses throughout the City and articulates the City goals and policies to address community character and identity, as well as future growth and change. A summary of the proposed amendments to the Land Use and Community Design Element are provided below while Attachment 2 (Resolution) provides a comprehensive description of all proposed amendments.

- Updates to the Existing Land Uses table LU-1 to reflect updated information since the last Element update.
- Updates on amendments to the various Specific Plans regarding the new overlay zones.
- Update to reflect the dissolution of the Redevelopment Agency and reference to Buena Park as the Successor Agency.
- Updates to the Focus Area Existing Land Use table LU-2 to reflect updated information since the last Element update.
- Clarification on the calculation methodology for residential density.
- Updates to the allowable density within the Housing Incentive Overlays.
- Updates to references to Accessory Dwelling Units, SB9 and Cluster Housing to be consistent with the Zoning Code amendments.
- New descriptions for the Mixed-Use Overlay zones (MU-45, MU-60, MU-100, HOO, RCFO and HMC0).
- Updates to the General Plan Land Use Summary table LU-5 to update the acreage, base density and whether mixed-uses are permitted.
- Updates to the focus areas (Central Buena Park, Orangethorpe Corridor East, Orangethorpe Corridor West, Entertainment Corridor, Entertainment Corridor North, Civic Center, North Beach Commercial and Fillmore/Jackson).
- Updates/additions to several Policies including:
 - LU-1, LU-2, LU-3, LU-4, LU-6, LU-7, LU-8, LU-15, LU-16, LU-17, LU-22 and LU-23.

Amendments to the Objective Design and Development Standards (ODDS)

The City Council first approved the Objective Design and Development Standards (ODDS) in February 2024. The purpose of the ODDS is to complement the Zoning Code and General Plan for development projects located within the HIO zones which must be reviewed ministerially. Objective standards are clear, measurable, and uniformly applicable criteria used to evaluate development projects. Unlike subjective guidelines that rely on personal judgment, objective standards are based on quantifiable benchmarks, ensuring consistency and predictability in the review process. For example, specifying a "minimum front yard building setback of 4 feet" is objective, whereas stating that a "front yard building setback should match the character of the neighborhood" is subjective and open to interpretation. State legislation including Senate Bill SB-35, SB-330 and others mandate that cities review qualifying residential projects based exclusively on objective standards, facilitating a ministerial (non-discretionary) review process. This change in review procedure underscores the importance of ODDS because of its ability to streamline the review process for housing developments while maintaining a degree of control over the aesthetic and functional aspects of new residential and mixed-use developments. The City developed its Objective Design and Development Standards to support and guide the development of housing within the six (6) Housing Incentive Overlay (HIO) Zones. While the City Council adopted the ODDS in February 2024, as a result of the proposed amendments to Title 19 (Zoning Code) and recent project proposals that have been submitted, a need was identified to make several amendments and/or clarifications to ensure that these standards continue to achieve their intended results. Amendments to the adopted Objective Design and Development Standards include:

- Clarification on the percentage of required affordable housing units to qualify for use of the Objective Design and Development Standards.
- Clarification on the terms of affordability for the units developed and requirements for the Affordable Housing Agreement.

- Clarification that a zone change is required to add the HIO overlay to a property not already identified with the HIO.
- Rephrasing 'mitigation measures' to 'impact reduction strategies' to avoid confusion with CEQA terminology.
- Clarification on measurement standard for determining roof height for flat roof and pitched roof designs.
- Clarification on requirements for notification for projects which impact FAA notification boundaries.
- Revision to the additional building setback requirement for projects adjacent to a single-family zone.
- Updated horizontal building step back requirement for structures over 3-stories and clarification on rooftop equipment not counting towards height limits.
- Update to reflect parking standards pursuant to Density Bonus Law.
- Removal of development standard pertaining to daylight plane.
- Updated definitions to remove unused definitions.

ENVIRONMENTAL ASSESSMENT:

Although no specific development project is proposed as part of the amendments to the Zoning Code and General Plan, for purposes of evaluating the potential environmental impacts under CEQA, it must be assumed that all 10,322 residential units and 438,333 square feet of new commercial square footage will be constructed and as a result, it was determined that an Environmental Impact Report (EIR) was the most appropriate CEQA document to prepare for this project. An Initial Study was completed in November 2024 and a Scoping Meeting was held on November 13, 2024 as part of a regularly scheduled Planning Commission meeting. A draft of the EIR was made available for public review from February 14, 2025 to March 31, 2025. Following the completion of the public review period, City staff and the consultant team prepared responses to the comments received on the draft EIR and the final document is ready for review and recommendation by the Planning Commission before final determination by the City Council. The EIR concluded that, based on the scope of the project, there are certain environmental impacts that could not be mitigated to a less than significant level. The specific areas where there are environmental impacts that cannot be mitigated to a less than significant level are Air Quality and Greenhouse Gas Emissions. Specifically, the project would result in unavoidable impacts in the following areas:

- Construction-Related Emissions. Construction-related emissions are speculative and cannot be accurately determined at this stage of the planning process. Therefore, specific impacts are too speculative to evaluate and it cannot be definitively stated that all future development projects would not exceed the applicable thresholds, especially since some individual projects may exceed the thresholds. As such, the Project would result in a significant and unavoidable impact for emissions of CO, VOCs, NOx, SOX, PM10, and PM2.5 during construction with respect to future development projects even with implementation of feasible mitigation measures.
- Operational-Related Emissions. During the operational phase, potential development within the Project area would result in a net increase in regional criteria pollutants from the operation of both stationary and mobile sources. CEQA review of individual development projects would include an evaluation to determine whether potential air pollutant emissions generated from growth could result in a significant impact to air quality. The significance level of these impacts would be determined during review and appropriate mitigation measures would be developed. However, due to the magnitude of development and associated mobile and stationary source air quality impacts, impacts in this regard would be significant and unavoidable.
- AQMP Consistency. As the program level analysis of emissions associated with the potential development in the Project area would exceed SCAQMD thresholds, the Project would potentially result in a long-term impact on the region's ability to meet State and Federal air quality Standards. The Project would conflict with the AQMP as it would not meet the first AQMP consistency criterion.
- Cumulative Construction, Operational Impacts and Impacts to Sensitive Receptors. Construction of future potential development projects in the Project area may be "cumulatively considerable". Emissions from operations of the proposed Project would potentially exceed the SCAQMD thresholds for criteria pollutants, resulting in a significant impact. In accordance with SCAQMD methodology, any project that cannot be mitigated to a level of less than significant is also significant on a cumulative basis.

All other environmental impacts associated with implementation of the proposed Project would be less than significant with compliance with the goals, policies, and implementation measures in the General Plan. As required by CEQA Section 21081(b) and State CEQA Guidelines Section 15093, there is a process to certify an EIR even when the City finds that a project will have unavoidable significant environmental effects. This process is called a Statement of Overriding Considerations. Essentially, the conclusion by the City is that the unavoidable environmental impacts from the project are outweighed by overriding economic, legal, social, technological, or other benefits offered by the Project. Specifically, the Project will provide the following benefits:

1. The Project facilitates preservation and development of affordable housing. Several of the Housing Element Implementation Programs relate directly to the promotion of affordable housing. Programs 8 and 10-18 all help promote affordable housing and ensure that the City meets its RHNA (Regional Housing Needs Assessment) goals. Implementation of these programs will increase the maximum density bonus for Affordable Housing, update regulations related to ADUs, provide for by-right approvals for projects meeting the 20 percent affordability requirements, provide for replacement housing, emergency shelters and special needs housing.
2. The Project will comply with State Housing Element Law and meet the City's RHNA target. Housing Element Law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing production. Housing element statutes also require the HCD to review local housing elements for compliance with state law and to report their findings to the local government. The City has an identified RHNA of 8,919 for the 2021–2029 planning period, distributed among very low, low-, moderate- and above moderate-income categories. The RHNA represents the minimum number of housing units each community is required to provide "adequate sites" through zoning and is one of the primary threshold criteria necessary to achieve approval of the element by HCD. HCD certified the City's Housing Element in February 2024 and the City is obligated under State law to implement the Housing Element Implementation Programs.
3. Through Implementation Programs 14 and 18, the City will encourage fair and equal housing opportunities by updating the development regulations for emergency shelters and transitional/support housing, low barrier navigation centers, and employee housing as well as establish requirements for Low Barrier Navigation Centers.
4. The Project implements streamlining the entitlement process for affordable housing. Implementation Programs 12, 16 and 17 are an integral component of the City's overall goal to remove barriers to affordable housing via streamlining the development process. This Project creates Objective Design and Development Standards to make affordable housing and mixed-use development easier and updates the City's review process to ensure compliance with state laws.

Based on the above-referenced benefits, specifically the need to implement the Housing Element as certified by HCD, the Statement of Overriding Considerations is a necessary and appropriate process to certify the EIR.

PUBLIC HEARING NOTICE:

A public hearing notice was provided in accordance with the Buena Park Municipal Code and State Law. A newspaper notice was published in the Buena Park Independent on May 2, 2025 and posted at the required locations. The originally scheduled Planning Commission meeting for May 14, 2025 was continued to the meeting of May 28, 2025. As of the printing of this report, there have been no written comments received from the public.

Reviewed and Approved By: Matt Foulkes, Community and Economic Development Director

Attachments

[Text Amendment No. C-25-1_Planning Commission Resolution with attachments.pdf](#)

[General Plan Amendment No. GP-25-2_Planning Commission Resolution.pdf](#)

[Final EIR and Statement of Overriding Considerations links.pdf](#)

RESOLUTION NO. _____
TEXT AMENDMENT NO. C-25-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING TITLE 19 OF THE BUENA PARK MUNICIPAL CODE, SPECIFICALLY DIVISION 1 (ADMINISTRATION), 3 (SINGLE-FAMILY), 4 (MULTI-FAMILY) AND 7 (MIXED-USE) AS WELL AS AMENDMENTS TO THE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS REGULATING THE HOUSING INCENTIVE OVERLAYS

A. Recitals.

(i) WHEREAS, the City Council adopted the Buena Park General Plan as required by law on December 7, 2010, through the adoption of Resolution No. 12497; and

(ii) WHEREAS, The General Plan establishes the fundamental policy framework to guide decisions related to land use and development, public services and facilities, public safety, resource management, recreation, culture, and the overall health and quality of life in the community; and

(iii) WHEREAS, the State Department of Housing and Community Development (HCD) requires cities to update their Housing Element every eight years; and

(iv) WHEREAS, the City of Buena Park's 6th Cycle Housing Element Update (HEU) was approved by the City Council on January 25, 2022 and Certified by HCD in February 2024; and

(v) WHEREAS, to maintain HCD certification of the Housing Element, and as part of the implementation process for ten of the eighteen Housing Element Programs, the City Council initiated General Plan and Zoning Code updates that were scheduled to occur in two phases; and

(vi) WHEREAS, the City Council approved a General Plan Amendment and Zoning Code Amendment to create five (5) new Housing Incentive Overlay Zones (HIO) and Objective Design and Development Standards in February 2024; and

(vii) WHEREAS, the second phase of implementation of the Housing Element is to adopt amendments to the residential and mixed-use zoning classifications to establish permitted uses and development standards consistent with the newly created overlay zones; and

(viii) WHEREAS, while the proposed amendments to the Zoning Code and General Plan will facilitate the development of 10,322 dwelling units and 438,333 square feet of new commercial space citywide, the proposed amendments to are for planning purposes only and no specific construction project is proposed as part of the action to adopt the amendments to the General Plan and Zoning Code; and

(ix) WHEREAS, the Planning Commission has heretofore conducted a duly noticed public hearing, as required by law, to consider Text Amendment No. C-25-1 to amend various Divisions within Title 19 of the Municipal Code and updates to the objective Design and Development Standards regulating the Housing Incentive Overlay zones; and

(x) WHEREAS, a public hearing was conducted on May 28, 2025, and was concluded

prior to adoption of this Resolution; and

(xi) WHEREAS, this Planning Commission has reviewed and considered all elements of said Text Amendment No. C-25-1 together with the associated General Plan Amendment (GP-25-2) and Environmental Impact Report (EIR-25-1) and the information contained therein and all legal prerequisites to the adoption of the Resolution have occurred.

B. Resolution.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BUENA PARK does hereby find, determines, resolves and recommends the City Council find as follows:

1. The proposed Text Amendment C-25-1 and the amendments to the Objective Design and Development Standards are consistent with the goals, policies, purposes, objectives, and programs of the City's General Plan.
2. The proposed Text Amendment C-25-1 will increase and will not diminish the land available for housing within the City while also balancing the public service needs of the City residents and the fiscal and environmental resources available. The proposed Text Amendments will regulate residential and mixed-use development citywide, including the newly created Housing Incentive Overlay Zones (HIOZ).
3. The proposed Text Amendment is recommended for adoption concurrently with General Plan Amendment No. GP-25-2 and EIR-25-1 and will create new housing opportunities by facilitating the development of approximately 10,322 residential units and up to 438,333 square feet of new commercial development. This will increase the City's housing supply in a manner compatible with the existing and anticipated development in the area.
4. The Planning Commission finds that facts supporting the above-specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted on May 28, 2025 with respect to the Project.
5. The Planning Commission has reviewed and considered all components of the requested Text Amendment No. C-25-1 including compliance with the California Environmental Quality Act (CEQA) through the preparation of an Environmental Impact Report (EIR-25-1) adopted by separate resolution.
6. The Planning Commission have determined that the EIR and accompanying Statement of Overriding Considerations are the appropriate environmental analysis for the project.
7. The Planning Commission hereby recommends that the City Council of the City of Buena Park approve and adopt Text Amendment C-25-1, repealing and replacing Divisions 1, 3, 4 and 7 (Exhibit A) and amendments to the Objective Design and Development Standards (ODDS) (Exhibit B).
8. The Secretary of the Planning Commission shall:
 - (a) Certify to the adoption of this Resolution.

Resolution No. _____
Text Amendment No. C-25-1
May 28, 2025

- (b) Transmit a copy of this Resolution to the City Council of the City of Buena Park together with all documents prepared with respect to Text Amendment No. C-25-1.

PASSED AND ADOPTED this 28th day of May 2025, by the following called vote:

AYES: 0 COMMISSIONERS:

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

Deborah Diep
Chair

ATTEST:

Harald Luna
Acting Planning Manager

Resolution No. _____
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EXHIBIT A
Text Amendment C-25-1
New Text Shown in Underline

DRAFT

Resolution No. _____
Text Amendment No. C-25-1
May 28, 2025

EXHIBIT B
Text Amendment C-25-1 – Objective Design and Development Standards

DRAFT

Division 1 - Administration

Chapter 19.104 **Introduction and Definitions**
Chapter 19.108 **Procedures—General**
Chapter 19.112 **Hearings**
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Chapter 19.124 **Legislative Procedures**
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Chapter 19.104 Introduction and Definitions

§ 19.104.010 **Title.**

§ 19.104.020 **Authority.**

§ 19.104.030 **Purpose.**

§ 19.104.040 **Establishment of Zones.**

§ 19.104.050 **Establishment of Overlay Zones.**

§ 19.104.060 **Zoning Map.**

§ 19.104.070 **Interpretation of Zoning Map.**

§ 19.104.080 **Definitions.**

§ 19.104.010. Title.

This Title 19 may be cited as the Buena Park Zoning Ordinance.

§ 19.104.020. Authority.

This Title 19 is enacted pursuant to the California Planning and Zoning Law: Title 7, Division 1, Chapter 4 (Sections 65800 through 65912) of the California Government Code.

§ 19.104.030. Purpose.

The purpose of this Title 19 is to implement the General Plan of the City of Buena Park and to ensure that the growth and development of the City is attractive, efficient and humane; and that the health, safety, prosperity, enjoyment, and general welfare of those who reside, work, or visit in the City is served to the optimum degree.

§ 19.104.040. Establishment of Zones.

The following zones are established, with their general purpose as indicated, and classified into groups as shown for purposes of reference in this Title 19:

A. Residential Zones.

1. Single-Family Zones:

- a. **RS-16, Select Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on large lots in order to maintain a park-like setting within a hillside environment.
- b. **RS-10, Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on relatively large lots located adjacent to or near a golf course.
- c. **RS-8, Suburban Residential Zone.** For the development and preservation of residential areas of single-family homes on medium-sized lots located in hillside areas or near a golf course.
- d. **RS-6, One-Family Residential Zone.** For the development and preservation of residential areas of single-family homes located on moderate to minimum size lots on relatively flat terrain.

2. Multifamily Zones:

- a. **RMH, Mobile Home Park Zone.** For the development and preservation of mobile home park communities which are attractive for permanent residences and include the facilities and services for such residences.
- b. **RM-10, Low-Density Multifamily Residential Zone.** For the development and preservation of relatively low-density garden apartments, town houses, condominiums, and other forms of attached dwellings in an attractive environment, with outdoor areas for both private and common use.
- c. **RM-20, Medium-Density Multifamily Residential Zone.** For the development and preservation of medium-density apartments, condominiums, and group quarters in locations convenient to community commercial, recreational and cultural activities.

B. Commercial Zones.

1. **CO, Office Zone.** To provide for primarily professional and business offices serving the community in an attractive environment and to protect adjacent residential areas from adverse effects of excessive commercial activity.
2. **CS, Community Shopping Zone.** To provide primarily for shopping centers varying from neighborhood convenience centers to a major regional shopping center, and to provide within such centers conveniently grouped stores with adequate parking.
3. **CG, Commercial General Zone.** To provide for the variety of commercial activities needed to serve the community, primarily located in the central area of the City and secondarily located along arterial street frontages.
4. **CR, Regional Commercial Zone.** To provide for larger, more intensive regional commercial development situated on large sites. The consolidation of smaller contiguous commercial properties into a larger master-planned integrated regional commercial center is strongly encouraged through the provision of special standards and development incentives of Chapter 19.556.

C. Industrial Zones.

1. **CM, Commercial Manufacturing Zone.** To provide for commercial activities requiring larger site areas than available in the central area of the City, and for commercial and limited industrial services not appropriate for location in the central commercial areas.
2. **MR, Research Manufacturing Zone.** To provide for administrative or executive offices of business and industrial concerns, scientific research offices and laboratories, restricted manufacturing activities, and compatible appurtenant uses, all in a highly attractive and pollution-free environment.
3. **ML, Light Industrial Zone.** To provide for small and medium size industrial uses which are not likely to have adverse effects upon each other or upon neighboring residential and commercial areas.
4. **MH, Heavy Industrial Zone.** To provide for manufacturing and distribution plants which require relatively large sites, to protect such uses from the disruptive effects of unrelated commercial or other activity in their midst, and to protect the surrounding community from adverse environmental effects of industrial activity.

D. Open Space Zones.

1. **OS, Open Space Zone.** To provide for the preservation of open space areas, including transportation and utility right-of-way corridors, which contribute to the quality of the community environment by remaining open in character and not intensively used for residential, commercial, industrial or recreational activities.
2. **OR, Recreational Open Space Zone.** To provide for recreational activities located in or using substantial open space.

E. Mixed-Use Zones.

1. **GMU, General Mixed-Use Zone.** To provide a mix of compatible higher-density residential and neighborhood commercial uses along major arterials. The mix of uses can be integrated vertically (i.e., commercial on the ground floor with residential and/or office uses above) or horizontally (residential next to commercial and office uses). Single-use projects (i.e., a project that is entirely residential or entirely non-residential) are not permitted in GMU zones. A minimum of two (2) uses are required for GMU zones.
2. **CBPMU, Central Buena Park Mixed-Use.** To provide a mix of compatible higher-density residential and/or office uses above existing commercial, and office uses in a pedestrian-friendly environment. The mix of uses shall be integrated vertically (i.e., commercial on the ground floor with residential and/or office uses above). Single-use projects (i.e., a project that is entirely residential or entirely nonresidential) are not permitted in CBPMU zones. A minimum of two (2) uses are required for CBPMU zones.
3. **EMU, Entertainment Mixed-Use.** To provide a mix of compatible higher-density residential, entertainment, and commercial uses that support entertainment and tourism within the City. The mix of uses can be integrated vertically (i.e., commercial or entertainment uses on the ground floor with residential uses above) or horizontally (residential next to commercial and entertainment uses). Single-use projects (i.e., a project that is entirely residential or entirely nonresidential) are not permitted in EMU zones. A minimum of two (2) uses are required for EMU zones.
4. **COMU, Commercial Office Mixed-Use.** To provide a mix of compatible higher-intensity commercial and office uses within existing commercial and industrial areas in the City. The mix of uses can be integrated vertically (i.e., commercial uses on the ground floor with office uses above) or horizontally (commercial uses next to office uses). Single-use projects (i.e., a project that is entirely commercial or entirely office) are not permitted in COMU zones. A minimum of two (2) uses are required for COMU zones.

F. Special Zone.

1. **AR, Amusement Resort Zone.** To provide for the continued development and preservation of a major tourist-recreational attraction in a park-like setting and which is unique and distinctive from the usual type of business enterprise. The purpose of creating an AR District is to protect valuable property rights which have been created as a result of such business establishments. No land shall be zoned in an AR District unless it has been demonstrated that there are exceptional or extraordinary circumstances or conditions applicable to the property involved that would require an AR District zoning, and that unless land is placed in an AR District, the owner or owners of such land would be deprived of existing material property rights.

- G. Specific Plan Zones.** The following described specific plans are adopted together with their real property designations. A full, true and correct copy of the text of each such specific plan is maintained in the office of the City Clerk and in the office of the director of development services. The specific plans are not codified as part of this Title 19 but, rather, they are separately bound and made available to the public and for purchase. The specific plans govern the land use and development standards for property identified on the Zoning Map with the following designations.

1. **ECSP, Entertainment Corridor Specific Plan.** To provide for the continued development, preservation, and enhancement of integrated major tourist entertainment attractions and visitor-serving commercial uses in attractive settings that are unique and distinctive from the conventional use pattern of independent and unrelated businesses.
2. **ACSP, Auto Center Specific Plan.** To provide for the continued development, preservation, and enhancement of auto dealers and related commercial and retail uses in orderly and

attractive settings that are unique and distinctive from the conventional use pattern of independent and unrelated businesses.

3. **BOMUSP, Beach-Orangethorpe Mixed Use Specific Plan.** To provide for the continued development, preservation and enhancement of a world class mixed use development comprised of commercial retail, full-service hotel, multiple-family units in high rise buildings and multi-level parking that are unique and distinctive from the conventional land use pattern of independent and unrelated activities.

- H. **Planned Development Zones.** To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principles included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.

§ 19.104.050. Establishment of Overlay Zones.

The following special designations are established which may be combined by notation on the Zoning Map with any of the zones listed in Section 19.104.040 in order to accomplish the additional purposes indicated below:

- A. **A, Agricultural Overlay Zone.** To provide for the preservation of areas of single- family homes on large lots with associated agricultural activities, including limited animal keeping.
- B. **P, Parking Overlay Zone.** To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.
- C. **HIO, Housing Incentive Overlay Zones.** To provide for and encourage the development of affordable housing to a broad range of households with varying income levels within the City to meet current and future housing needs.
 - a. The Mixed-Use Housing Incentive Overlays focus on mixed-use, walkable and vibrant environments and range in function and intensity from primarily residential areas with a mix of lower intensity building types (MUO45, Mixed-Use Overlay 45), to moderate intensity neighborhoods (MUO60, Mixed-Use Overlay-60), to higher intensity neighborhoods (MUO100, Mixed-Use Overlay-100). The “45”, “60”, and “100” in the name of the Overlay refers to the allowable density within the Overlay Zone.
 - b. The Housing Opportunities Overlay (HOO) provides for higher-density affordable multi-family housing. The HOO has been applied to properties shown with the overlay in the Zoning Map.
 - c. The Religious Congregational and Fraternal Overlay (RCFO) allows faith-based and fraternal organizations to build affordable housing on their sites.
 - d. The Hotel/Motel Conversion Overlay (HMCO) allows for the conversion of underperforming hotels/motels into interim or permanent supportive housing for veterans, individuals or families with special needs, and those formerly homeless.

§ 19.104.060. Zoning Map.

- A. The map entitled Zoning Map, City of Buena Park on file in the office of the City Clerk is made a part of this Title 19 by this reference thereto. Boundaries and symbols shown on this map indicate the areas of the City to which the regulations of the various zones apply.
- B. Zone boundaries and symbols shown on the Zoning Map shall be amended or revised only by means of zone changes adopted pursuant to Section 19.124.030 or zone boundary adjustments adopted pursuant to Section 19.128.080.

§ 19.104.070. Interpretation of Zoning Map.

- A. In determining the precise location of zone boundaries as shown on the Zoning Map, the following rules shall be followed, with precedence given to the rules in the order listed:
 - 1. Where properties on opposite sides of a street, alley, walkway, or other right-of-way or easement are in different zones, the zone boundary shall be considered to be the centerline of such right-of-way or easement unless otherwise clearly indicated. The centerline shall be considered to be the line which would become the property line in the event the right-of-way or easement were vacated.
 - 2. Where the zone boundary appears to be in the approximate location of a property line, the zone boundary is considered to coincide with the property line unless otherwise clearly indicated.
 - 3. The location of a zone boundary shall be determined by scaling from the nearest lines or reference points shown on the Zoning Map.
- B. Where any area is without a zone designation, such area shall be deemed to be in the OS Zone until such time as a zone change or zone boundary adjustment is approved.

§ 19.104.080. Definitions.

When used in this Title 19, the words, terms and phrases defined in this chapter shall have the meaning and construction given herein, except when used in a context which clearly indicates a different meaning or construction.

Abutting. "Abutting" means physically touching. Abutting lots share a common lot line or lot corner. Abutting buildings or objects are located in such a way that at one or more points there is no intervening space between them.

Access. "Access" means the way, place or means by which pedestrians or vehicles are physically and legally permitted ingress and/or egress from a building, lot, area or use.

Adjacent. "Adjacent" means physically touching or separated only by intervening open space. Adjacent sites or lots are either abutting or separated by an alley, street (other than a highway) or other right-of-way not more than one hundred twenty feet in width. Adjacent buildings or structures are those located on the same site or on lots adjacent to the subject site.

Adult day care center. "Adult day care center" means a licensed community care facility for the regular care and supervision of the elderly, developmentally disabled adults, or mentally disordered adults for periods less than 24 hours in a non-residential setting outside the licensee's own residence with incidental non-acute medical care and a variety of social and related support services, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Affordable housing. "Affordable housing" means dwelling units:

- A. Having a sale or rental price in the range considered lower or very low, as the same is defined and as such may be amended in the California Health and Safety Code, or
- B. Constructed for qualifying senior citizens as defined in Section 51.2 of the California Civil Code as the same exists or may be amended.

Alley. "Alley" means public right-of-way providing vehicular access to the side or rear of one or more lots but not intended for through traffic circulation.

Alteration. "Alteration" means any change or rearrangement in the supporting members of an existing building or structure, such as bearing walls, columns or beams, any horizontal or vertical enlargement or diminution, any change in the size of exterior doors or windows, or the moving of a building or structure from one location to another, either on the same parcel or another.

Amenity. "Amenity" means a feature or area integrated into a development that enhances the attractiveness or value of a location or property, such as a swimming pool, clubhouse, park, or other leisure or recreational facilities.

Animal Sales and Grooming. "Animal sales and grooming" means a combined business or service that involves the sale of animals along with grooming services for these animals. In this establishment, customers can purchase

animals like cats, or birds, (excluding dogs) and also have their pets groomed and maintained. Grooming services typically include activities like bathing, fur trimming, nail clipping, and hygiene care.. Overnight care or boarding is not permitted.

Antiques. "Antiques" means objects of art or pieces of furniture, household implements and the like, which, because of age, rarity and fabrication, or manufacture at a time much earlier than the present, have acquired a collector's quality and value. This definition does not include any objects or materials that are obsolete and have secondhand or salvage value only.

Arboretum/botanical garden. "Arboretum/botanical garden" means a facility, whether public or private, primarily dedicated to the cultivation, display, and preservation of a variety of plants, trees, and other vegetation for educational, research, conservation, and aesthetic purposes. These spaces may include greenhouses, walking trails, interpretive signage, demonstration gardens, and areas for public events or guided tours. Ancillary uses may involve visitor centers, gift shops, and cafes, provided they support the primary function of the arboretum or botanical garden.

Arcades. "Arcades" mean an establishment where four (4) or more mechanical or electronic amusement games are located, whether provided independently or as an accessory use to another business. Objective Design and Development Standards mandate that the maximum size of an arcade does not exceed 3,000 square feet. However, arcades proposed to exceed this limit must obtain City Council approval. In no case shall an arcade exceed 10,000 square feet. Noise buffers/barriers are required to mitigate sound disturbances, and special protective measures apply to arcades located within 50 feet of residential areas to ensure a harmonious coexistence.

Architectural Feature. "Architectural feature" means a prominent or characteristic part of a building, such as a cornice, parapet, eave, sill, window or door frame, or other embellishment.

Assisted Living Facility. "Assisted living facility" means a licensed residential facility designed for seniors or disabled individuals who require assistance with daily activities, including meals, medication management, and personal care.

Automated Teller Machines (ATMS). "ATMs" mean a pedestrian- or vehicle-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with the City's Municipal Code.

Automobile service station. "Automobile service station" means an establishment or portion of an establishment where motor vehicle fuel is dispensed at retail.

Banquet/catering facility. "Banquet/catering facility" means a commercial enterprise primarily engaged in the preparation and provision of food and beverages for events, functions, and gatherings, whether on-site at a banquet facility or off-site at a client-designated location. This definition includes both banquet facilities and catering facilities. The primary function is to prepare and serve food and beverages for pre-arranged events such as weddings, corporate meetings, parties, and other social gatherings. The business may operate from a designated banquet facility, a catering kitchen, or both. A banquet facility typically includes dining areas, event spaces, and amenities to host large groups, while a catering facility focuses on food preparation and logistical support for off-site events. Banquet facilities may host events on-site, providing space and amenities such as tables, chairs, decorations, and audiovisual equipment.

Basement. "Basement" means that portion of a building which is partly or wholly below grade. A basement shall be considered as a story above grade where the finished surface of the floor above the basement is more than six feet above grade plane.

Bedroom. "Bedroom" means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit.

Berm. "Berm" means a mound of earth designed and permanently maintained for purposes of visual screening, physical enclosure, noise control, erosion or drainage control, or as an element of landscape design. (See also fence.)

Borrow pit. "Borrow pit" means any place or premises where earth, soil, sand, gravel or other material is removed by excavation for any purpose other than that necessary and incidental to development on the same premises.

Buffer. "Buffer" means a strip of land, including landscaping, berms, walls, and/or fencing, that physically separates and visually screens one use or property from another to mitigate adverse impacts of the more intense use (e.g., dust, glare, light, noise, odor, etc.).

Building. "Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, goods, equipment, vehicles, processes, or activities of any kind.

Building, accessory. "Accessory building" means a building or structure detached from a main building on the same premises and used or intended only for an accessory use.

Building coverage. "Building coverage" means the percentage of the lot area that is covered by buildings or structures, excluding open areas such as courtyards, plazas, and pedestrian pathways.

Building Frontage. "Building frontage" means the side of a building containing the main entrance for pedestrian entrance and exit. If more than one main entrance exists, the entrance that more nearly faces, or is oriented to, the street of highest classification as portrayed in the Circulation Element of the General Plan, shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest horizontal lineal dimension containing a main entrance shall be considered the building frontage.

Building height. "Building height" means the vertical distance from the finished ground level to the roof surface of a building. Since some building height regulations of this Title define sloping building envelopes, the permitted building height may vary from point to point and the highest point of a roof may not be the critical point for height limitation purposes. Where the finished ground level varies around the perimeter of a building, an assumed ground level at any point within the perimeter of the building is derived from a cross-section through the building in the vertical plane which is critical for height limitation purposes, in which plane the ground level on opposite sides of the building is connected by a straight line. (See Diagram 1 at the end of this chapter.)

Building, main. "Main building" means a building within which is conducted a primary or incidental use of the premises.

Building official. "Building official" means the officer of the City responsible for enforcing the building, plumbing, mechanical, electrical, and related codes.

Canopy or Tarp. "Canopy or Tarp" means any shelter, including support structure, which exceeds 42 square feet and maintains a roof, cover, or walls made of cloth, vinyl, flexible plastic, canvas, or other similar material, whether freestanding or attached to another structure, including trampolines.

Carport. "Carport" means a roofed structure providing space for parking of motor vehicles and enclosed on not more than three sides.

Carwash, drive-through. "Drive-through carwash" means a mechanical carwash where customers remain in their vehicles during washing operation.

Carwash, full-service. "Full-service carwash" means a mechanical and/or hand carwash where customers leave their vehicles during washing operations.

Carwash, mechanical. "Mechanical carwash" means any permanent facility where power-driven equipment, steam-cleaning equipment, or stalls with water-spraying devices are used for the washing of vehicles as a retail service. Mechanical carwashes are further classified as either full-service, drive-through or self-service carwashes.

Carwash, self-service. "Self-service carwash" means a mechanical carwash where facilities are provided for customers to wash their own vehicles.

Certificate of Occupancy. "Certificate of Occupancy" means a document issued by the Building Official certifying that a building or structure complies with all applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

Child day care center. "Child day care center" means a licensed community care facility for the regular, non-medical care and supervision of infants, toddlers, preschoolers, and/or school-age children for periods of less than 24 hours in a non-residential setting outside the licensee's own residence, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Church. "Church" means a permanent use of premises where the primary activity is religious worship and the premises are maintained and controlled by an organized religious body. Rescue missions, tent revivals, and temporary assemblies are not included in this definition.

Club. "Club" means a permanent use of premises where the primary activity is assembly of a nonprofit association of persons for social or recreational purposes, and the premises are maintained and controlled by such association. Organizations and activities primarily or customarily involved in commercial enterprise are not included in this definition.

Cluster Development. "Cluster Development" means a development design technique that groups residential units in a specific area of a site to preserve the remaining land for open space, or recreation.

Commercial establishment, drive-in. "Drive-in commercial establishment" means an establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive and consume goods or services while remaining in their parked motor vehicles on the premises.

Commercial establishment, drive-through. "Drive-through commercial establishment" means an establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive goods or services at a drive-up window or station and then leave the premises without parking their vehicles.

Commercial establishment, take-out. "Take-out commercial establishment" means a food sales or service establishment which by design, physical facilities, and/or service procedures predominantly encourages or permits customers to receive goods or services at a walk-up window or station, but does not provide for or encourage consumption on the premises.

Commercial establishment, walk-up. "Walk-up commercial establishment" means a food sales or service establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive goods or services at an exterior walk-up window or station and encourages or provides for consumption on the premises.

Commercial zone. "Commercial zone" means any of the zones listed under the heading of Commercial Zones in Section 19.104.040.

Community apartments. "Community apartments" means a multifamily residential development in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon. (See California Business and Professions Code Section 11004.)

Community character. "Community character" means the image of a community or area as defined by factors such as built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

Community Noise Equivalent Level (CNEL). "Community noise equivalent level (CNEL)" means the average equivalent A-weighted sound level during a twenty-four-hour day, obtained after addition of five decibels to sound levels from seven p.m. to ten p.m. and after addition of ten decibels to sound levels from ten p.m. to seven a.m. (See California Government Code Section 65302(f).)

Community residential care facility. "Community residential care facility" means a community care facility licensed for any type of twenty-four hour care pursuant to the California Community Care Facilities Act. (See California Health and Safety Code Section 1500 et seq.)

Condominium. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either an estate of inheritance or perpetual estate, an estate for life, or an estate for years, such as a leasehold or subleasehold. (See California Civil Code Section 783.)

Condominium development, residential. "Residential condominium development" means a multifamily residential development utilizing a condominium, stock cooperative or community apartments form of ownership.

Contractor. "Contractor" means a person engaged in or purporting to be engaged in the business of building, constructing, plumbing, electrical, painting, plastering, masonry, floor finishing, gardening, landscaping maintenance, landscaping, lawn renovating, wall papering, demolition, grading, excavation, road building or repair, drilling, tank removal or installation, sign installation or repair, pipeline installation or repair, building moving, or any similar occupations or trades whether licensed by the State of California or not.

Contractor's storage facility. "Contractor's storage facility" means any premises used by a contractor, as defined, for the purpose of storing, maintaining, servicing, distributing, or dispatching supplies, materials, vehicles, equipment, tools, scaffolding, or similar items required by or associated with a contractor's business.

Cooperative, stock. "Stock cooperative" means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property; if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy. This definition does not include a limited-equity housing cooperative, as defined in Section 11003.4 of the California Business and Professions Code. (See California Business and Professions Code Section 11003.2.)

Curb cut. "Curb cut" means a ramp opening in a curb where vehicles or wheel chairs may enter or leave the roadway.

Dancehall. "Dancehall" means a commercial establishment, venue, or facility that is primarily designed, intended, or used for public dancing. Such establishments typically feature a dance floor or designated dance area and may provide live or recorded music, lighting, and other amenities to enhance the dancing experience. This definition includes but is not limited to nightclubs, discotheques, and dance clubs. Dancehalls or other public dancing facilities shall not be located within 200 feet of any residential use and shall implement noise control measures to minimize impacts on surrounding uses. Dancehalls or other public dancing facilities shall provide on-site security personnel and surveillance systems to ensure the safety of patrons and staff.

"Density Bonus" has the same meaning as set forth in Government Code section 65915.

Dental office. "Dental office" has the same meaning as medical or dental clinic.

Development. "Development" means a plan or program, the process of carrying out such plan or program, and/or the result of such plan or program, for changing, extending or improving the use of a site. Development may include, but is not limited to: the division or assembly of land, space or facilities; altering or disturbing the land surface and landscape; construction, reconstruction or relocation of buildings or structures; installing utilities, streets, walkways, fences and landscaping; and the change, conversion, extension or diminution of the use of land, structures, and facilities.

Director. "Director" means the Director of Community Development of the City or his or her other duly authorized designee.

Display. "Display" means the placement of goods, merchandise, equipment or exhibits for viewing at a location visible to or accessible to the public.

Driveway. "Driveway" means a private roadway for vehicular travel extending from a street or alley property line to a parking area, loading area, drive-in or drive-through service area, or to an entrance to a building or other facility. Parking aisles within parking areas and truck maneuvering areas are not included within this definition. (See Diagram 2 at the end of this chapter.)

Dry cleaning, coin-operated. "Coin-operated dry cleaning" means a business establishment providing for self-operated cleaning of garments. This definition is limited to the use of single-batch, automatic cleaning machines, activated by the insertion of a designated coin, where an attendant is not required to, but may, provide only incidental pressing, spot removing, and supervision.

Dwelling. "Dwelling" means a building containing one or more dwelling units. A group quarters or other building or portion thereof devoted primarily to rooming units is not considered a dwelling.

Dwelling, factory-built. "Factory-built dwelling" means a dwelling constructed in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with building standards published in the state Building Standards Code and other regulations adopted pursuant to Section 19990 of the California Health and Safety Code. This definition does not include a mobile home, site-built dwelling or recreation vehicle. (See California Health and Safety Code Section 19971.)

Dwelling, junior accessory unit. "Junior accessory dwelling unit" means a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.

Dwelling, manufactured. "Manufactured dwelling" means a factory-built dwelling or a mobile home in place on a foundation system.

Dwelling, multifamily. "Multifamily dwelling" means a residential use in which there is more than one dwelling unit on a lot.

Dwelling, single-family. "Single-family dwelling" means a residential use in which there is only one detached dwelling unit on a lot.

Dwelling, site-built. "Site-built dwelling" means a dwelling constructed by erecting and joining materials and components on the site where the dwelling is to be occupied. This definition does not include a factory-built dwelling or a mobilehome installed on a site.

Dwelling unit. "Dwelling unit" means one or more habitable rooms, having one and only one kitchen, and arranged for or occupied by one or more persons living as a household unit with common access to all living, eating, and food preparation areas. An outdoor food preparation area shall not be considered a kitchen. Furthermore, a dwelling unit and any expansion of a dwelling unit shall comply with the following criteria;

- A. Common interior access to all living, eating, and food preparation areas shall be provided through habitable rooms or a common hallway.
- B. A wet bar may be provided outside the kitchen, provided that no cooking appliances, whether of a temporary or permanent nature, are provided that defeat the purpose and intent of one and only one kitchen within a dwelling unit.

Dwelling unit, accessory. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. An accessory dwelling unit can also be an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Dwelling unit, junior accessory. "Junior accessory unit dwelling" means a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence.

Educational institution. "Educational institution" means a public, parochial or other nonprofit institution conducting regular academic instruction at kindergarten, elementary, secondary, collegiate, university or graduate level. Such institution must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education or confer degrees as a college or university of undergraduate or graduate standing. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

Elderly housing. "Elderly housing" means dwelling units which are or would be classified as elderly housing as the term is used in the City's current housing assistance plan and, by the terms of its ownership, financing, and management, such housing will continue to be made available primarily to persons sixty-two years of age or older.

Emergency shelter. "Emergency shelter" means a facility that provides immediate and short-term housing (limited to occupancy of six (6) months or less) and minimal supplemental supportive services to homeless persons or families. Supplemental services may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with Section 50801. (e) of the California Health and Safety Code).

Encroachment. "Encroachment" means any object or obstruction within a prescribed yard, setback or open area.

Establishment. "Establishment" means a premises or portion thereof occupied by a nonresidential use under the unified management and control of one person or organization.

Exhibit Hall. "Exhibit hall" means a facility or portion of a facility designed and used for hosting events such as trade shows, conventions, exhibitions, product showcases, and similar gatherings. These spaces are typically equipped to accommodate large groups and may include features such as display areas, meeting rooms, and support services. The use explicitly excludes swap meets, flea markets, or similar activities involving the direct sale or exchange of goods between individuals.

Expansion of use. "Expansion of use" means any increase in floor area or site area devoted to a use, or any intensification of use which requires additional parking space.

Extension of use. "Extension of use" means the prolongation of the time that a use exists at a given location. Also, the same as expansion of use.

Fence. "Fence" means a linear barrier of any material or combination of materials, including living plant materials, placed for the purpose of screening or enclosing open areas of land. Walls, hedges, and berms are included in this definition.

Fence height. "Fence height" means the vertical distance, at any point, from the finished ground level to the top of the fence. Where the ground elevation is different on opposite sides of a fence, the height is measured on the side of the fence having the higher ground elevation.

Floor area, existing. "Existing floor area" means a legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.

Floor area, gross. "Gross floor area" means the sum of the horizontal area of all floors of a building or group of buildings, measured from the exterior faces of exterior walls or from the center of party walls separating buildings.

Floor area, net. "Net floor area" means the interior floor area of a room or building, excluding fixed walls, stairways, elevator shafts, and permanently unoccupiable spaces.

Frontage, building. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Frontage, business. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Frontage, street. "Street frontage" means a line, and the length thereof, along which a lot abuts a public street. Where a lot abuts more than one street, or abuts the same street along more than one continuous line, each such line is considered a separate frontage.

Garage. "Garage" means a roofed structure providing space for the parking of motor vehicles and enclosed on all sides.

Ground coverage. "Ground coverage" means the total ground area, measured in a horizontal plane, within the boundaries of the exterior walls of all roofed structures on a site.

Group home. "Group Home" shall have the same definition as provide in Chapter 5.70 of the Buena Park Municipal Code.

Group quarters. "Group quarters" means a building or group of buildings containing sleeping rooms for persons not living as household units. Group quarters differ from dwellings in that there are no kitchen facilities separately associated with each sleeping/ living unit, and there is not common access to all living, eating, and food preparation areas.

Guesthouse. "Guesthouse" means any space in an accessory structure which could be used as habitable quarters, but not constituting a dwelling unit.

Highway. "Highway" means a street which is designated as a major highway, primary highway or secondary highway in the circulation element of the General Plan.

Home occupation. "Home occupation" means a business or employment activity conducted on residential premises.

Hospital. "Hospital" means a health facility licensed as a hospital of any type by the state pursuant to the California Health and Safety Code, Division 2, Chapter 2, Article 1, Section 1250 et seq. This definition includes a general acute care hospital, acute psychiatric hospital, special hospital, and psychiatric health care facility. This definition does not include long-term health care facilities (skilled nursing or intermediate care).

Hotel, motel, or motor hotel. "Hotel," "motel" or "motor hotel" means a facility offering transient lodging accommodations of less than 30 consecutive days to the general public, except where a conditional use permit has been obtained as permitted in Section 19.552.110 of this Title.

Industrial clinic. "Industrial clinic" means a medical clinic where the predominant activity is serving the emergency and on the job medical needs of industrial employees.

Industrial zone. "Industrial zone" means any of the zones listed under the heading of Industrial zones in Section 19.104.040.

Integrated development. "Integrated development" means a development for more than one use or tenant, whether under a single ownership or multiple ownerships, carried out at one time or in phases, but in accordance with an overall design, or operated under some degree of coordinated management, or involving sharing of common facilities such as parking. The intent of an integrated development is to provide through Conditions, Covenants, and Restrictions a means of common maintenance, architectural integrity and compatibility, a comprehensive sign program, and provisions for master planning of future expansions and alterations with review and approval of the City.

Infill Development. "Infill development" means a development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.

Kennel. "Kennel" means an establishment where four or more dogs or other animals, at least four months of age, are kept, boarded or trained. This definition does not include a dwelling with permitted household pets.

Kitchen. "Kitchen" means a single, core food preparation area for meals within an individual dwelling unit which shall be in common use by all members of a household residing in such dwelling unit. The kitchen shall have common interior access at all times to all other habitable rooms of such dwelling unit.

Kitchen, Efficiency. "Efficiency Kitchen" means a kitchen that includes the following at a minimum: appliances for cooking food and refrigeration, either built-in or countertop; a sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom; and a food preparation counter.

Landscaped area. "Landscaped area" shall mean those portions of any lot or parcel devoted to or developed with landscaping including those portions of a lot or parcel required to be landscaped by a Conditional Use Permit, Variance, Site Plan, Zoning Ordinance requirement, or other entitlement for use.

Landscaping. "Landscaping" means a designed or natural arrangement of plant materials including grass, ground cover, shrubs, trees, vines, and similar vegetation and may include the use of decorative rock, stones, bark, walls, fountains, pools, brick or similar paving as accessory decorative elements. The use of artificial turf may be considered for single-family home use as an alternative to grass and ground cover, provided that a minimum 15% of the front yard area is accented with living plant material such as natural shrubs, trees, vines, or similar vegetation and approved via the Artificial Turf Permit process. Driveways, parking areas, loading or storage areas and bare earth, devoid of living vegetation or accessory decorative elements shall not be considered landscaping.

Liquor, off-sale. "Off-sale liquor" means the sale of alcoholic beverages for consumption off the premises where sold, as defined, regulated, and licensed by the Department of Alcoholic Beverage Control. (See [California Government Code Section 23000 through 25762](#).)

Liquor, on-sale. "On-sale liquor" means the sale of alcoholic beverages for consumption on the premises where sold, as defined, regulated, and licensed by the Department of Alcoholic Beverage Control. (See [California Government Code Section 23000 through 25762](#).)

Liquor store. "Liquor store" means any establishment which offers for retail sale, for consumption off-premises, any alcoholic beverage.

Livestock. "Livestock" means any domesticated animal or fowl, used for commercial purposes, as a beast of burden, or otherwise, including, but not limited to, horses, cows, sheep, goats, pigs, hogs, chickens, turkeys, peacocks, guineas, geese, and ducks.

Live-Work. "Live-work" means a building or space within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Loading space. "Loading space" means an off-street space or berth used for the loading or unloading of trucks or other commercial vehicles.

Long-term health care facility. "Long-term health care facility" means a skilled nursing facility or intermediate care facility of any type licensed by the State pursuant to the California Health and Safety Code, Division 2, [Chapter 2, Article 1, Section 1250](#) et seq.

Lot. "Lot" means a lawfully created and defined parcel of land held in undivided ownership.

Lot area. "Lot area" means the area, measured in a horizontal plane, bounded by the lot lines of a lot.

Lot area, net. "Net lot area" means lot area exclusive of:

- A. Public streets, alleys, walkways, and other existing public rights-of-way;
- B. Proposed public rights-of-way such as streets, alleys, and other land to be reserved or dedicated for public use when such rights-of-way, reservations or dedications are approved or required as part of a development;
- C. Other public or private easements where the owner(s) of the servient tenement does not have the right to use the land surface or space within the easement in any manner.

Lot, corner. "Corner lot" means a lot abutting two or more streets at their intersection and the angle of intersection is not more than one hundred twenty degrees.

Lot depth. "Lot depth" means the horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line of a lot.

Lot line. "Lot line" means any line bounding that portion of a lot which is not part of a dedicated public right-of-way.

Lot line, front.

- A. In the case of a lot having only one street frontage, the frontage is the front lot line.
- B. In the case of a corner lot, the shorter street frontage is the front lot line (See Diagram 3 at the end of this chapter.), with the exception that the Director may determine that the longer street frontage be defined as the front lot line based on the orientation of the existing structure(s) on the subject lot or adjacent lots and the provision of other conforming yard and related open space requirements.
- C. In the case of a lot at the intersection of two streets with an angle of intersection greater than one hundred twenty degrees, both street frontages together are considered to be the front lot line.
- D. In the case of a lot with noncontinuous street frontages or with three or more street frontages, the Director shall determine which frontage or frontages are considered as front lot lines. Such determination is based upon the orientation of existing or proposed development on the subject lot or adjacent lots.
- E. In the case of a corner lot with an existing development where the setbacks of the existing structure(s) along both streets satisfies the minimum front yard setback, the Director may determine which frontage may be considered as the front lot line. Such determination shall take into account the orientation of the existing structure(s) on the subject lot or adjacent lots and the provision of other conforming yards and related open space requirements.

Lot line, rear.

- A. "Rear lot line" means the lot line which is opposite and most distant from the front lot line of the same lot (see Diagram 3 at the end of this chapter).
- B. In the case of an irregular, triangular or gore-shaped lot, the rear lot line is an assumed line within the lot parallel to the front lot line, not less than ten feet in length, and located at the maximum possible distance from the front lot line.
- C. In the case of a lot where the Director determines the front lot line, the Director shall also determine which lot line or assumed line, if any, is considered the rear lot line.

Lot line, side. "Side lot line" means any lot line which is not a front or rear lot line. (See Diagram 3 at the end of this chapter.)

Lot, reversed corner. "Reversed corner lot" means a corner lot where a side lot line abutting a street is substantially a continuation of the front lot line of the lot to the rear of the subject lot, whether or not separated from the subject lot by an alley.

Lot width. "Lot width" means the horizontal distance between side lot lines measured at the required front yard setback line.

Massage establishment. See definition under Chapter 5.12 of Title 5 Business Licenses and Regulations.

Medical laboratory or dental laboratory. "Medical laboratory" or "dental laboratory" means an establishment devoted to conducting tests and analyses and/or the preparation of materials (including prostheses) related to the activities of medical or dental offices or clinics.

Medical office or dental office. "Medical office" or "dental office" has the same meaning as medical clinic or dental clinic.

"Ministerial processing" or "ministerial approval" means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective

subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government but uses no special discretion or judgment in reaching a decision.

Mobilehome. "Mobilehome" means a structure, transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a foundation system. This definition does not include a recreation vehicle or factory-built dwelling. (See California Health and Safety Code Sections 18008 and 18211.)

Mobilehome park. "Mobilehome park" means any area or tract of land under unified ownership, control or management where five or more mobilehome sites are provided to accommodate mobilehomes used for human habitation. (See California Health and Safety Code Section 18214.)

Mobilehome site. "Mobilehome site" means an area within a mobilehome park designated for the use and occupancy of one mobilehome, including all contiguous space for the exclusive use of occupants of the mobilehome.

Motor vehicle. "Motor vehicle" shall be as defined in California Vehicle Code Section 415, as the same may be amended from time to time.

Motor vehicle, inoperative. "Inoperative motor vehicle" means any motor vehicle which is unlicensed, unregistered or otherwise not legally permitted to be driven upon the streets and highways of the State of California or any motor vehicle which is disabled, dismantled, wrecked, or from which some essential component thereof has been removed thereby rendering such motor vehicle incapable of being driven under its own motive power.

Multifamily residential zone. "Multifamily residential zone" means any of the zones listed under the heading of Multifamily zones in Section 19.104.040.

Multi-tenant Development. "Multi-tenant Development" means a development for more than one business, situated in separate tenant spaces in the same building, where the property is operated under single ownership, and exhibits consistent architectural design and shared common facilities such as parking, pedestrian access, and signage. The intent of a multi-tenant development is to facilitate a mixture of compatible, related uses where the property management is responsible for maintenance and enforcement of conditions of approval for the development including, but not limited to property maintenance, signage, and permitted uses.

New Construction. "New Construction" means any development which is either being constructed on a vacant parcel or at least 80% of the existing structure(s) square footage is proposed to be demolished.

Nonconformity or nonconforming. "Nonconformity" or "nonconforming" means any use, activity, feature of development or operation, or other circumstance which does not conform to the regulations of this Title, but which was lawfully established under the regulations which prevailed at the time of such establishment.

Objective design standards. "Objective design standards" means a design standard that involves no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. (California Government Code, Section 65913.4)

Open area. "Open area" means land area not covered by buildings and not improved or arranged for vehicular use, together with uncovered balconies and decks or other above or below grade uncovered areas which have access for pedestrian or recreational use.

Open area, common usable. "Common usable open area" means land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use of the residents of the development.

Open area, private. "Private open area" means open area provided and arranged for the exclusive use of the occupants of a specific dwelling unit.

Open space zone. "Open space zone" means any of the zones listed under the heading of Open space zones in Section 19.104.040.

Parking aisle. "Parking aisle" means the traveled way within a parking area by which vehicles enter and depart parking spaces. (See Diagram 2 at the end of this chapter.)

Overlay zone. "Overlay zone" means a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations applicable to select properties within the City.

Parking area. "Parking area" means a contiguous group of parking spaces and parking aisles.

Parking lot. "Parking lot" means premises or the portion thereof devoted to parking of motor vehicles, not including parking within a structure.

Parking space. "Parking space" means a space provided for and intended to be occupied by a motor vehicle when parked.

Parking structure. "Parking structure" means a structure or portion of a structure providing parking spaces.

Passageway. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of the residential unit.

Permanent supportive housing. "Permanent supportive housing (PSH)" combines affordable housing with services for chronically homeless individuals or families. Chronically homeless individuals or heads of household are those have a disabling condition and have experienced homelessness in past 3 years, for at least 12 months, or on at least 4 separate occasions.

Pharmacy. "Pharmacy" means an establishment where the predominant activity is the preparation and dispensing of drugs and medicines.

Planned unit development. "Planned unit development" means a development in which units of land together with the structures and facilities on such units are owned individually, while other land, structures, and/or facilities in the same development are provided for the common use of the unit owners and such common property is owned on a proportional, undivided basis by the unit owners or by an association of the unit owners.

Predominant use or activity. "Predominant use or activity" means an identifiable activity occurring on a premises which is greater in amount than any other activity or component of use occurring on the same premises. For this purpose, the most appropriate criterion for measuring amount of activity shall be determined by the Director (from among such measures as floor space, revenue, traffic volume, etc.).

Premises. "Premises" means a site together with the buildings, structures, and other improvements thereon.

Private Recreation Facility. "Private recreation facility" means a recreational facility operated by a private entity, organization, or individual that is accessible only to members, guests, or invitees. These facilities may include amenities such as swimming pools, tennis courts, fitness centers, golf courses, clubhouses, or similar recreational uses. Private recreation facilities are not open to the general public and may be associated with residential communities, clubs, or other membership-based organizations.

Public transit. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.

Major Transit Major Stop. "Major Transit Stop" means a site containing an existing rail or bus rapid transit station, the intersection of two (2) or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods, or other major transit stops that are included in the applicable regional transportation plan.

Public view.

- A. An object is in public view if it is visible from any of the following outdoor, ground level locations:
 - 1. Any area open to public access on the same premises;
 - 2. Any dwelling or group quarters on the same premises;
 - 3. Any point on adjacent lots;
 - 4. Any public street or walkway, not including an alley or freeway.
- B. In determining visibility, an eye-level five feet above ground level shall be assumed.

Recreation vehicle. "Recreation vehicle" means a motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (See California Health and Safety Code Section 18010.5 and 18215.5.)

Residential zone. "Residential zone" means any of the zones listed under the heading of Residential zones in Section 19.104.040.

Roof, mansard-type. "Mansard-type roof" means a roof or portion of a roof with two slopes, or one sloping portion and one flat portion, wherein the lower portion of the roof has the greater slope.

Screening. "Screening" means a method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback. "Setback" means the least horizontal distance between a building or structure and a lot line.

Short-term rental (STR). "Short-term rental" means a rental of a legally permitted dwelling for periods of 30 consecutive days or less, counting portions of the calendar as full days. The STR can be the entire home or limited to one or more rooms.

Sign. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign area. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, canopy. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, display board. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, electronic display board. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign face. See definition under Section 19.904.020 of Division 9, Sign Regulations. **Sign face area.** See definition under Section 19.904.020 of Division 9, Sign Regulations. **Sign, ground.** See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, monument. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, off-premises (billboard). See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, projecting. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, roof. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign structure. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign structure, ground. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, temporary. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, wall. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, window. See definition under Section 19.904.020 of Division 9, Sign Regulations.

Single-family zone. "Single-family zone" means any of the zones listed under the heading of Single-family zones in Section 19.104.040.

Site. "Site" means one or more lots developed or used, or intended to be developed or used, under unified ownership, control, or management.

Small group adult day care home. "Small group adult day care home" means a licensed community care facility for the regular care and supervision of 6 or fewer elderly, developmentally disabled adults, or mentally disordered adults in a home-like environment within the licensee's own residence for periods less than 24 hours with incidental non-acute medical care, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Small group care home. "Small group care home" means a licensed community care facility for the 24 hour care of 6 or fewer persons in a detached single family dwelling occupied by the licensee with incidental, non-acute medical care and supervision pursuant to the California Community Care Facilities Act. (See California Health and Safety Code Section 1500 et seq.) Medical care does not include acute psychiatric or nursing care. In no way shall the structure or the appearance of the premises be altered or remodeled inside or outside, other than alterations of accessibility for the physically handicapped, nor conditions or situations be created on the premises that would alter the residential character of the structure or the zone in which the facility is located. This definition does not include a rest home, a sanatorium, or a boardinghouse or lodging house for transient quarters.

Small group child day care home. "Small group child day care home" means a licensed community care facility for the regular, non-medical care and supervision of 14 or fewer children in a home-like environment within the licensee's own residence for periods less than 24 hours, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Story. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, but not including any such portion where more than one-half of vertical dimension of the floor-to-floor space is below the average abutting ground level.

Street. "Street" means a right-of-way dedicated or intended to be dedicated for public use for the movement of vehicles and access to abutting property. This definition includes a highway, but does not include an alley, walkway, or freeway.

Structure. "Structure" means anything constructed or erected which requires a fixed location on the ground or is attached to something having a fixed location on the ground, but not including outdoor paving, curbs, walks, or other outdoor surfaces and features which are entirely at ground level.

Subject property. "Subject property" means the lot or site under consideration or to which a regulation is being applied.

Supportive Housing. "Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population, as that term is defined in Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 12957 of the Government Code, and is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, pursuant to Government Code Section 65582. "Transitional housing" is defined as buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance, pursuant to Government Code Section 65582.

Supportive Services. "Supportive Services" means services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment,

employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Swap meet, outdoor, or flea market. "Outdoor swap meet" or "flea market" means any meeting or assembly or other public gathering for the purpose of offering to the public new or used merchandise, articles or any other things of value for sale or exchange, which meeting, assembly or gathering does not exceed three consecutive days in duration on any single occasion and is conducted not less than once every two months.

Swap meet, indoor. "Indoor swap meet" means any indoor facility without a predominant use that maintains a single business license and occupies a minimum 80 percent of the available floor area, and that contains multiple vendor or tenant spaces, stalls, or booths from which food is sold (excluding "food courts"), or new or used merchandise or craftwares are sold to, exchanged, or bought by the public or other vendors. Any facility bearing the name of or otherwise being promoted as a swap meet or flea market shall constitute a swap meet for purposes of this definition. Any interior multiple tenant facility used for the sale of merchandise that does not constitute a "shopping mall" as defined in Section 19.556.050 M of this Title shall constitute an indoor swap meet. Indoor swap meets are subject to the provisions of Section 19.552.111 of this Title.

Tanning Salon. "Tanning salon" means a commercial establishment that provides indoor tanning services to the public, where customers can use ultraviolet (UV) tanning beds, booths, or other similar equipment for skin tanning purposes. This use may also include related ancillary services such as spray tanning, skin care, and the sale of tanning products, but excludes medical facilities or practices providing tanning or light therapy for medical purposes.

Tobacco retailer's license. "Tobacco retailer's license" or "licensee" shall mean a license issued by the City pursuant to Chapter 5.60 of the Buena Park Municipal Code, that authorizes the person licensed to operate sell tobacco products or otherwise engaging in tobacco retailing in the City.

Tobacco shop. "Tobacco shop" or "tobacco retailer" means any person who sells, offers for sale, or otherwise exchanges or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia; and "tobacco retailing" shall mean a person doing or engaging in any of the foregoing. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged or offered for exchange.

Trailer. "Trailer" means a vehicle without motive power, designed to be drawn by a motor vehicle, for the transporting of personal property, but not including trailers designed for human habitation such as a recreational vehicle.

Transitional housing. "Transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

Tuck Under Parking. "Tuck under parking" means a type of parking design where parking spaces are located directly beneath all or a portion of a residential or mixed-use building, typically under residential units or commercial space. Tuck under parking shall be partially (minimum of 5-feet) or fully below grade and the garage may not face a public right-of-way.

Use. "Use" means the type of activity or occupancy occurring or intended to occur at a given location.

Use, accessory. "Accessory use" means an activity or use of property which is subordinate, directly related, and supportive to a primary use located on the same premises. An accessory use is necessarily or customarily associated with a primary use in an interdependent relationship.

Use, incidental. "Incidental use" means an activity or use of property which is secondary to a primary use located on the same premises. An incidental use is directly or indirectly related to a primary use, but is not essential to the conduct of the primary use, nor interdependent with the primary use to the same degree as an accessory use.

Use, primary. "Primary use" means a use which is not incidental or accessory to some other use on the same premises.

Walkway. "Walkway" means a public or private way exclusively for the use of pedestrians.

Wild animal. "Wild animal" means any animal, reptile, fowl, or fish which is not tame or gentle as found in nature, but is of a wild nature or disposition or which is known to be vicious or which must be kept in confinement to be brought within the immediate power of the owner(s).

Working day. "Working day" means a day when the administrative offices of the City of Buena Park are open to the public for at least four hours.

Yard. "Yard" means an open area between a building and a lot line of the lot upon which the building is located.

Yard, front. "Front yard " means a yard extending across the full width of a lot between the front lot line and any main building, including the projection of the main building to the side lot lines. (See Diagram 3 at the end of this chapter.)

Yard, rear. "Rear yard" means a yard extending across the full width of a lot between the rear lot line and any main building, including the projections of the main building to the side lot lines. (See Diagram 3 at the end of this chapter.)

Yard sale. "Yard sale" means a temporary sale of household items on residential premises.

Yard, side. "Side yard" means a yard extending from the front yard to the rear yard between the side yard line and any main or accessory building. In the case of a side yard abutting a street, the side yard is considered as extending from the front yard to the rear lot line. (See Diagram 3 at the end of this chapter.)

Yard, side, zero. "Zero side yard" means the placement of a main building at or along a side lot line so that there is no side yard between the building and that lot line.

Diagram 1

Illustration of Building Height Measurement

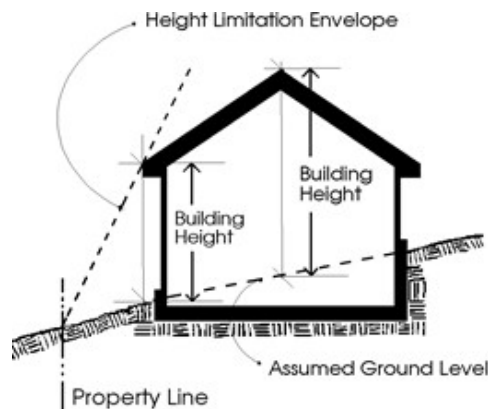


Diagram 2

Illustration of Relationship Among Driveways, Parking Aisles, and Parking Spaces

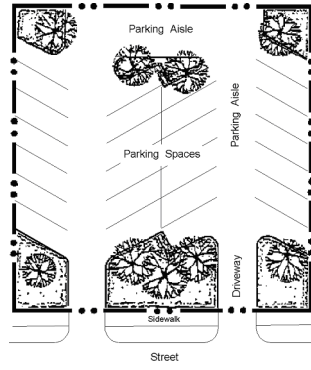
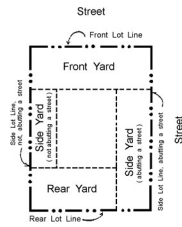


Diagram 3
Illustration of Lot Line and Yard Designations



Chapter 19.108 – Procedures – General

§ 19.108.010. Types of Procedures.

The procedures to be utilized in changing and administering this Title include the following:

A. Legislative Procedures.

1. **Text Change.** Any ordinance or amendment changing the wording of this Title.
2. **Zone Change.** Any ordinance or amendment changing a zone boundary as shown on the Zoning Map (Section 19.104.060).
3. **Adoption or Amendment of Standards.** Procedure for approval of detailed standards required or authorized by provisions of this Title to supplement the ordinance regulations.

B. Administrative Procedures.

1. **Interpretation.** A means of resolving uncertainties or ambiguities in the meaning of any provision of this Title. Such interpretations are uniformly applicable to all subsequent situations in which the same set of circumstances is present. In addition, the interpretation procedure may be used to make minor adjustments of zone boundaries to conform to lot lines or to resolve uncertainty as to the precise location of a zone boundary.
2. **Conditional Use Permit.** A discretionary action concerning a specified land use and pursuant to criteria set forth in this Title, to determine whether such use will be permitted at a given location and to determine the conditions or limitations on development in each case.
3. **Conditional Use Permit for Residential Condominium.** Similar to the conditional use permit procedure described in subsection B.2 of this section, but with additional steps and requirements due to the special nature of a condominium development.
4. **Site Plan Review.** The review and conditional approval of development plans for specified categories of development or when required as a condition of approval under some other procedure, in order to ensure the intent of this Title is met with regard to site arrangement, functional effectiveness, landscape design, architectural quality, and other pertinent attributes.
5. **Zoning Sign Permit.** A review and approval of signing plans to ensure compliance with established standards in areas designated for special care and consistency in signing programs.
6. **Underground Utilities Waiver.** A means of waiving requirements for underground placement of utility lines when found to be impractical or an unnecessary hardship.
7. **Adjustment.** A simplified procedure for considering minor deviations from zoning regulations for reasons of practicality or improved design.
8. **Zoning Compliance Review.** A routine check to ensure that zoning requirements are met before some other permit is issued.
9. **Interdepartmental Review.** A simplified procedure for projects which do not require adjustments or deviations from the regulations set forth in this Title and meet the goals and policies of the General Plan.
10. **Streamlined Ministerial Review.** An implementation of Section 65913.4 of the Government Code by providing a streamlined review and approval process for qualifying affordable housing projects shall be processed via an Interdepartmental Review.

C. Quasi-judicial Procedures.

1. **Variance.** A determination, under criteria established in State law and this Title, allowing deviation from the literal application of regulations of this Title, in cases where the effect of the literal application of the regulations would produce results contrary to the intent of this Title, and would unequally discriminate against particular property because of unusual or unanticipated circumstances pertaining to such property.
2. **Extension of Nonconformity Privilege.** Procedure for changing the allowed time period during which a legal nonconforming situation may continue to exist in those cases where the standard time period set forth in this Division is found to be unreasonable. The procedure may also be applied to changes or expansions of nonconforming situations.
3. **Revocation.** Procedure for revoking any specific development approval when violations of zoning requirements or other laws are found to have occurred.

§ 19.108.020. Applications.

- A. **Form and Information Required.** For all applications to initiate a procedure under this Division, the form of the application and the nature of the information to be submitted therewith shall be as prescribed by the Director for each type of application.
- B. **Acceptance.**
 - 1. The Director shall be responsible for the acceptance of all such applications. No application shall be accepted until:
 - a. All required information is submitted, including an environmental impact report when required (see Section 19.108.060);
 - b. At least six months has passed since final action on any previously denied application for substantially the same matter;
 - c. The required application fee has been paid.
 - 2. As soon as possible, but in no case later than thirty days after receipt of an application, the Director shall determine in writing if such application is complete, and immediately transmit such determination to the applicant. If an application is determined not to be complete, the Director's determination shall specify the deficiencies and the manner in which the application can be made complete. (See California Government Code Sections 65943 and 65944.)
 - 3. Upon determination that an application is complete and meets the requirements for acceptance, or expiration of the thirty-day period if no determination regarding completeness is made, the application shall be deemed accepted. (See California Government Code Section 65943.)

§ 19.108.030. Initiation by City.

When prescribed by provisions of this chapter for specific procedures, proceedings may be initiated by order of the City Council, Planning Commission, Director, or other public official or body so authorized.

§ 19.108.040. Interchangeability.

An application or other initiation of proceedings under any procedure set forth in this Division may be considered as an initiation of proceedings under any other procedure set forth in this Division; provided that, for each action taken, the procedural steps required for that action have been accomplished and the applicable fees paid.

§ 19.108.050. Fees.

- A. A schedule of fees shall be adopted (and revised from time to time as deemed necessary) by resolution of the City Council. (See California Government Code Sections 66012, et seq.)
- B. When a proceeding is initiated by application or written request as authorized in this Title 19, a fee shall be paid to the City by the applicant or appellant in the amount set forth in the currently adopted schedule of fees.
- C. No fee shall be required when a proceeding is initiated by action of an officer or official body of the City.
- D. No fee shall be refunded except upon order of the City Council for good cause shown.

§ 19.108.060. Environmental Review.

- A. For purposes of applying procedural time limits under this Division, a procedure will not be considered to have been initiated until one of the following has occurred pursuant to the California Environmental Quality Act:
 - 1. Notice of completion of a draft environmental impact report has been filed;
 - 2. Notice of a negative declaration has been made; or
 - 3. The Director determines that the proposed zoning matter is exempt from, or does not constitute a project under, the California Environmental Quality Act.
- B. If, after having determined otherwise, it is determined that either a negative declaration or an environmental impact report is required, or that a supplement to a draft environmental impact report is required, the running of time limits applicable to the zoning procedure shall be suspended until the applicable environmental review step has been accomplished.
- C. Any hearing on an environmental impact report shall be held before or concurrently with the last hearing to be held on a zoning matter to which it relates.
- D. Certification of final environmental impact report or adoption of a negative declaration, when required, shall be made prior to a final decision on a zoning matter.

§ 19.108.070. Investigation.

Except as otherwise directed by the City Manager, for each matter initiated under a procedure established by this Division, the Director shall cause an investigation to be made and a report prepared providing factual information and recommendations as appropriate for action in accordance with the provisions of this Division. (See California Government Code Section 65804 (d).)

Chapter 19.112 – Hearings

§ 19.112.010. Setting of Hearings.

A. Planning Commission Hearings.

1. Except for matters considered by or appealed from the Zoning Administrator, when a public hearing is required on a zoning matter, the first such hearing shall be held by the Planning Commission .
2. Except as otherwise provided in this Division, when a public hearing is to be held by the Planning Commission , the Director shall set the time and place for such hearing. The time of such hearing shall be at least ten days and not more than forty days after the acceptance of an application or the receipt of written notice or other instruction from the Planning Commission or City Council initiating the matter.

B. Council Hearings.

1. When a public hearing is required on a zoning matter following any decision or recommendation by the Planning Commission or Zoning Administrator, such hearing shall be held by the City Council.
2. Upon acceptance of an appeal, or receipt of a written report from the Planning Commission , Director, or Zoning Administrator on a matter required to be heard by the City Council, the City Clerk shall set the time and place for such hearing. The time of such hearing shall be at least ten days and not more than forty days after the end of the period for filing an appeal or after receipt of the report.

§ 19.112.020. Notice of Hearings.

- A. Time.** Notice of each public hearing shall be given at least ten calendar days before the date set for such hearing. (See California Government Code Sections 65854 and 65856.), except if a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, notice of the hearing shall be given pursuant to Sections 65090 and 65091, except that the notice shall be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.
- B. Content.** Each notice of public hearing shall include the following information: (See California Government Code Sections 65854, 65854 (b) and 65856.)
 1. Time and place of the hearing;
 2. Who will conduct the hearing;
 3. A general explanation of the matter to be considered, including the type and magnitude of any proposed changes in development or development regulations;
 4. Identification of subject property and the area affected;
 5. Where further information can be obtained;
 6. A statement of the right to appear and be heard.
- C. Publication of Notice.** When newspaper publication of a notice of public hearing is required, such notice shall be published at least once in a newspaper of general circulation which is published and circulated in the City (or in the area affected if the matter is a pre-zoning of a proposed annexation to the City. (See California Government Code Sections 65854 and 65856.)
- D. Posting of Notice.** Posting of notices of public hearing in the vicinity of property affected may be directed by the City Council or the Planning Commission, but shall not be required when notice is given by other means pursuant to this Division and State law.
- E. Notice to Owners of Property Within Three Hundred Feet.**
 1. When notice of a public hearing is required to be given to owners of property located within three hundred feet of the subject property, such notice shall be made by delivery by City employees or by first class mail to all persons, including businesses, corporations, or other

- public and private entities, shown on the last equalized assessment roll as owning real property which is located within three hundred feet of the subject property. (See California Government Code Sections 65854 (a), 65901 and 65905.)
2. If the matter to be considered is a legislative matter as identified in Section 19.108.010, and the number of owners to whom notice would be sent pursuant to subsection E.1 of this section is greater than one thousand, notice may be given by either of the following methods in lieu of the method described in subsection E.1 of this section:
 - a. By placing a display advertisement of at least one-fourth page in a newspaper of general circulation in the area affected; or
 - b. By placing an insert in any generalized first class mailing sent by the City to property owners in the area affected. (See California Government Code Section 65854 (b).)
- F. **Notice to Owners of Adjacent Property.** When notice of a public hearing is required to be given to owners of adjacent property, such notice shall be made by delivery by City employees or by first class mail to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property which is adjacent to the property or zone boundary directly involved in the matter under consideration.
- G. **Notice to Persons Requesting Notice.** For all public hearings on zoning matters, in addition to other notices, notice shall be given by first class mail to any person who has filed a written request therefor with the Commission. Such a request shall be effective for the balance of the calendar year in which the request is submitted. A reasonable fee for this service may be established by the City Council for the purpose of recovering the cost thereof. (See California Government Code Sections 65854 and 65856.)
- H. **Responsibility for Giving Notice.** The officers responsible for giving required notices of public hearings shall be as follows:
 1. Notices of Zoning Administrator meetings and hearings shall be given by the Zoning Administrator.
 2. Notices of Planning Commission hearings shall be given by the Commission secretary.
 3. Notices of City Council hearings shall be given by the City Clerk.

§ 19.112.030. Conduct of Hearings.

- A. **Rules.**
1. The City Council, Planning Commission, and Zoning Administrator shall adopt and publish rules for the conduct of their respective hearings or meetings on zoning matters. (See California Government Code Section 65804 (a).)
 2. When a City staff report exists concerning a zoning matter, such report shall, if possible, be made available to the public prior to any subsequent public hearing on the matter and shall be presented and made a part of the public record at the beginning of any such hearing. (See California Government Code Section 65804 (c), (d).)
- B. **Continuance.** Any hearing on a zoning matter may be continued from time to time and place to place, provided the time and place to which continued is announced prior to adjournment of the meeting from which continued. (See California Government Code Sections 65854 and 65856.)
- C. **Record of Hearing.** When a zoning matter is contested and a prior written request is made to the body conducting a hearing on the matter, a record of the hearing shall be made, preserved for a period of at least one year, and copies made available to any interested party at cost. A deposit may be required with such request. (See California Government Code Section 65804 (b).)

Chapter 19.116 – Decisions

§ 19.116.010. Findings.

- A. For each discretionary decision under a procedure prescribed by this Division, whether made by the City Council, Planning Commission, Director, or Zoning Administrator, written findings shall be adopted pertinent to the applicable criteria of State law and this Division based upon the investigation, hearings, and record of the case.
- B. When decisions under more than one type of zoning procedure are being made concurrently with respect to the same subject property or subject matter, the findings and decision for each such procedure shall be separately identified.

§ 19.116.020. Form of Decision.

Except as otherwise required:

- A. Decisions of the City Council and Planning Commission shall be made by either resolution or motion;
- B. Decisions of the Director or Zoning Administrator shall be in writing and signed by that official or an authorized deputy.

§ 19.116.030. Vote Required.

- A. Except as otherwise required, actions on zoning matters by the City Council or Planning Commission shall require the concurring vote of a majority of the members present, with a quorum present.
- B. In the case of an action by the City Council which is not in accordance with the recommendation of the Planning Commission, the concurring vote of a majority of all members of the Council shall be required.

§ 19.116.040. Time Limits.

- A. On a zoning matter to be decided by the Zoning Administrator or Director, such decision shall be made within forty days after acceptance of the application or other initiation of the matter. An extension of this time limit may be made only with the consent of the applicant or body initiating the matter.
- B. On a zoning matter initiated by application, the Planning Commission shall make its recommendation or decision within forty days after opening its first hearing on the matter or, if no hearing is held, within forty days after acceptance of the application. The Planning Commission may extend the time limit prescribed for its action only with the consent of the applicant and only to the extent such extension is not in conflict with other laws.
- C. On a zoning matter initiated by the Planning Commission, the Commission shall act within one hundred eighty days of such initiation, or such other period as may be requested by the City Council.
- D. On a zoning matter initiated by the City Council and referred to the Planning Commission, and on any matter referred back to the Commission by the City Council after previous consideration by the Commission, the Commission shall act within forty days after referral, or such longer period as may be set by the City Council. (See California Government Code Sections 65853 and 65857.)
- E. For any zoning matter initiated by the City Council, the Council shall act within one hundred eighty days of such initiation unless extended by the Council for good cause. For any other zoning matter presented to the City Council, the Council shall act within forty days after opening its first hearing on the matter; or, if no hearing is held on the matter, within forty days after the Council receives the matter; or, if referred back to the Planning Commission, within forty days after receipt of the Commission's report or within forty days after expiration of the Commission's time limit for such report. The Council may extend the period for its action for good cause shown.

§ 19.116.050. Failure to Act.

- A. Failure of the Director or Zoning Administrator to act on a zoning matter within a time limit prescribed by this Division shall be deemed to be a disapproval unless the time limit is extended by mutual agreement with the applicant or initiator of the matter.
- B. On a zoning matter referred to the Planning Commission by the City Council, failure of the Planning Commission to act within a prescribed time limit shall be deemed to be an approval. (See California Government Code Section 65853.) On other matters, failure of the Commission to act within a prescribed time limit shall be deemed to be a disapproval upon the filing by the applicant of a written notice with the Director, even though the time limit may have been extended with consent of the applicant.

- C. On a zoning matter under consideration by the City Council, failure of the Council to act within a prescribed time limit shall be deemed to be a disapproval upon the filing by the applicant of a written notice with the City Clerk, even though the time limit may have been extended.

§ 19.116.060. Notice of Decision.

- A. For each decision on a zoning matter, within five working days after such decision is made, notice of the decision shall be sent by first class mail or delivered by a City employee to the applicant or other person initially requesting consideration of the matter and to any other person who has filed a written request for such notice with the officer responsible for giving such notice.
- B. Responsibility for giving notice of decisions shall be as follows:
 - 1. The Director and Zoning Administrator shall each give notice of their respective decisions.
 - 2. The Planning Commission secretary shall give notice of Planning Commission decisions.
 - 3. The City Clerk shall give notice of City Council's decision.
- C. Upon the final approval of a zone change, conditional use permit, or variance, the responsible officer as identified above shall, within thirty days, and on behalf of the City Council, notify the County Assessor of the action. (See California Government Code Section 65863.5.)

Chapter 19.120 – Appeals

§ 19.120.010. Appellate Authority.

- A. Decisions of the Zoning Administrator shall be final unless appealed. Such appeal shall be made directly to the City Council. (See California Government Code Sections 65903 and 65904.)
- B. All decisions of the Director made under provisions of this Division are appealable to the Planning Commission.
- C. All decisions of the Planning Commission are appealable to the City Council.

§ 19.120.020. Appellants.

Any interested party is eligible to file an appeal on any zoning matter which is subject to appeal. (See California Government Code Section 65856.)

§ 19.120.030. Time for Filing of Appeal.

An appeal must be filed within ten working days after the date of action by the Planning Commission or within ten working days after the date of decision by the Zoning Administrator or Director.

§ 19.120.040. Form of Appeal.

An appeal shall be in writing and shall include:

- A. Identification of the matter being appealed, including case number, property location, deciding officer or body, and decision date;
- B. The specific aspects of the decision being appealed.

§ 19.120.050. Receipt of Appeals.

- A. All appeals on zoning matters shall be filed with the City Clerk together with any required appeal fee as set forth in the current schedule of fees adopted pursuant to Section 19.108.050. The City Clerk shall cause the date and time of receipt of each appeal to be endorsed thereon.
- B. If the information included with an appeal is found by the City Clerk to be deficient, the City Clerk shall notify the appellant by U.S. certified mail as to the particulars of the deficiencies. If such deficiencies are not corrected within ten working days of such notice, the appeal shall be deemed withdrawn.

§ 19.120.060. Transmittal of Record upon Appeal.

Upon acceptance of an appeal, the City Clerk shall notify the Director, and the Director shall transmit to the appellate body a summary of factual data and a record of the action taken on the matter being appealed. Such information shall be before the appellate body prior to its consideration of the appeal.

§ 19.120.070. Consideration of Appeal.

Each appeal shall be considered de novo. Insofar as applicable and unless otherwise provided in this Title 19, the appellate body shall follow the same procedure and apply the same criteria as prescribed for the original proceeding on a matter. When an appeal hearing is required or held, notice shall be given in the same manner as prescribed for hearing in the original proceeding; or, if no previous hearing was required, in such manner as deemed appropriate by the appellate body.

§ 19.120.080. Appellate Decision.

An appellate body may affirm, modify, or reverse the decision appealed from. If the previous decision is not affirmed, the appellate decision shall be supported by written findings.

§ 19.120.085. City Council Review of Decisions of the Planning Commission.

- A. Planning Commission actions may be reviewed by the City Council in the event that any member of the City Council believes that the action has city-wide importance and should be reviewed and determined by the elected officials of the City.
- B. Within ten working days after the date of action by the Planning Commission, any member of the City Council may request that an action by the Planning Commission be reviewed by the City Council. The Planning Commission decision will be stayed until the City Council completes its proceedings in accordance with the provisions of this section.
- C. The City Clerk shall set the review hearing within forty days from the date a member of the City Council requests that the Planning Commission action be reviewed.
- D. The review hearing shall be conducted as a de novo hearing and shall follow the same procedure and apply the same criteria as prescribed for the original proceeding on the matter. Notice of the review hearing shall be given in the same manner as prescribed for the hearing in the original proceeding, or, if no previous hearing was required, in such manner as deemed appropriate by the City Council.
- E. The City Council may act to uphold, overturn, or otherwise modify the Planning Commission's action on the proposal, or the City Council may remand the matter back to the Planning Commission for further review and direction.
- F. The decision of the City Council, supported by findings, shall be set forth in full in a resolution. A copy of the decision shall be sent to the applicant in the matter reviewed. The action of the City Council shall be final and conclusive.

§ 19.120.090. Irregularities in Proceedings.

Any irregularity in any procedure set forth in this Title 19 shall not invalidate the proceeding if there is compliance with the minimum requirements of state law.

Chapter 19.124 – Legislative Procedures

§ 19.124.010. Text Change.

- A. Any ordinance or amendment to change or amend the provisions of this Title, except a change in the Zoning Map, shall be considered in accordance with the procedure set forth in this section.
- B. Initiation. A text change may be initiated only by order of the City Council, Planning Commission, or Director of Development Services.
- C. Commission Hearing. On a proposed text change, at least one public hearing shall be held by the Planning Commission. Notice of such hearing shall be given by newspaper publication as provided in subsection C of Section 19.112.020. (See California Government Code Section 65854.)
- D. Commission Recommendation. The Planning Commission shall make written findings and recommendations to the City Council on each proposed text change. Such report shall include:
 - 1. Explanation of the relationship to the General Plan and any applicable Specific Plans. (See California Government Code Section 65855.)
 - 2. Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available. (See California Government Code Section 65863.6.)
- E. Council Hearing.
 - 1. The City Council shall hold at least one public hearing on the recommendation of the Planning Commission concerning a proposed text change. Notice of such hearing shall be given by newspaper publication as provided in subsection C of Section 19.112.020. (See California Government Code Section 65856.)
 - 2. If the City Council proposes any modification from the Planning Commission recommendation which was not previously considered by the Commission, the proposal shall be referred back to the Commission for report and recommendation, but further Commission hearing is not required. (See California Government Code Section 65857.)
- F. Council Action. Action to adopt a text change shall be by ordinance. When an ordinance for a text change has been considered by the City Council but not adopted within one year of introduction, the proceedings shall be considered null and void. New proceedings must be initiated in order to consider the matter further.

§ 19.124.020. Interim Ordinances.

Without following the procedures otherwise required in order to amend this Title, including the Zoning Map, the City Council, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the Council, Planning Commission, or Director is considering or studying or intends to study within a reasonable time, as provided by state law. (See California Government Code Section 65858.)

§ 19.124.030. Zone Change.

- A. Any ordinance which changes any property from one zone designation to another shall be considered in accordance with the procedure set forth in this section.
- B. Initiation. A zone change may be initiated by order of the City Council or the Planning Commission, or by application of the owner(s) of affected property or an agent of the owner(s) authorized in writing.
- C. Commission Hearing. On a proposed zone change, at least one public hearing shall be held by the Planning Commission. Notice of such hearing shall be given by notice to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code Section 65854.)
- D. Commission Recommendation. The Planning Commission shall make written findings and recommendations to the City Council on each proposed zone change. Such report shall include:
 - 1. Explanation of the relationship to the General Plan and any applicable Specific Plans (see California Government Code Section 65855);
 - 2. Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available. (See California Government Code Section 65863.6.)
- E. Further Action or Appeal.

1. If the Planning Commission recommends against a proposed zone change, no further action by the City Council is required unless an appeal is filed. (See California Government Code Section 65856.)
 2. If the Planning Commission recommends approval of a zone change, the City Council shall take action on such recommendation.
- F. Council Hearing.
1. If the City Council considers a proposed zone change, at least one hearing shall be held. Notice of such hearing shall be given by notice to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code Section 65856.)
 2. If the City Council proposes any modification from the Commission's recommendation which was not previously considered by the Commission, the proposal shall be referred back to the Commission for report and recommendation, but further Commission hearing is not required. (See California Government Code Section 65857.)
- G. Council Action. Action to adopt a zone change shall be by ordinance. When an ordinance for a zone change has been considered by the Council but not adopted within one year of introduction, the proceedings are considered null and void. New proceedings must be initiated in order to consider the matter further.

§ 19.124.040. Pre-zoning.

The City may pre-zone areas outside the City for the purpose of determining the zoning that will apply to such property in the event of annexation to the City. The method of accomplishing such pre-zoning is as provided in Section 19.124.030, with notice of public hearings as provided in subsection C of Section 19.112.020. Such zoning shall become effective at the same time that annexation becomes effective. (See California Government Code Section 65859.)

§ 19.124.050. Adoption or Amendment of Supplementary Standards.

- A. When the provisions of this Title allow or require the use of standards to supplement the provisions contained in this Title, such standards shall be considered in accordance with the procedure set forth in this section.
- B. Initiation. Preparation or amendment of supplementary zoning standards may be initiated by order of the City Council or the Planning Commission, or by the Director.
- C. Preparation. The Director is responsible for preparing proposed standards for consideration.
- D. Commission Hearing. A public hearing on proposed standards shall be noticed and held by the Planning Commission in the same manner as provided for a text change under subsection C of Section 19.124.010.
- E. Commission Recommendation. After public hearing, the Planning Commission shall make its written report and recommendation to the City Council in the same manner as provided for a text change under subsection D of Section 19.124.010.
- F. Council Hearing. Upon receipt of the recommendation of the Planning Commission, a public hearing shall be noticed and held by the City Council in the same manner as provided for a text change under subsection E of Section 19.124.010.
- G. Council Action. After public hearing, the City Council shall, by resolution, adopt, modify and adopt, or disapprove the standards recommended by the Planning Commission, or refer the matter to the Commission for further study.

Chapter 19.128 – Administrative Procedures

§ 19.128.010. Administrative Interpretation.

- A. The purpose of this section is to provide a means for resolving uncertainty or ambiguity as to the meaning or intent of any provision of this Title, including:
 - 1. Further definition and enumeration of the uses permitted in the various zones;
 - 2. Determination of parking space requirements for uses not specifically listed in the vehicular provisions of this Title 19;
 - 3. Determination of the precise location of zone boundaries, or minor adjustment thereof to conform to lot lines.
- B. Except in the case of zone boundary determinations, each interpretation made under this section is generally applicable to all future situations of the same type and with similar circumstances, and is not limited or directed to specific properties or circumstances thereon.
- C. Initiation. The preparation of an interpretation may be initiated by order of the City Council or the Planning Commission, by the Director, or by the written request of any interested party filed with the Director. An interpretation shall not be initiated when a text change or zone change involving the same issue has been initiated and is still under consideration.
- D. Basis for Interpretation. An interpretation shall be based upon an examination of the intent of this Title considering all the relevant provisions thereof, and shall be consistent with such intent. Careful consideration shall be given to the similarities and differences among the uses permitted, development standards, and other regulations applicable in the various zones.
- E. Preparation. Within forty days after the initiation of an interpretation request, the Director shall prepare a written interpretation and transmit it to the City Council and Planning Commission.
- F. Notice. Upon transmittal of an interpretation to the City Council and Planning Commission, public notice that such interpretation has been prepared shall be given in the same manner as for a text change (subsection C of Section 19.112.020), or in the case of a zone boundary determination, notice shall be made to owners of property adjacent to the involved boundary as provided in subsection F of Section 19.112.020. The notice shall explain that the interpretation may become effective without a hearing unless a written request for a hearing is received.
- G. Commission Hearing and Action.
 - 1. If a written request for a hearing is received from any interested party within ten working days after notice is made, the Planning Commission shall conduct such hearing. If no such request is made, the Commission may consider the matter without hearing, and the matter may be placed on the Commission agenda as a consent calendar item.
 - 2. The Planning Commission may adopt, modify, or disapprove an interpretation as submitted by the Director, or may refer the matter back to the Director for further study. The Planning Commission shall act within forty days after transmittal of an interpretation from the Director, except that a referral back to the Director is considered as an initiation of an other interpretation.
 - 3. Planning Commission action on an interpretation is final unless appealed. Failure to act is deemed to be an approval.
- H. If the Planning Commission action on an interpretation is appealed, the City Council shall hear and decide the matter with notice given in the same manner as the initial notice under subsection F of this section.

§ 19.128.020. Conditional Use Permit.

- A. Purpose. Certain types of uses and development situations, as designated in this Title, require special consideration of the unique circumstances of each case in order to ensure that the intent of this Title 19 is adequately implemented. Those developments subject to a conditional use permit shall follow the procedure set forth in this section.
- B. Authority. The Planning Commission shall have authority to grant conditional use permits, subject to appeal to the City Council, except the Zoning Administrator shall have such authority for those conditional use permit matters involving existing facilities and development when not more than a twenty percent expansion of floor area is involved. In case of uncertainty as to assignment of authority over a specific application, the Director shall determine which body shall have jurisdiction.
- C. Initiation. A conditional use permit procedure may be initiated only by application of the owner(s) (or authorized agent) of the subject property.

- D. Hearing. A public hearing shall be held on each application for a conditional use permit, with notice given to property owners within three hundred feet as provided in subsection E of Section 19.112.020. The hearing shall be conducted by the Planning Commission or Zoning Administrator, whichever has jurisdiction in the case.
- E. Findings.
1. A conditional use permit may be approved if affirmative findings are made based upon the following criteria:
 - a. The proposed use and development is consistent with the General Plan and any applicable specific plans;
 - b. The site is adequate in size, shape, topography, location, utilities, and other factors, to accommodate the use and development;
 - c. Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;
 - d. Adequate utilities and public services are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;
 - e. The use and development will be compatible with the intended character of the area;
 - f. Any criteria set forth elsewhere in this Title for the approval of the specific use and development will be satisfied, including:
 - (i) For certain specific uses, those criteria set forth in Chapters 19.348, 19.448, 19.552, and 19.652,
 - (ii) For uses in the PD Overlay Zone, those additional criteria set forth in Sections 19.412, 19.512.020, and 19.612;
 - g. Any adverse effects of the use and development are justified and fully balanced by offsetting benefits to the public interest.
 2. A conditional use permit may be disapproved if affirmative findings based on the above criteria are not made or conditions cannot be imposed to adequately mitigate any adverse findings.
- F. Conditions.
1. Any approval of a conditional use permit shall include conditions applicable to the approved use and development which will implement the intent of this Title, protect the public health, safety, and welfare, and ensure development in accordance with approved plans.
 2. No condition shall be imposed which requires the dedication of land or the construction of improvements, or bonding to guarantee construction of improvements, if such dedication or improvements are not reasonably related to the use permitted. (See California Government Code Section 65909.)
- G. Decisions.
1. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within ten working days.
 2. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.
- H. Minor Modification of Conditions.
1. After a conditional use permit has become effective, minor modifications of the conditions of such permit may be made in accordance with the provisions of this subsection.
 2. Consideration of minor modifications of conditions may be initiated only by application of the owner(s) (or authorized agent) of the subject property.
 3. Upon acceptance of such application, the Director may approve, in writing, and without further procedure, minor modifications of conditions for reasons of practicality or improved design, but shall apply the same criteria and requirements applicable to the conditional use permit, and shall not approve any modification which would be inconsistent with the approved conditional use permit.
 4. Upon making such approval, the Director shall promptly notify the applicant and the members of the City Council and Planning Commission of his or her action.
 5. The Director's determination is final unless appealed, but does not become effective unless and until a written acceptance thereof is received from the applicant.
 6. In case of an appeal, a public hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a conditional use permit. The action of

the Planning Commission is subject to further appeal to the City Council in the same manner as for a conditional use permit.

- I. Expiration. A conditional use permit shall expire if:
 - 1. Construction or use of the property under permit is not commenced within one year after the expiration of the appeal period or Council decision date if appealed unless otherwise provided within the terms of the approval;
 - 2. Any provision in the permit for termination of the use becomes effective;
 - 3. The use is discontinued for a period of six months;
 - 4. A zone change or text change becomes effective which results in the use or development becoming either automatically permitted or no longer eligible for approval under a conditional use permit. This provision shall apply to all conditional use permits whether issued prior to or after the effective date of this provision;
 - 5. A more recently approved conditional use permit becomes effective for the same property.
- J. Extension.
 - 1. An application to extend the time period before a conditional use permit expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such permit.
 - 2. A first-time extension may be granted by the Director in accordance with the provisions of Section 19.128.100.
 - 3. For any additional extension, the approving body, or City Council on appeal, may grant extensions of such time period for up to one year for each extension if the earlier expiration of the permit is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

§ 19.128.030. Conditional Use Permit for Residential Condominium Development.

- A. A residential condominium development (new construction or conversion of existing development) is subject to the conditional use permit procedure as provided in Section 19.128.020, the State Subdivision Map Act (see California Government Code Section 66427.1), and the additional and modified procedural elements as provided in this section.
- B. Pre-application (For Conversions Only).
 - 1. A prospective applicant for a conversion to a residential condominium shall first obtain pre-application information from the City's Planning and Building divisions, and submit to the divisions the information requested.
 - 2. The Planning and Building division staff shall review the information submitted to evaluate the conformity of the proposal with City requirements. The staff shall discuss its findings with the applicant and provide a written summary. In no case, however, shall the staff comments be construed as binding upon any prospective action by the City.
 - 3. The application for a residential condominium conversion shall be for essentially the same project as presented in the pre-application except for any changes accepted by the applicant to meet in whole or in part the results of the pre-application staff evaluation. If other substantial changes from the pre-application proposal are proposed, another pre-application evaluation shall be accomplished before acceptance of the application.
- C. Notice of Proposed Conversion.
 - 1. When a condominium conversion is proposed, the following information shall be included with the application for conditional use permit:
 - a. Certification that all tenants have been notified of the prospective application between 15 and 90 days prior to filing thereof;
 - b. Copy of such notice to tenants;
 - c. Certified list of mailing addresses of all units in the existing development proposed to be converted.
 - 2. Between 10 and 40 days prior to the Planning Commission hearing on a proposed condominium conversion, the Planning Commission secretary shall give notice of the hearing to tenants of the existing development by mail to the addresses on the certified list.
- D. Criteria. The criteria for approval of a residential condominium project shall include the following:
 - 1. The project design shall provide long-term attractiveness and stability both within the project and in the neighborhood.
 - 2. The special standards for condominium projects as provided in Section

- A. 19.448.030 are substantially met.
- E. Criteria for Conversion. The following additional criteria shall be applied in considering conversions:
 - 1. The conversion will not produce a shortage of rental housing with respect to the family sizes and income levels of the households being accommodated in the existing development.
 - 2. The overall vacancy rate for rental housing in the City will not be reduced below 3 percent.
 - 3. The conversion will not cause unreasonable displacement of residents, especially long-term residents, low and moderate income families, senior citizens, and families with schoolchildren.
- F. Conditions. In addition to the requirements set forth in this Title (Section 19.448.030) for residential condominiums, additional conditions may be imposed to:
 - 1. Ensure compatibility with surrounding development and uses;
 - 2. Protect the long-term economic and organizational soundness of the condominium project and its association of owners;
 - 3. Preserve the public health, safety, and welfare.

§ 19.128.040. Site Plan Review.

- A. Authority.
 - 1. Any development of a type listed below shall not be commenced, nor any City permit issued until a site plan showing the proposed development has been submitted for review and approved as provided in this section:
 - a. Construction of a new building exceeding 500 square feet in floor area, excluding single-family residences;
 - b. Exterior alterations to an existing building; other than those alterations allowed under an interdepartmental review pursuant to Section 19.128.100;
 - c. Provisions for any new or additional parking facilities;
 - d. The erection of any fence greater than 7 feet in height;
 - e. Installation of any exterior exposed neon or unshaded bulb architectural building lighting within the CO, CS, CG zones and any specific plan area;
 - 1. The following shall not require site plan review:
 - a. The construction or placement of solar equipment;
 - b. Any development in the AR zone;
 - c. Accessory dwelling units.
 - 2. The Zoning Administrator shall consider and act upon site plan review matter when it is submitted in connection with:
 - a. A development for which some other type of application under the jurisdiction of the Zoning Administrator is under consideration;
 - b. A multi-family residential development of less than 5 units;
 - c. Changes of 40 percent or less in the existing floor area of each building involved;
 - 3. The Zoning Administrator shall conduct a site plan review according to the same procedure as provided for a zoning adjustment under Section 19.128.080.
 - 4. Any site plan review not under the jurisdiction of the Zoning Administrator shall be considered by the Planning Commission according to the procedure set forth in this section, except that when a site plan review is conducted in conjunction with consideration of a conditional use permit, variance, relocation permit (under Title 15), or similar proceeding, a separate application, fee, and proceeding is not required and the considerations and determination required under this section shall be included in such other proceeding.
- B. Criteria. Action on a site plan review is based upon the following criteria:
 - 1. The proposed development meets all applicable requirements of this Title and other laws;
 - 2. The site arrangement and improvements will not be detrimental to the existing and intended character of the area as defined by the General Plan, any applicable specific plans, and this Title;
 - 3. Effective and satisfactory methods are provided to protect nearby structures and activities from noise, vibration, and other adverse environmental effects generated by the subject development;
 - 4. The exterior architectural design is in reasonable harmony with the architectural character of the area;
 - 5. The arrangement and design for pedestrian and vehicular traffic will minimize congestion and protect pedestrian and vehicular safety.

- C. Decision.
1. The Planning Commission or Zoning Administrator shall act upon a site plan review within forty days after the application has been accepted unless this time limit is extended with the consent of the applicant.
 2. A site plan may be approved, approved with conditions found necessary to protect the public health, safety, and welfare, or disapproved based upon findings that the requirements and intent of this Title are not satisfied.
 3. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within 10 working days.
 4. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.
- D. Appeal. If appealed, a site plan review matter shall be placed on the agenda of the next regular Planning Commission meeting. The Commission shall act on the matter at this meeting or a continuance thereof in the same manner as provided for Commission action.
- E. Endorsement. Upon approval of a site plan under the site plan review procedure, the Director shall cause the plan or plans to be endorsed and if necessary supplemented with written or graphic documents in such a way as to clearly identify the matters approved.
- F. Revisions.
1. After a site plan has become effective, minor modifications of the conditions of such permit may be made in accordance with the provisions of this subsection.
 2. Consideration of minor modifications of conditions may be initiated only by the application of the owner(s) (or authorized agent) of the subject property.
 3. Upon acceptance of such application, the Director may approve, in writing, and without further procedure, minor modification of conditions for reason of practicality or improved design, but shall apply the same criteria and requirements applicable to the site plan, and shall not approve any modification which would be inconsistent with the approved site plan. Upon making such approval, the Director shall promptly notify the members of the City Council and Planning Commission of his or her action.
 4. The Director's determination shall be final unless appealed, but does not become effective unless and until a written acceptance thereof is received from the applicant.
 5. In case of an appeal, a hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a site plan. The action of the Planning Commission is subject to further appeal to the City Council in the same manner as for a site plan.
- G. Expiration.
1. If development in accordance with an approved site plan is not commenced within 1 year after the approval of the approving body, the approval shall expire unless extended as provided under subsection H of this section.
 2. If this Title is amended after a site plan has been approved, and such amendment no longer permits the development as approved, the development nevertheless may be carried out if started before expiration of approval, but any features not in compliance with the amended provisions of this Title are subject to the non-conformity provisions of this Title. Upon request of the property owner(s), the Director may modify a site plan approval to the extent necessary to conform to the amended provisions of this Title.
- H. Extension.
1. An application to extend the time period before a site plan expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such permit.
 2. A first-time extension may be granted by the Director in accordance with the provisions of Section 19.128.100.
 3. For any additional extension, the approving body, or City Council on appeal, may grant extensions of such time period for up to 1 year for each extension if the earlier expiration of the permit is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

§ 19.128.050. Zoning Sign Permit.

- A. Authority. Action on zoning sign permits is based upon compliance with the provisions of this Title and any sign guidelines or standards adopted for the area of the subject property pursuant to Section 19.904.060.

§ 19.128.060. Underground Utilities Waiver.

- A. Authority. Except for underground utilities waivers permitted for single family homes in accordance with Section 19.128.100, the Zoning Administrator may, after consideration at a public meeting, waive requirements for undergrounding if the required findings outlined in subsection C of this section can be found. The decision of the Planning Commission may be appealed in writing to the City Clerk within 10 working days.
- B. Initiation. Consideration of a waiver under this section may be initiated only by application of an owner(s) (or authorized agent) of the subject property.
- C. Criteria. A waiver under this section may be granted if it is found that topography, soil, or other conditions are such that the required undergrounding of utility facilities would constitute an unnecessary hardship inconsistent with purposes of the undergrounding requirements.

§ 19.128.070. [RESERVED]

§ 19.128.080. Adjustment.

- A. Purpose. The purpose of the zoning adjustment procedure is to provide a simplified means of considering, for practical reasons, nondetrimental minor deviations from certain development standards set forth in this Title when applied to alterations of existing development.
- B. Authority.
 - 1. When considered in conjunction with an application for site plan review, conditional use permit, variance, or similar procedure, a zoning adjustment may be acted upon by the officer or body having jurisdiction over such other application. In all other cases, a zoning adjustment shall be considered and acted upon by the Zoning Administrator, subject to appeal to the City Council.
 - 2. The types of matters which may be considered under a zoning adjustment and the maximum allowable deviation from the requirement of this Title, are as follows:
 - a. Building Height. Increase in allowable height of building or structure: 20 percent;
 - b. Yards and Permitted Encroachments. Encroachment of a single- family dwelling or accessory building into a required yard:
 - (i) Front yard encroachment: no more than 20 percent linear feet,
 - (ii) Side yard encroachment: no more than 20 percent linear feet,
 - (iii) Rear yard encroachment: no more than 20 percent linear feet,
 - (iv) Addition to existing structure which is nonconforming as to yard encroachment: 500 square feet and no more than existing encroachment distance or 2 feet, whichever is less,
 - (v) Rear yard coverage: a maximum of 40 percent of the required rear yard; provided, that the total lot coverage does not exceed 40 percent,
 - (vi) Rear yard coverage for properties located on a corner with an existing garage within the required rear yard: a maximum of 55 percent of the required rear yard; provided that an area equivalent to the required rear yard is provided within one of the required side yards of the property together with that portion of the required rear yard that is adjacent to the required side yard and that the total lot coverage does not exceed 40 percent. No portion of the structure exceeding the code prescribed 30 percent rear yard coverage shall be greater than 1 story in height;
 - c. Driveway Width. Reduction in width of required accessway: 10 percent;
 - d. Required Parking Spaces. Reduction of not more than two parking spaces in the number of required spaces in any commercial or industrial zone;
 - e. Fence Height.
 - (i) Residential fence height up to 50 percent greater than permitted height but not more than eight feet total height,
 - (ii) Fence up to 6 feet in height located in a required side or rear yard abutting a street for commercial and industrial zones, under the following criteria:

1. Yard shall be located along a Commuter Arterial or Local Street, as defined within the Circulation Element of the General Plan.
 2. Fence shall be for the sole purpose of securing a parking area that is developed to City standards and where the parking is permitted within the required yard.
 3. Fence shall not be view-obscuring.
 4. Fence shall have a minimum 10-foot setback from the street property line.
- C. Initiation. Consideration of a zoning adjustment may be initiated only by the owner(s) (or authorized agent) of the subject property.
- D. Meeting. Each application for a zoning adjustment shall be considered at a public meeting. When considered by the Zoning Administrator, such meeting shall be held not more than 40 days after acceptance of the application, and the determination shall be made at the meeting or a continuance thereof. Any extension of time for the decision shall be only with the consent of the applicant.
- E. Criteria. The determination of a zoning adjustment is based on the following criteria:
1. There are practical reasons or benefits of improved design which justify the deviation from the prescribed standards;
 2. The adjustment, with any conditions imposed, will provide equal or better protection to adjacent property;
 3. The adjustment is not in conflict with the objectives of the General Plan, any applicable Specific Plan, or the intent of this Title.
- F. Decision. The officer or body acting upon a zoning adjustment may approve, deny or approve with reasonable conditions. The initial determination on an adjustment is final unless appealed.

§ 19.128.090. Zoning Compliance Review.

- A. Prior to the issuance of any building permit, sign permit, or permit for any exterior mechanical equipment including air conditioning equipment and solar equipment, and prior to the construction of any residential fence or other development feature specifically made subject to this section, the proposed development plan shall be submitted to the Director for review as to compliance with the provisions of this Title and any standards adopted pursuant to Section 19.124.050.
- B. Construction and placement of solar equipment, and alteration of single-family dwellings, including manufactured dwellings, on foundations, shall be reviewed under this section for compliance with standards of architectural compatibility with structures in the immediate area, including consideration of roof overhang and roof and siding materials. (See California Government Code Sections 65850.5 and 65852.3.)
- C. Certification. Upon finding that a proposed development conforms to all requirements of this Title and standards adopted under this Title, zoning compliance shall be certified as follows:
1. For a sign copy change: by endorsement on a graphic representation of the approved copy;
 2. For a sign installation other than a mere copy change: by endorsement on plans for the approved installation and issuance of an identification sticker which is required to be attached to and maintained on the sign structure in a visible location;
 3. For all other cases: by endorsement on the approved plans or permit application.

§ 19.128.100. Interdepartmental Review.

- A. Purpose. The purpose of the interdepartmental review process is to provide a procedure for the expeditious review and approval of projects listed in Sections 19.128.100.B.1. Projects subject to the interdepartmental review process do not require adjustments or deviations from the regulations set forth in this Title and meet the goals and policies of the general plan.
- B. Authority.
1. Any development of a type listed below shall not be commenced, nor any City permit issued therefore, until an interdepartmental review application has been submitted for review and approved as provided in this section:
 - a. Construction of unenclosed accessory structures in the commercial and industrial zones, including, but not limited to, covered parking areas and loading docks, provided that:
 1. The accessory structure does not result in the loss of required on-site parking spaces; and

2. The accessory structure is located to the rear of the primary structure and not visible from a public street.
- b. Minor exterior alterations to an existing building, provided that any new/added building square footage is less than 500 square feet.
 1. Minor exterior alterations include new store-fronts window systems, new or removed windows or awnings or changes to more than 25% of the exterior materials;
 2. Minor modifications to building entrances and exits; or changes to less than 25% of the exterior materials are not subject to Interdepartmental Review and shall be processed ministerially.
- c. Minor revisions to existing parking facilities, provided that the total number of parking spaces is not reduced. Minor revisions include, but are not limited to, relocation of parking spaces and landscaped areas, restriping, and placement of required trash enclosures.
- d. The installation of a fence within a required yard abutting a street for multi-family residential developments in the RM-10 or RM-20 zones. A permitted fence for a multi-family development in the RM-10 or RM-20 zones shall be reviewed pursuant to Chapter 19.428 (Development Standards—Fences, Walls, Hedges, and Berms) and the City of Buena Park's Architectural Design Guidelines. For other permitted uses in the RM-10 or RM-20 zones, the installation of fences shall be reviewed pursuant to Chapter 19.428 (Development Standards—Fences, Walls, Hedges, and Berms) and Section 19.128.090 (Zoning Compliance Review).
- e. The installation of a security gate for multi-family residential developments in the RM zones, provided that the required number of on- site parking spaces is not reduced. Permitted security gates shall be reviewed pursuant to the City of Buena Park's Architectural Design Guidelines.
- f. Waiver of underground utilities for a new single-family home located in the RS zones, provided that:
 1. Within 500 feet, the majority of the surrounding developed lots do not have underground facilities; and
 2. It is not feasible or possible to obtain easement areas to accommodate said underground facilities.
- g. One extension of time, beyond the original effective date, may be granted by the Director for up to one year for an approved conditional use permit (as defined by Section 19.128.020) and an approved site plan (as defined by Section 19.128.040) provided that:
 1. The applicant can demonstrate an undue hardship with respect to implementing the said project; and
 2. Such extension will not be materially detrimental to the public health, safety, and welfare; and,
 3. Said project complies with the provisions of the General Plan, applicable Specific Plans, and as set forth in this Title at the time the extension is requested. Subsequent requests of extensions of time shall be considered by the Planning Commission or City Council in accordance with the aforementioned Sections.
- h. Soil decontamination equipment, mechanical equipment, above ground storage tanks, and silos, as an incidental use, at an operating business in commercial and industrial zones, provided that the aforementioned equipment, tanks, or silos are:
 1. Completely screened from view by a block wall, fencing, or an existing on-site building. Screening must be architecturally consistent with the facility in terms of design type and colors;
 2. Located to the rear of the primary structure;
 3. Situated so that existing on-site vehicular circulation and landscaped areas are not adversely impacted, and the required number of on-site parking spaces is not reduced.
- i. Conversion of existing carports to garages in the RM-10 and RM-20 zones, provided that:
 1. The required number of on-site parking spaces is not reduced.

2. The improvements conform to the provisions set forth in Chapter 19.436 (Development Standards—Vehicular Provisions) and the City of Buena Park's Architectural Design Guidelines.
 - j. Use of chain link as a fencing material in zones and locations as specified and permitted under subsection B.4 of Section 19.528.030.
 - k. Façade-mounted and roof-mounted wireless telecommunications facilities as regulated by Chapter 19.1220 of the Buena Park Zoning Ordinance.
 - l. Approval for HIOZ residential/ mixed-use development, Housing Opportunity Overlay and Religious/Congregational/Fraternal Overlay (refer to Ordinance 1733)
- C. Initiation. The interdepartmental review process may be initiated only by application of the owner(s) (or authorized agent) of the subject property.
- D. Application and other required submittal information. An application and any other information deemed necessary shall be submitted to the Director a minimum of 10 working days prior to the anticipated activation of the requested use.
- E. Criteria. Action on an interdepartmental review application is based upon the following criteria:
 1. The proposed development meets all applicable requirements of this Title and other laws;
 2. The site arrangement and improvements will not be detrimental to the existing and intended character of the area as defined by the General Plan, any applicable specific plans, and this Title;
 3. Effective and satisfactory methods are provided to protect nearby structures and activities from noise, vibration, and other adverse environmental effects generated by the subject development;
 4. The exterior architectural design is in reasonable harmony with the architectural character of the area;
 5. The arrangement and design for pedestrian and vehicular traffic will minimize congestion and protect pedestrian and vehicular safety.
- F. Investigation. Upon determination by the Director, copies of the application and any attachments shall be forwarded to every City department which would or could be affected by such use, whereupon each department shall investigate and respond in writing to the Director with recommendations on the application.
- G. Decision.
 1. An interdepartmental review application may be approved, approved with conditions found necessary to protect the public health, safety, and welfare, or disapproved based upon findings that the requirements and intent of this Title are not satisfied.
 2. The action of the Director is final upon written acceptance of the action by the applicant, unless appealed in writing to the Secretary of the Planning Commission. Any appeal of the decision must be filed within ten working days of the Director's action.
 3. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director.
- H. Appeal. In case of an appeal, a hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a site plan. The action of the Planning Commission is subject to further appeal to the City Council in the same manner as for a site plan.
- I. Endorsement. Upon approval of an interdepartmental review application under the interdepartmental review procedure, the Director shall cause the plan or plans to be endorsed and if necessary supplemented with written or graphic documents in such a way as to clearly identify the matters approved.
- J. Revisions.
 1. Consideration of minor modifications of conditions may be initiated only by the application of the owner(s) (or authorized agent) of the subject property.
 2. Upon acceptance of such application, the Director may approve, in writing, and without further procedure, minor modification of conditions for reason of practicality or improved design, but shall apply the same criteria and requirements applicable to the interdepartmental review application, and shall not approve any modification which would be inconsistent with the approved interdepartmental review application.
 3. The Director's determination shall be final unless appealed, but does not become effective unless and until a written acceptance thereof is received from the applicant.

4. In case of an appeal, a hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a site plan. The action of the Planning Commission is subject to further appeal to the City Council in the same manner as for a site plan.
- K. Expiration.
1. If development is not commenced within one year after the approval of an interdepartmental review application, said approval shall expire.
 2. If this Title is amended after an interdepartmental review application has been approved, and such amendment no longer permits the development as approved, the development nevertheless may be carried out if started before expiration of approval. However, any features which are not in compliance with the amended provisions of this Title are subject to the nonconformity provisions of this Title. Upon request of the property owner(s), the Director may modify an interdepartmental review approval to the extent necessary to conform to the amended provisions of this Title.
- L. Extension.
1. An application to extend the time period before a interdepartmental review expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such permit.
 2. A first-time extension may be granted by the Director in accordance with the provisions of Section 19.128.100.
 3. For any additional extension, the Planning Commission, or City Council on appeal, may grant extensions of such time period for up to 1 year for each extension if the earlier expiration of the permit is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

§ 19.128.110. Streamlined Ministerial Review.

- A. For projects located within MUO-45, MUO-60, MUO-100, HOO, and RCFO of the Housing Incentive Overlays (HIO), please refer to Section 1.6.1 of Ordinance No. 1733.
- B. For projects located within the HMCO of the Housing Incentive Overlays (HIO), please refer to Section 5.4 of Ordinance No. 1733.

Chapter 19.132 – Quasi-Judicial Procedures

§ 19.132.010. Variance.

- A. Purpose and Scope.
 1. The variance procedure is provided for the purpose of considering deviations from the strict application of the requirements of this Title in those special circumstances where the literal requirements unintentionally discriminate against a particular property because of unusual and unanticipated circumstances. In such circumstances, a variance may be granted to correct an inequity, but may not be used to grant any special privilege.
 2. A variance may be granted from any provision of this Title, except that a variance shall not be granted which allows a lot or a structure to be used for a purpose not permitted under the applicable zone classification. (See California Government Code Section 65906.)
- B. Authority.
 1. The Zoning Administrator shall consider and decide upon variances which do not exceed the following limitations:
 - a. Changes or additions to existing residential structures or development, provided there is no increase in the number of dwelling units;
 - b. New construction or alteration of existing nonresidential structures or development not involving an increase in gross floor area on a lot of over twenty thousand square feet.
 2. All other applications for variance shall be considered by the Planning Commission.
- C. Initiation. A variance may be initiated only by application of the owner(s) (or authorized agent) of the subject property.
- D. Hearing and Notice.

1. If considered by the Zoning Administrator, a variance matter shall be considered at a public hearing conducted by the Zoning Administrator. If considered by the Planning Commission, at least one public hearing shall be held by the Planning Commission.
 2. Notice of such hearing shall be given to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code Section 65901.)
- E. Criteria and Findings. A variance may be granted only if all of the following criteria are satisfied:
1. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings which result in the strict application of the requirements of this Title depriving the property of privileges enjoyed by other properties in the same zone and vicinity (see California Government Code Section 65906);
 2. The variance will not grant special privileges to the subject property not enjoyed by other properties in the same zone and vicinity (see California Government Code Section 65906);
 3. The variance will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other property in the vicinity;
 4. The variance will not be contrary to the objectives of the general plan, any applicable specific plan, or the intent of this Title.
- F. Conditions—Effective Date.
1. If approved, a variance shall include conditions to ensure that the above criteria and limitations upon a variance are satisfied.
 2. No condition may be imposed requiring any dedication of land, construction of improvements, or bonding to guarantee construction of improvements, if such dedication or improvements are not reasonably related to the development and use of the subject property. (See California Government Code Section 65909.)
 3. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.
 4. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within ten working days.
- G. Minor Modification of Conditions. After a variance has become effective, minor modification of the conditions of such variance may be made by the Director in the same manner as for a conditional use permit (subsection H of Section 19.128.020) except that the applicable criteria shall be those provided for a variance rather than those for a conditional use permit.
- H. Expiration. A variance shall expire if:
1. Construction or use of the property under permit is not commenced within one year after the expiration of the appeal period or council decision if appealed, unless provided for within the terms of the approval;
 2. Any provision in the variance for termination of the use becomes effective;
 3. The use is discontinued for a period of six months,
 4. The development is changed so that the variance is no longer required;
 5. A zone change or text change becomes effective which results in the development permitted by variance becoming automatically permitted. This provision shall apply to all variances whether issued prior to or after the effective date of this provision.
- I. Extension.
1. An application to extend the time period before a variance expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such variance.
 2. The approving body, or City Council on appeal, may grant extensions of such time period for up to one year for each extension if the earlier expiration of the variance is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

(Ord. 1405 § 5, 2000)

§ 19.132.020. Extension or Termination of Nonconforming Privilege.

- A. Purpose. The procedure provided in this section provides for varying the requirements relating to the continuation, extension or termination of nonconforming situations in specific cases which require such adjustment in order to achieve an equitable balance between private property rights and the public interest. The possible applications of this procedure are:

1. Extension of time beyond the standard termination date required for reasonable amortization;
 2. Expansion of the area devoted to nonconforming use on the same site and within an existing building;
 3. Change of a nonconformity to another nonconformity of equal or less severity;
 4. Termination of a substantially detrimental nonconformity earlier than otherwise required.
- B. Initiation. An extension, expansion, or change in a nonconformity privilege may be initiated only by application of the owner(s) (or authorized agent) of the subject property. The termination of a nonconformity may be initiated by order of the City Council, Planning Commission, or by the Director of Community and Economic Development. When such proceeding for a termination is initiated, the owner(s) of the subject property shall be notified by registered mail or in the manner of a summons.
- C. Hearing. At least one public hearing shall be held by the Planning Commission on any proposed extension, expansion, change, or termination of a nonconformity. Notice shall be given to property owners within three hundred feet as provided in subsection E of Section 19.112.020.
- D. Findings and Decision. To approve, in whole or in part, an extension, expansion, change, or termination of a nonconformity privilege, it is found that balancing of the public interest and the vested interests of the owner(s) of the subject property requires deviation from the standard nonconformity regulations.
- E. Conditions. Conditions shall be imposed upon any grant of an extension, expansion, or change in a nonconformity privilege in order to assure that an equitable balance of the public interest and the vested interests of the owner(s) of the subject property is maintained.
- F. Appeal. The decision of the Planning Commission on an extension, expansion, change, or termination of a nonconformity privilege is final unless appealed.
- G. Minor Modification of Conditions. After a decision under this section has become effective, minor modification of conditions may be considered by the Director in the same manner as for a conditional use permit (subsection H of Section 19.128.020) except that the applicable criteria shall be those provided for the extension, expansion, or change of a nonconformity privilege rather than those for a conditional use permit.

§ 19.132.030. Revocation.

- A. Authority. Conditional use permits, site plan approvals, variances and extensions, expansions or changes (but not early terminations) of nonconformity privileges may be revoked by the Planning Commission pursuant to this section.
- B. Initiation. A revocation under this section may be initiated by:
1. Order of the City Council or Planning Commission;
 2. Application of any person damaged or adversely affected by the continuation of circumstances existing on property subject to a conditional use permit, variance, or nonconformity privilege;
 3. The Director of Community and Economic Development.
- C. Notice to Owner(s). Upon initiation of proceedings under this section, notice shall be given to the owner(s) of the subject property by registered mail or in the manner of a summons.
- D. Commission Hearing. At least one public hearing shall be held by the Planning Commission on a matter initiated under this section. Notice of such hearing shall be to property owners within three hundred feet as provided in subsection E of Section 19.112.020.
- E. Criteria. The decision on a matter being considered under this section is based upon the following criteria:
1. Approval of the use or development was obtained by fraud;
 2. The use or development is being or recently has been conducted in violation of the terms of a permit, the requirements of this Title, or other law;
 3. The use or development is being conducted in a manner detrimental to public health, safety or welfare, or is a nuisance.
- F. Decision. The decision of the Planning Commission on a matter pursuant to this section is final unless appealed to the City Council.

Chapter 19.136 - Applicability of Regulations

§ 19.136.010. Property Affected.

The provisions of this Title shall apply, to the extent permissible under other laws, to all property within the City, whether such property is in public or private ownership; except that streets, alleys, and walkways which are dedicated for public use shall be regulated under the provisions of Title 12.

§ 19.136.020. Persons Affected.

The provisions of this Title shall apply, to the extent permissible under other laws, to all persons, agencies, and organizations, both public and private; except that in circumstances where an overriding public interest is found to be served by an action or development to be undertaken by a public agency, the City Council may waive the requirements of this Title to the extent deemed necessary.

§ 19.136.030. Activities Affected.

- A. New or Changed Development or Use. Each provision of this Title shall apply, to the extent permissible under other laws, to all actions, activities, uses and development initiated subsequent to the effective date of such provision, including but not limited to the following:
 - 1. The division or leasing of land;
 - 2. Construction, alteration, remodeling, expansion, replacement or relocation of any building, structure or other facility or portion thereof;
 - 3. The use or occupancy of land, buildings, structures, or other facilities.
- B. Existing Development or Use. Any lawfully established development or use is permitted to continue without change, even though no longer in conformance with one or more provisions of this Title due to changes in such provisions after the establishment of the development or use, except as otherwise provided in Chapter 19.204 or elsewhere in this Title.

Chapter 19.140 - Relationship of Zoning Regulations to Other Laws and Regulations

§ 19.140.010. Continuity of Zoning Regulations.

The provisions of this Title, insofar as they are substantially the same as previous provisions of this Code or any other ordinance repealed, amended, or superseded by the enactment of the provisions of this Title, shall be construed as restatements and continuations of the previous provisions, and not as new enactments.

§ 19.140.020. Pending Proceedings.

Proceedings initiated under provisions repealed, amended, or modified by the provisions of this Title shall not be affected by the enactment of provisions of this Title, except that after such enactment the proceedings shall conform to the provisions of this Title insofar as possible.

§ 19.140.030. Rights under Previous Approvals.

- A. A conditional use permit, site plan approval, variance, or similar approval granted under previous provisions of this Title or under the applicable zoning regulations which existed prior to incorporation of the City or annexation to the City of the area involved, and which would be eligible for consideration of such approval under current provisions of this Title, are deemed to be an approved conditional use permit, site plan, variance, or other approval, respectively, subject to the terms of such approval.
- B. All other conditional use permits, approved site plans, variances, and similar approvals or the conditions thereof which are not in conformance with the provisions of this Title are deemed to be nonconforming privileges subject to the provisions of Chapter 19.204.
- C. Notwithstanding any other provisions of this section, if a conditional use permit, site plan approval, variance, or similar approval, or any condition thereof, has resulted in a nonconformity, such nonconformity shall be subject to the provisions of Chapter 19.204.

§ 19.140.040. Previous Violation or Conviction.

Any violation of and/or conviction under any provision of this Title which has been repealed, amended, or modified, shall continue to be considered as a violation and/or conviction under this Title.

§ 19.140.050. Severability.

If any provision of this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances is not affected thereby.

§ 19.140.060. Conflicting Regulations.

Whenever any provision of this Title covers the same subject matter, overlaps, conflicts with, or is contradictory to any other law or regulation, the provision, law, or regulation which is more restrictive or imposes the higher standard shall control, except as otherwise expressly provided.

§ 19.140.070. Conflicting Licenses and Permits.

All City officials, official bodies, departments, and employees vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title. No license or permit for uses, buildings or purposes, where the same would be in conflict with the provisions of this Title, shall be issued. Any such license or permit, if issued in conflict with the provisions of this Title, is null and void.

§ 19.140.080. Private Agreements.

The provisions of this Title are not intended to abrogate, annul, or impair any easement, covenant or other agreement between parties; except, where this Title imposes a greater restriction or higher standard than that required by private agreement, this Title shall control.

§ 19.140.090. Nuisances.

Neither the provisions of this Title nor any approval pursuant thereto authorize the establishment or maintenance of any use, activity, or circumstance which constitutes a public or private nuisance.

§ 19.140.100. References to Other Laws and Regulations.

When a reference is made in this Title to any other provision of this Title or to any other law or regulation, such reference shall apply to any and all subsequent amendments and additions to the provision referred to and to any renumbered or retitled provisions which continue or supersede the provision referred to.

Chapter 19.144 - Assignment of Authority, Powers, and Duties

§ 19.144.010. Delegation of Commission authority.

Whenever an administrative power or duty is granted to or imposed upon the Planning Commission by any provision of this Title, the Commission may delegate such power or duty to the Director subject to such instructions as the Commission may prescribe.

§ 19.144.020. Delegation of Staff Authority.

Whenever a power or duty is granted to or imposed upon the Director, Zoning Administrator, Building Official, or other officer of the City under any provision of this Title, such power or duty may be exercised by a duly authorized employee of the City or other governmental agency who is assigned to be under the supervision of such officer, subject to such instructions as such officer may prescribe.

§ 19.144.030. Office of Zoning Administrator.

A. Purposes.

1. The office of Zoning Administrator is established to perform certain duties hereinafter specified pursuant to the authority granted by the California Planning and Zoning Law. (See California Government Code Sections 65900 and 65901.)
2. The purposes of the office of Zoning Administrator are:
 - a. To provide efficient methods in the implementation of the General Plan, zoning, and other municipal ordinances to effectuate the desired development of the City and provide better service to the general public;

- b. To provide a method by which minor adjustments from ordinance requirements may be permitted without the necessity of the delays incident to the setting of such matters for public hearing;
 - c. To relieve the Planning Commission from the performance of certain functions of a routine nature which tend to divert this body from the Planning and major zoning functions entrusted to the Commission by this Code and the laws of the State.
- B. Assignment of Duties. The duties of the Zoning Administrator as set forth in this Title shall be assigned, and may be reassigned at any time, by the City Manager to one of the employees filling positions within the Community and Economic Development Department and duties and be subject to the rules and procedures set forth for the Zoning Administrator in this Title and by any other applicable laws.

§ 19.144.035. Director of Community and Economic Development.

- A. Purposes.
 - 1. The Director of Community and Economic Development performs certain duties hereinafter specified pursuant to the authority granted by the California Planning and Zoning Law. (See California Government Code Sections 65900 and 65901.)
 - 2. The purpose of the Director of Community and Economic Development is:
 - a. To provide efficient methods in the implementation of the General Plan, zoning, and other municipal ordinances to effectuate the desired development of the City and provide better service to the general public;
 - b. To use the position's administrative role to expeditiously process and approve certain projects which conform to the regulations of the Zoning Ordinance and the goals and objectives of the General Plan. The intent of this process is to provide a method by which minor projects may be permitted without the necessity of the delays incident to the setting of such matters for hearings or consideration by the Zoning Administrator or Planning Commission;
 - c. To relieve the Planning Commission from the performance of certain functions of a routine nature which tend to divert this body from the Planning and major zoning functions entrusted to the Commission by this Code and the laws of the State.
- B. Assignment of Duties. The duties of the Director of Community and Economic Development are assigned by the City Manager and set forth in this Title.

(Ord. 1338 §10, 1996)

§ 19.144.040. Enforcement.

The enforcement of this Title and regulations, decisions and orders made pursuant to this Title, shall be enforced by the City Manager or his or her other duly authorized representative.

Chapter 19.148 - Violations and Penalties

§ 19.148.010. Unlawful Activities Designated as Misdemeanor—Penalty.

- A. It is unlawful for any person, firm, partnership, or corporation to violate any provision or fail to comply with any of the requirements of this code. Except as otherwise provided herein, any person, firm, partnership, or corporation violating any provision of this code or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.
- B. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this section.

§ 19.148.020. Unlawful Activities Designated as Infraction—Penalty.

- A. Notwithstanding the provisions of Section 19.148.010 a, any person, firm, partnership or corporation violating any provision of this code or failing to comply with any of the requirements thereof, where such violation or failure is denominated an infraction, shall be deemed guilty of an infraction, and upon

conviction thereof, shall be punished by a fine not exceeding one hundred dollars for a first violation, by a fine not exceeding two hundred dollars for a second violation of the same provisions within one year, and by a fine not exceeding five hundred dollars for each additional violation of the same provision within one year.

- B. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted by such person, firm, partnership, or corporation and shall be deemed punishable therefor as provided in this section.

§ 19.148.030. Violations—Nuisance—Civil Remedies.

- A. The violation of any of the provisions of this code constitutes a nuisance, and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.
- B. The prevailing party in any action to abate a nuisance pursuant to this section shall be entitled to its reasonable attorneys' fees if: (1) the City elected to seek recovery of its own attorneys' fees at the initiation of the action; and (2) the award of attorneys' fees does not exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

(Ord. 1518 § 12, 2008)

§ 19.148.040. Severability.

The City Council declares that, should any title, chapter, provision, section, paragraph, sentence, or word of this code be rendered or declared invalid by any final court action by a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining titles, chapters, provisions, sections, paragraphs, sentences, and words of this code shall remain in full force and effect.

§ 19.148.050. Past Actions and Obligations Previously Incurred.

Neither the adoption of this Title or any provision thereof, nor the repeal thereby of any ordinance of the City or any provision thereof, shall in any manner affect the prosecution for violation of any provision committed while such provision was in effect, nor be construed as a waiver of any license or penalty due and unpaid under previous provisions; nor be construed as affecting any such previous provisions relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof; nor be construed as affecting the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations pertaining thereto shall continue in full force and effect.

Division 3 Single Family Residential Zones

Chapter 19.304 Purpose and Description of Single-Family Residential Zones

19.304.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives regarding single-family residential uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to single-family residential land use.

19.304.020 Description of Zones.

The following single-family residential zones, with their general purpose as indicated, have been created to implement the goals, objectives, and residential land use designations of the General Plan.

- A. **RS-16, Select Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on large lots in order to maintain a park-like setting within a hillside environment.
- B. **RS-10, Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on relatively large lots located adjacent to or near a golf course.
- C. **RS-8, Suburban Residential Zone.** For the development and preservation of residential areas of single-family homes on medium-size lots located in hillside areas or near a golf course.
- D. **RS-6, One-Family Residential Zone.** For the development and preservation of residential areas of single-family homes located on moderate to minimum size lots on relatively flat terrain.
- E. **PD, Planned Development Zones.** To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principles included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.
- F. **Overlay Zones.** The following special designations are established which may be combined by notation on the Zoning Map with any of the zones above in order to accomplish the additional purposes indicated below:
 - 1. **A, Agricultural Overlay Zone.** To provide for the preservation of areas of single-family homes on large lots with associated agricultural activities, including limited animal keeping.
 - 2. **P, Parking Overlay Zone.** To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.

3. **Housing Incentive Overlay (HIO) Zones.** The HIO Zones includes six (6) Overlays that serve to implement the Housing Element's goal of providing new housing that addresses affordable housing needs by establishing objective design criteria for designated housing opportunity sites. The HIO's include Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, Housing Opportunities Overlay, Religious Congregational and Fraternal Overlay, and Hotel/Motel Conversion Overlay. The HIO Zones have been applied to properties shown on the Zoning Map.

19.304.030 Housing Incentive Overlay (HIO) Classification.

Properties located in areas shown on the Zoning Map with the symbol "MUO45", "MUO60", "MUO100", "HOO", "RCFO", or "HMCO" may be used for higher-density housing as a primary use in lieu of, but not in combination with, other uses, density, or intensity authorized for the underlying zone. Objective Design Standards apply to such properties. Refer to the adopted Housing Incentive Overlay (HIO) Objective Design and Development Standards for applicable standards.

19.304.040 Planned Unit Developments.

- A. A planned unit development, wherein the owners of individual lots also hold undivided interests in common areas within the same development, all as defined in Section 19.104.080, may be approved in any RS zone. Such approval shall be accomplished under both the subdivision ordinance (Division I of Title 18) and site plan review (Section 19.128.040) procedures, except a conditional use permit also is required for the planned unit development for any development in the PD Zone.
- B. For planned unit developments, the minimum lot size and dimension requirements of Section 19.308.050, as well as other regulations of this Division based on dimensions from lot lines, shall not apply to the individual unit lots, but shall apply to the total net site area of each such development.

19.304.050 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Chapter 19.308 Intensity of Use and Site Requirements

19.308.010 Residential Base Densities.

The base density table below refers to the maximum number of units per acre permitted under the corresponding zoning district. Additional density may be achievable in the form of a density bonus (Cluster Bonus, Affordable Housing Bonus, and Senior Housing Bonus). Before any density bonuses are applied, the number of dwelling units permitted in a single-family residential development shall not exceed the base density specified below.

Zone	Base Density (dwelling units per net acre)
RS-16	2.7
RS-10	4.3
RS-8	5.4
RS-6	7.2

19.308.020 Cluster Bonus.

When a cluster bonus is approved in accordance with Section 19.348.020, the dwelling unit density of a single-family development shall not exceed a density 20% greater than otherwise permitted.

19.308.030 Affordable Housing Bonus.

State Density Bonus Law (Government Code Sections 65915-65918) provides that local governments shall grant density bonuses and regulatory concessions and incentives to developers of housing, childcare facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower-income households, very low-income households, moderate-income households or qualifying residents. This section adopts the State Density Bonus Law by reference. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in State Density Bonus Law shall apply. In the event of a conflict between these provisions and the provisions of State Density Bonus Law, whichever is stricter shall prevail.

19.308.040 Fractional Results.

- A. Regardless of the maximum density calculated pursuant to this Chapter, one (1) dwelling unit shall be permitted on any lawfully established lot in an RS zone if such lot has a net area of at least 2,500 square feet.
- B. In other cases, in determining the maximum number of dwelling units permitted within a subdivision, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

19.308.050 Site Dimensions.

The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.308.050.

**Table 19.308.050
MINIMUM SITE DIMENSIONS**

Zone	Minimum Lot Area (square feet) ⁽⁴⁾	Minimum Street Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RS-16	16,000 ⁽¹⁾	100	100 ⁽¹⁾	150
RS-10	10,000 ⁽¹⁾	85	85 ⁽¹⁾	110
RS-8	8,000 ⁽¹⁾	80	80 ⁽¹⁾	100
RS-6	6,000 ^{(1) (2) (3)}	40 ⁽³⁾	60 ⁽¹⁾	—

⁽¹⁾ For corner lots in single-family residential zones, the minimum lot area shall be increased by 500 square feet and the minimum lot width shall be increased by five (5) feet over the amount shown in this table.

⁽²⁾ Where property is also located in the A – Agricultural Overlay Zone, the minimum lot size shall be 14,000 square feet. See Section 19.312.030.

⁽³⁾ For existing lots in the RS-6 Zone in Tracts 280, 624, 625, and 650, lots may be combined and/or divided to meet the predominant lot area, street frontage and lot width dimensions of lots within the tract containing such lots.

⁽⁴⁾ For parcels in single-family residential zones that do not conform to the minimum lot area required, see Chapter 19.204 Nonconforming Uses and Sites.

19.308.060 Two-Unit Developments and Urban Lot Splits (SB-9)

Two-Unit Developments and Urban Lot Splits (SB-9) pursuant to Government Code Sections 65852.21 and 66411.7 requires ministerial approval of a housing development with no more than two (2) primary units in a single-family zone and/or the subdivision of a single-family zoned parcel into two (2) parcels (See Section 19.348.090). SB-9 allows for up to four (4) housing units in the lot area typically developed with one (1) single-family home. Section 19.348.090 and Section 19.348.100 implements Sections 65852.21 and 66411.7 of the Government Code through objective zoning standards, objective subdivision standards, and objective design review standards as provided in 65852.21.(b). These standards implement requirements of Senate Bill (SB) 9 California Housing Opportunity & More Efficiency (HOME) Act and Sections 65852.21 and 66411.7 of the California Government Code and shall remain in effect, as modified until SB-9 and Sections 65852.21 and 66411.7 are rescinded or extended.

Chapter 19.312 Uses

19.312.010 Uses Permitted.

- A. Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.312.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use - use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use - use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use - use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
T	Temporary use -permitted if approved in accordance with Title 19, Division 10.

- B. Those uses listed as accessory uses in the Uses Permitted Table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

Table 19.312.010 USES PERMITTED – SINGLE-FAMILY RESIDENTIAL ZONES						
Uses	Residential Zones					Additional Requirements
	RS-16	RS-10	RS-8	RS-6	PD ⁽¹⁾	
Residential Uses						
<i>Single-Family Dwellings:</i>						
Site-Built.	P	P	P	P	C	
Manufactured <u>Homes.</u>	P	P	P	P		Refers _____ to <u>manufactured homes, factory-built homes, modular homes, and panelized homes.</u>
Single-Family Cluster.			C	C	C	See _____ Section <u>19.348.020.</u>
<i>Multi-Family Dwellings:</i>						
<u>Cottage Cluster</u>			<u>P</u>	<u>P</u>		<u>100% _____ affordability requirement applies. See _____ Section 19.348.110.</u>
<u>Employee Housing (6 or fewer).</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Employee Housing as defined by the Health and Safety Code Section _____ 17008. Employee housing</u>

						shall be subject to the provisions of the Health and Safety Code Sections 17021.5 and 17021.6.
<u>Transitional/Supportive Housing.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	Transitional housing facilities providing accommodations for six (6) or fewer individuals are allowed in RS zones, unless otherwise indicated by State Law. Refer to Government Code Section 65651.
<u>Two-Unit Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		See Section 19.348.100.
<i>Residential Accessory Uses:</i>						
<u>Non-Habitable Accessory Structure.</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.316.080.
Accessory Dwelling Units.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.348.010.
Junior Accessory Dwelling Units.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.348.010.
Guesthouse.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	A guest house shall be used only by the occupants of the main residence, their nonpaying guests, or domestic employees. The guest house shall not be rented or otherwise occupied independently from the main residence.
Home Occupation.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.348.030.
Short-Term Rental.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.348.080.
Animal Keeping.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section 19.348.050.
Swimming Pool, Therapeutic Pool, Recreational Structure, Spa.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	P	See Section 19.324.050.
Clubhouse, Meeting Room, Game Room, Gymnasium, Sauna, Health Center (Private Use Only).			<u>I</u>	<u>I</u>	<u>P</u>	Permitted as an incidental use for single-family cluster housing, cottage cluster housing, and

						<u>planned developments.</u>
<u>Firepits and Fixed Freestanding Barbecues</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>P</u>	See Section <u>19.324.030.</u>
<u>Game Courts (tennis, pickleball, basketball)</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	
Parking, within Garage.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>P</u>	
Parking, under Carport.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>P</u>	Carports are permitted for parking spaces which are in addition to the required garage spaces.
Parking, Uncovered.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>P</u>	Uncovered parking is permitted for parking spaces which are in addition to the required garage spaces.
Yard Sale.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	See Section <u>19.348.040.</u>
Public Service Uses						
<i>Community Day Care:</i>						
Small group child day care home (1-14 children).	I	I	I	I	I	All applicants shall comply with the State <u>Health and Safety Code</u> with regard to the maximum number of children that may be supervised at any one time based on applicable standards and criteria. In no case, shall the total number of children supervised at any one time at any residence exceed 14.
Small group adult day care home (1-6 adults).	I	I	I	I	I	
Child day care center.		Ci		Ci	Ci	Permitted with a CUP as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will

						not conflict with the primary use.
Adult day care center.		Ci		Ci	Ci	Permitted with a CUP as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
Public Assembly: (See also Recreation)						
Church.				C		In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan. Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
<u>Café / Coffee Shop</u>				I		<u>Permitted only as an incidental use to an existing permitted religious facility and subject to all building and fire safety standards applicable to commercial / assembly use. Must be less than 3,000 square feet.</u>

Emergency Shelters.				I		See Section 19.348.070.
Education:						
Educational institution.		C	C	C		Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for education use.
Recreation: (see also Division 5, Commercial Uses – Commercial Recreation.)						
Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.	<u>P</u>	P	P	P	P	
Community recreation center.				P	C	
Utilities and Communications:						See Division 12 of Zoning Ordinance.
Aviation navigational aids.		C	C	C	C	
Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	C		
Transportation:						
Parking Lot.		C	C	C	C	
Agricultural Uses						
Horticultural production, plant nursery (no sales), keeping of livestock.				P		Applies to A-Agricultural Overlay Zone only. See Section 19.312.030.
Horticultural production, plant nursery (with sales).				C		See Section 19.348.060.
<u>Animal Keeping</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>		<u>See Section 19.348.050.</u>
Temporary Uses						
On-site construction facilities.	P	P	P	P	P	Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more

						than 30 consecutive days.
On-site real estate sales office.	P	P	P	P	P	Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.
⁽¹⁾ Permitted uses and intensity of use in the PD zone shall be determined in a public hearing subject to the provisions of the General Plan for the individual area designated as Planned Development.						

19.312.020 Parking Overlay Classification.

Property located in an area shown on the zoning map with the symbol “P” may be used for a parking lot or parking structure as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Such parking use shall serve activities located in the same or adjacent zones. Yard, setback, and landscape requirements of the underlying zone shall apply.

19.312.030 Agricultural Overlay Classification.

A. Permitted Uses. Property located in an area shown on the Zoning Map with the symbol “A” may be used for the following agricultural activities in addition to the uses authorized for the underlying zone:

1. Horticultural production;
2. Plant nursery;
3. Orchards and tree crops;
4. Field crops, berry crops, bush crops, truck gardening;
5. Raising or keeping of livestock subject to the requirements of subsection C of this section;
6. Beekeeping, subject to the requirements of Section 19.348.050.C (Beekeeping);
7. Agricultural accessory uses and structures.
8. Raising or keeping of chickens subject to the requirements of Section 19.348.050.D (Chicken Keeping);
9. Employee housing consisting of no more than thirty-six (36) beds in a group quarter, or twelve (12) units or spaces designed for use by a single-family or household in compliance with Health and Safety Code §17021.6.

B. Lot Size. Notwithstanding the requirements of the underlying zone, the minimum lot size in the A – Agricultural Overlay Zone shall be 14,000 square feet.

C. Livestock. Raising or keeping of livestock shall be limited to domesticated animals such as rabbits, fowl, and not more than two (2) horses, mules, cows, goats, sheep, or similar large animals in any combination. Any animal keeping structure for such animals shall be located at least:

1. 100 feet from the front property line;
2. 30 feet from any other property line;
3. 40 feet from any dwelling or other building used for human habitation, on either the subject or adjacent properties.

19.312.040 Single-Family Residential Zone—Commercial Parties Prohibited.

A. Purpose and Intent. It is the purpose and intent of the City Council by the adoption of this section to prohibit parties conducted in a commercial manner within all single-family residential zones in order to preserve the rights of residents to the quiet enjoyment of their property.

B. Definitions. For purposes of this section, the following words and phrases shall have the meanings set forth herein:

1. "Admission charge" means a tangible benefit, monetary or otherwise, which is expressly or implicitly required as a condition of admittance to a party. Customary courtesies and clearly noncommercial activity such as gifts by guests and voluntary sharing of expenses for meals shall not be considered to be an "admission charge." "Admission charge" shall not include donations for political, community service, charitable, or religious purposes.
2. "Party" means three (3) or more persons meeting together for social, recreational, or amusement purposes.

C. Admission Charge Prohibited. No person or group of persons shall require, implicitly or expressly, any admission charge to any party conducted in any single-family residential zone.

Chapter 19.316 Development Standards—Building Form

19.316.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.312.010 and 19.324.020, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.316.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

19.316.030 Height of Structures.

- A. The maximum height of any building or structure shall be as shown in Table 19.316.030.

Table 19.316.030 HEIGHT LIMITS IN RS ZONES		
Type of Building	Maximum Height	
Detached House (Primary Building)	<u>2 stories</u>	<u>Shall not exceed 30 feet</u>
Single-Family Cluster ⁽¹⁾	<u>2 stories</u>	<u>Shall not exceed 30 feet</u>
Two-Unit Development ⁽²⁾	<u>2 stories</u>	<u>Shall not exceed 16 feet</u>
⁽¹⁾ See Section 19.348.020 for additional standards.		
⁽²⁾ Two-Unit Developments are only permitted pursuant to SB-9. See Section 19.348.100 for additional standards.		

19.316.040 Building Coverage.

- A. The maximum building coverage of net lot area for all single-family residential zones shall be 40 percent.
- B. The following shall be calculated as building coverage of a lot;
 - 1. All roofed structures over 6 foot in height, with dimensions measured around the outside bearing walls and/or support columns of the structures, including covered breezeways and recessed entryways, as well as patio structures whether open-sided or enclosed, trellised, or solid-roofed.
 - 2. Decks, platforms, porches, or stoops, 18 inches or higher from the finished floor to the finished grade of the lot.
- C. The following is not calculated as building coverage under this section:

1. Uncovered balconies and eaves, awnings, and other shading devices cantilevered from a structure.
2. Hardscape such as driveways, parking space, walkways, sidewalks, patios and patio covers (uncovered).

19.316.050 Building Form

- A. Orientation to the Street.** The main elevation of a single-family home shall face the primary public or private street on which the lot is located. In addition, the main entry to the single-family home shall also be located on the elevation facing the primary or public street. For corner or reversed corner lots, the main entrance may face the secondary street.
- B. New Driveway Decorative Treatment.** This subsection shall apply to new and replacement Driveways. Driveways shall include a decorative element at least one (1) foot wide composed of pavers, colored/stamped concrete, aggregate, brick banding, or other decorative treatment to break up uninterrupted concrete surfaces to no more than 12-foot-wide sections.
- C. Front Elevation Massing.** Building elevations on which the main entry is located shall include at least two (2) of the following massing reduction strategies, compliant with the associated standards:
1. **Single Floor Projection.** A façade projection on the lower or upper floor that projects project at least one (1) foot from the main wall plane, with a total area of at least 80 square feet and capped by a gable, eave or other roof form.
 2. **Multi-Floor Projection.** A façade projection extending from ground level to the upper floor ceiling that projects at least one (1) foot from the main wall plane, with a total area of at least 124 square feet, and capped by a gable or other roof form.
 3. **Massing Break.** A break in the main wall plane of at least two (2) feet that extends from ground level to the upper floor ceiling. The break shall be located so as to separate primary façade elements such as entries and garages, and picture windows.
 4. **Bay Window.** A protruding window, such as a bay window, which is at least two (2) feet in depth.
 5. **Second Floor Step back.** A minimum five (5) foot, street-facing stepback applied to the second floor. The setback shall span at least 60% of the total street-facing building elevation and shall be covered with an eave or roof component that matches the primary roof form of the building.
 6. **Contrasting Materials or Finish on Floors.** Application of siding, panels or materials that vary from the primary exterior finish, to at least 40% of the total elevation area of one story of the building. All materials shall comply with Section 19.316.100.
- D. Window Perimeter.** All windows shall include at least one (1) of the following perimeter design details:
1. Trim at least two (2) inches wide around the entire window.
 2. A minimum two (2) inch recess from the surrounding exterior wall plane.
- E. Street Fronting Roofline.** Roof surfaces that face street property lines and are wider than 30 feet shall be vertically articulated at least once every 30 feet, with at least one (1) of the following techniques:
1. A change in height of at least four (4) feet.

2. A roof dormer.
3. A change in roof orientation.
4. A change in roof form that projects at least three (3) feet above the main roofline.

F. Garage Location. All garages for newly constructed (ground up) single-family dwellings on a vacant lot shall be designed and located to limit their visual presence, using one of the following techniques:

1. **Street facing garage.** Garages located along the street facing building elevation shall comply with the following standards:
 - i. The width shall not exceed 60 percent of the total width of the front elevation of the building.
 - ii. The garage shall be prohibited from projecting forward from the wall plane of the primary dwelling.
 - iii. The garage shall include either 1) an overhang at least 12 inches deep with the same materials and color palette as the primary roof form, or 2) a recess of at least 12 inches from the surrounding wall plane.
2. **Inward facing (90°) garage.** A 90° inward-facing garage is oriented perpendicular to the main structure of the house and necessitate a turning movement to enter the garage, distinguishing it from traditional front-facing garage. Garages in this configuration may project forward from the wall plane of the primary dwelling.
3. **Side accessible attached garage.** Such garages shall be located a minimum of 12 feet behind the front elevation of the home if located on the street side elevation.
4. **Detached or attached rear garage.** Such garages shall be located at the rear of residential lots and be made accessible from a side lot driveway or from the rear.

G. Window Placement and Privacy. To ensure privacy, windows shall be positioned so that it is not in line or directly face a window on an adjacent structure, as shown in Figure A.

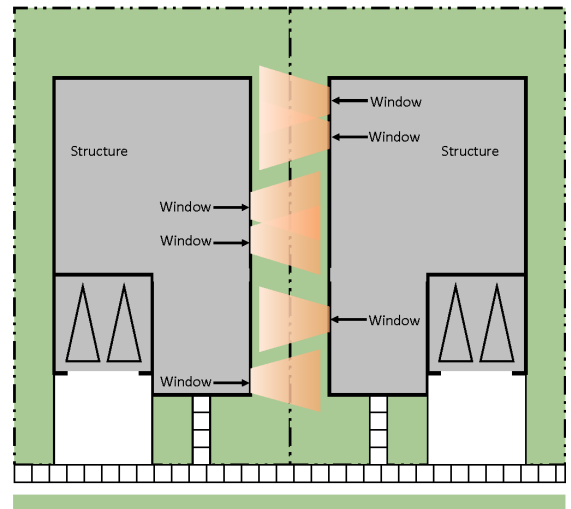


Figure A– Window Placement and Privacy

H. Antennae. Notwithstanding the restrictions of 19.316.030, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of 60 feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of 24 inches in diameter, may be used but may not be more than 25 feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

- I. **Flagpoles.** Flag poles shall be permitted within front, side, or rear yards provided they are setback a minimum of five (5) feet from property line and shall be limited to no more than thirty (30) feet in height subject to issuance of a building permit.
- J. **Balconies.** Balconies, where permitted, shall be screened. Screening may include side or rear yard landscaping or decorative lattices made of durable materials such as brick, treated wood, metal, etc. Balconies shall not exceed 15 ft in height above grade with a minimum 7 ft. headroom clearance from the finished floor grade. Balconies may have 100% ceiling coverage. Second floor balconies shall not be positioned along any side or rear elevation within 20 feet of the adjacent property line.
- K. **Other Structures.** Any free-standing structure, not specifically referenced in this Title shall be limited to no more than eight (8) feet in height and may not be located within the front, side, or rear yard setback area.

19.316.060 Space between Buildings.

- A. In single-family residential zones, the minimum distance between buildings located on the same lot shall be six (6) feet, or the buildings shall be attached as one structure with a minimum ten (10) foot common wall or roofline. The six (6) foot distance shall be measured from the closest points of the building walls or structure walls.
- B. Permitted Building Projections. The following building features may project a maximum 2.5 feet into the minimum required space between buildings;
 - 1. Cantilevered eaves, awnings, and shading devices.
 - 2. Architectural features—sills, cornices, buttresses, etc.
 - 3. Chimneys and fireplaces, with a maximum 8-foot length.
 - 4. Mechanical equipment cantilevered from building.

19.316.070 Residential Building Floor Area.

The minimum floor area of each dwelling unit shall be as indicted in the table below. Attic and basement space, where the headroom is less than six and one-half feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.

Zone	Minimum Floor Area
RS-16	2,200 sq. ft.
RS-10	2,200 sq. ft.
RS-8	1,800 sq. ft.
RS-6	1,100 sq. ft.

19.316.080 Non-Habitable Accessory Structures.

For the purpose of this section, accessory structures shall include those detached structures designed and intended for permitted accessory uses within the single-family residential zones.

- A.** For all single-family dwellings, accessory structures shall be non-habitable with the exception of an accessory dwelling unit as a permitted use pursuant to Section 19.312.010. Examples of non-habitable accessory structures may include garages, patios, carports, storage sheds, gazebos, cabanas, pool houses, workshops, and other similar structures.
- B.** Notwithstanding other provisions of this Division, the floor area of all non-habitable accessory structures shall not exceed 50 percent of the habitable residential floor area of the primary dwelling or 600 square feet, whichever is less. Non-habitable accessory structures shall be approved ministerially if the site plans are in compliance with all applicable development and design standards. Non-habitable accessory structures greater than 50 percent of the habitable residential floor area or 600 square feet shall require a conditional use permit pursuant to Section 19.128.020.
- C.** A canopy, including support structure, may be installed within the side or rear yard setbacks in single-family residential zones if it complies with the following standards:
 - 1. The canopy may be located within a side yard abutting a street provided it is located behind a solid block wall or fence maintaining a minimum height of five (5) feet.
 - 2. The canopy shall be firmly attached to the ground or the primary structure.
 - 3. The canopy shall be maintained in good condition and structurally sound, and shall be removed, cleaned, or replaced if faded, torn, tattered, dirty, or missing.
 - 4. For the purposes of this Section, a canopy is defined as a fabric, vinyl, metal, or other durable material stretched over a supporting frame, intended to provide shelter or shade for outdoor spaces such as yards or patios.

19.316.090 Residential Garages and Carports.

For required single-family residential garages, the minimum floor area and vehicular openings shall be as shown in Table 19.316.090. Carports may be permitted only in addition to the required garage and shall not be used in place of the required garage.

**Table 19.316.090
SINGLE-FAMILY RESIDENTIAL GARAGES**

Minimum Gross Floor Area		Minimum Clear Width of Vehicular Doors or Openings	
		One Opening	Two or More Openings
RS-16 Zone	600 sq. ft.	16 ft.	8 ft. each
RS-10 Zone	600 sq. ft.	16 ft.	8 ft. each
Other zones ⁽¹⁾ <u>(2)</u>	400 sq. ft.	16 ft.	8 ft. each

⁽¹⁾ Any new home as defined in Section 19.104.080 containing five (5) bedrooms or at least 3,000 sq. ft. of living space shall maintain a minimum 600 sq. ft. garage.

⁽²⁾ For existing homes containing less than four (4) bedrooms, any addition which increases the number of bedrooms to five (5) or greater shall provide (1) additional parking space, covered or uncovered on the same property for each bedroom in excess of four (4).

19.316.100 Building Materials

- A. Façade Materials.** Primary, Secondary, and Accent materials are allowed or prohibited as illustrated in Table 19.316.100, which may be updated periodically by the Community and Economic Development Director as new or amended materials become available. Community and Economic Development Director approval is required for materials not identified in Table 19.316.100 below.
- B. Primary Building Materials.** The primary building materials listed in Table 19.316.100 are permitted to make up approximately 50% to 75% of the building design. The primary building materials include the appropriate wall surface materials and visible roofing materials. The primary building materials cover the primary/front façade, secondary/corner side façade, side façade, and rear façade of the entire building.
- C. Accent/Secondary Materials.** The accent/secondary building materials listed in Table 19.316.100 are permitted to make up approximately 5% to 35% of the building design. This includes exterior windows, decorative window treatments and balconies, decorative entries, etc.
- D. Chimneys.** Chimneys shall either be painted the same color as the exterior wall or constructed with the same materials present on other accents or elements of the façade.
- E. Single-family subdivisions with two (2) or three (3) units shall provide a minimum of two (2) color schemes. Single-family subdivisions with more than three (3) residential structures shall provide a minimum of three (3) color schemes and shall not use a single-color scheme on more than 40% of the residential structures. Structures shall incorporate a color scheme that contains a maximum of four (4) distinct colors per building. A color scheme is defined as (body one and/or body two, trim, and a contrasting accent color).**
- F. Building materials and colors shall be in compliance with the Architectural Styles provided in Section 19.316.110.**
- G. This Section does not pertain to developments located within HIO Zones. The HIO's are subject to separate objective design criteria.**

**Table 19.316.100
RESIDENTIAL MATERIAL LIST**

<u>Material</u>	<u>Maximum Usage % of Façade Area</u> (3)
<u>Permitted as Primary Building Materials</u>	
<u>Brick (full dimensional)</u>	<u>75%</u>
<u>Stone/masonry</u>	<u>75%</u>
<u>Stucco/Cement Plaster</u>	<u>75%</u>
<u>Finished wood, engineered wood</u>	<u>75%</u>
<u>Fiber reinforced cement siding and panels</u>	<u>75%</u>
<u>Vinyl siding</u>	<u>50%</u>
<u>Glass (transparent, spandrel)</u>	<u>50%</u>
<u>Exterior Insulation Finishing System (EIFS)</u>	<u>50%</u>
<u>Permitted as Accent/Secondary Materials</u>	
<u>Concrete (poured in place or precast) (hardscape)</u>	<u>35%</u>
<u>Concrete blocks with integral color (ground, polished, or glazed finishes)</u>	<u>35%</u>
<u>Concrete blocks with integral color (split face finish)</u>	<u>35%</u>
<u>Ceramic tile</u>	<u>35%</u>
<u>Brick/Stone (veneer/thin brick)</u>	<u>35%</u>
<u>Standing seam metal</u>	<u>35%</u>
<u>Vegetated wall panels or trellises</u>	<u>35%</u>
<u>Wrought Iron</u>	<u>10%</u>
<u>Three-Dimensional Glass</u>	<u>5%</u>
<u>Roofing Materials</u>	
<u>Asphalt/Metal shingles</u>	<u>100%</u>
<u>Clay/Stone tiles</u>	<u>100%</u>
<u>Slate tiles</u>	<u>100%</u>
<u>Concrete tile</u>	<u>100%</u>
<u>Prohibited Building and Roof Materials</u> (1)(2)	
<u>Corrugated sheet metal</u>	<u>Not Permitted</u>
<u>Galvanized metal</u>	<u>Not Permitted</u>
<u>Interlocking metal</u>	<u>Not Permitted</u>
<u>T-111 Plywood</u>	<u>Not Permitted</u>
<u>Wood shingles</u>	<u>Not Permitted</u>
<u>Rolled/flat roof</u> (4)	<u>Not Permitted</u>
(1) <u>No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.</u>	
(2) <u>The following structures shall be exempt from the provisions of this section:</u>	
<ul style="list-style-type: none"> <u>Storage sheds not visible from a public street as an accessory structure to a single-family dwelling which do not require building permits;</u> <u>Storage containers as a permitted temporary use which do not require building permits.</u> <u>Patio structures that are not visible from a public street.</u> 	
(3) <u>The Community and Economic Development Director is authorized to allow deviations of up to 10%.</u>	
(4) <u>Flat roof design is permitted if consistent with Spanish Colonial or Modern style architecture.</u>	

19.316.110 Architectural Styles

The Architectural Styles for new development apply to all new construction pursuant to this Division, except those areas within the boundary of an existing Specific Plan. The Architectural Styles Objective Design Standards identifies six (6) preferred architectural styles, as indicated below. Architectural design elements and materials shall be consistent throughout the project, recognizing that a building is three-dimensional and must be well-designed on all sides. Detailing, choice of materials, and window and door choices shall reinforce the overall project design. Alternative styles may be submitted to review by the Community and Economic Development Department, although discretionary approval may be required by the Planning Commission or Zoning Administrator.

- A. **Spanish Colonial Revival.** The Spanish Colonial Revival architectural style draws inspiration from Spanish, Mediterranean, and early Californian influences, and it originated during the late 19th and early 20th centuries. Typically, buildings with this style exhibit an asymmetrical design. They are characterized by low-pitched roofs with minimal or no overhang, adorned with serpentine roof tiles. This style often incorporates wood framing and is covered with light-colored stucco siding. The use of arches is prevalent, particularly above doors, porch entries, and main windows.
- B. **Craftsman.** The Craftsman architectural style originated in the early 20th century as part of the Arts and Crafts movement. Notable design features include exposed rafters and beams beneath the eaves, decorative brackets and fasteners, full or partial-width porches, and prominent columns or piers. While the Craftsman style emphasizes a horizontal emphasis, vertical architectural elements are often incorporated to highlight corners and entrances. Traditional Craftsman homes typically showcased exterior cladding made of wood shingles or clapboard siding, along with details such as extended lintels and decorative lighting with geometric patterns.
- C. **Farmhouse.** The Farmhouse architectural style is an expression of rural residential designs and materials, with the Contemporary Farmhouse style specifically reflecting the agricultural history and commercial structures found in Southern California. This style incorporates playful elements, such as shed roofs, vibrant color blocking, and contemporary interpretations of traditional farm structures like barns and silos. The roofs of Farmhouse-style buildings are typically medium to high-pitched, and the overall detailing is kept simple.
- D. **Tuscan.** The Tuscan architectural style blends modern and classic elements, incorporating both Spanish Revival and Italian influences. This style draws inspiration from Mediterranean variants found in California, showcasing rustic elements. Key characteristics include the use of stone and stucco, light earthy tones, and red tiled roofs. Classical elements like columns, arches, and decorative ironwork add visual interest and complexity. Squared towers and projections reflect classic Italianate influences. Porches and porticoes are commonly featured, as well as vertically oriented recessed windows.
- E. **Modern.** The Modern architectural style draws inspiration from utilitarian design principles, featuring block forms, contrasting colors, and eclectic combinations of materials in contemporary compositions. This style embodies a minimalist and clean aesthetic. It utilizes simple rectangular shapes and forms, integrating them within horizontal and vertical planes to create dynamic lines. Flat roofs are commonly used to reinforce the rectangular shapes while also providing opportunities for outdoor deck areas. Accents in the Modern style are understated and unpretentious, often taking the form of trellis elements.
- F. **American Traditional.** The American Traditional architectural style is a fusion of various traditional American styles such as Cottage, Cape Cod, and Farmhouse. It is characterized by

simplicity and classic design elements, including rectangular forms, spacious front porches, decorative shutters, dormers, and wood siding. This style represents a traditional interpretation of rural farmhouses. The color palette used in American Traditional homes is typically subtle, with shades of white or gray for the main body of the house, while light or dark shutters provide contrasting accents.

19.316.120 Home Expansions and Additions

A. General Requirements.

1. All existing non-conformities pursuant to Chapter 19.204 shall be brought to conformance prior to the issuance of a building permit.
2. Interior access to all parts of the home shall be maintained at all times. No sections of the home shall be partitioned off and provided solely with exterior access without first obtaining approval for either an accessory dwelling unit or guesthouse.
3. No secondary kitchen or other cooking facilities shall be provided without first obtaining an accessory dwelling unit approval.
4. All on-site landscaping, including the front yard and parkway areas which are damaged during construction, shall be replaced upon completion of construction, as necessary, prior to final building permits. All landscaping including the parkway shall be maintained in a healthy, green, pruned, growing condition.
5. Any home addition that increases the number of bedrooms in excess of four (4), shall provide additional parking in compliance with Section 19.316.090.
6. All new construction, additions, alterations, and repairs shall be consistent with the Objective Design and Development Standards set forth in this Division.

B. Single-Family Residential Additions.

1. Roofs of new additions shall match the existing roof in style, pitch, and be of unified material. In cases where the existing home has more than one roof style or pitch, the predominant style and pitch of the existing home shall be matched for the proposed addition.
2. Enhanced elevations to include superior finishes, materials, and colors are essential to streetscape appearance and neighborhood compatibility.
 - i. For single-story additions to single-family homes, enhancements shall be included on the street facing building elevation(s).
 - ii. For single-family home additions that include a new or expanded second story, enhancements shall be included on all second-story elevations. The street facing elevation(s) shall include both first and second story enhancements. The side and rear elevations shall include at least second story enhancements.
 - iii. Enhancements may include stone, brick, siding, banding, window trim, decorative shutters, projections, offsets, and other equivalent decorative features.
3. Balconies shall comply with Section 19.316.050.J
4. Windows and doors shall include decorative treatment such as raised stucco or wood trim or equivalent enhancement. Windows located on the same elevation shall be consistent in design, style, method of operation and material. Second story windows and glass doors shall be located to promote privacy between properties through such methods as offset or clerestory placement, use of opaque or view-obscuring glass, or other methods as approved by the Community and Economic Development Director.

5. Landscaping (trees and shrubs) of sufficient size and quantities shall be installed to provide screening and to protect privacy of adjacent properties.

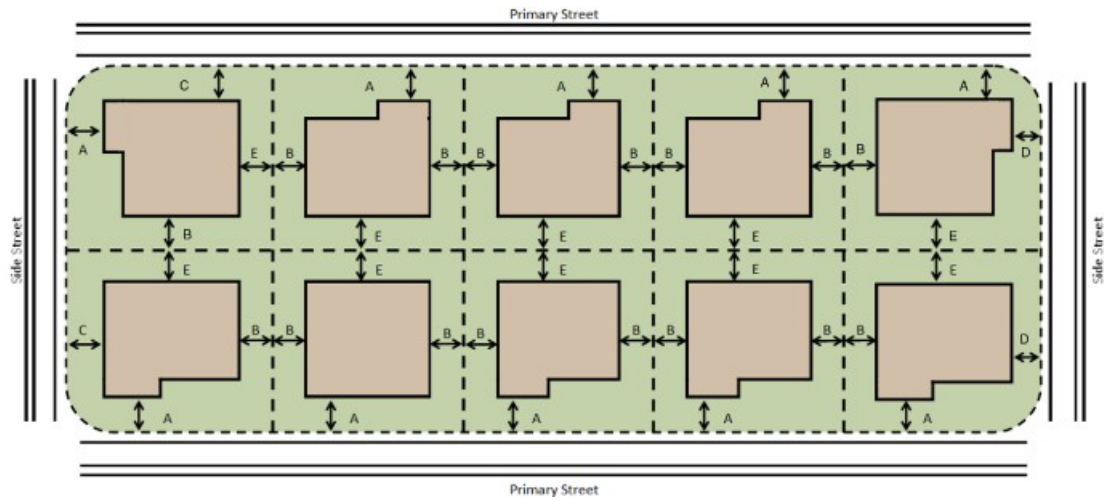
Chapter 19.320 Development Standards – Yards and Related Encroachments

19.320.010 Setbacks.

The following minimum setback requirements apply to residential development within the RS zones.

<u>Yard</u>	<u>Minimum Setbacks</u>
<u>Front Yard Setbacks</u>	
<i><u>(Front yard setback is measured from the primary street lot line to the closest exterior wall of a building's façade)</u></i>	
<u>Front Yard (A)</u>	<u>The minimum required front yard setback shall be 20 feet.</u>
<u>Side Yard Setbacks</u>	
<i><u>(Side street setback is measured from the side street lot line to the closest exterior wall of a building's façade)</u></i>	
<i><u>(Side yard setback is measured from the side yard lot line to the closest exterior wall of a building's façade)</u></i>	
<u>RS-6 and RS-8 Zones – Side Yard</u>	
<u>Side Yard not abutting a street (B)</u>	<u>5 feet</u>
<u>Side Yard abutting a street for a Reversed Corner Lot (C)</u>	<u>10 feet ⁽¹⁾</u>
<u>Side Yard abutting a street for other Corner Lots (D)</u>	<u>10 feet</u>
<u>Accessory Structures less than or equal to 120 sq. ft.</u>	<u>May be located up to the rear or side property line behind a solid wall or fence, not less than 6 feet in height. If located less than 3 feet from an interior lot line, shall have no wall openings facing the adjoining property and no drainage onto the adjoining property.</u>
<u>Accessory Structures greater than 120 sq. ft.</u>	<u>Shall be located at least five (5) feet from the rear or interior side property line, and at least ten (10) feet from the street side property line.</u>
<u>RS-10 and RS-16 Zones – Side Yards.</u>	
<u>Side Yard not abutting a street (B)</u>	<u>10 feet</u>
<u>Side Yard abutting a street for a Reversed Corner Lot (C)</u>	<u>15 feet ⁽¹⁾</u>
<u>Side Yard abutting a street for other Corner Lots (D)</u>	<u>15 feet</u>
<u>Accessory Structures less than or equal to 120 sq. ft.</u>	<u>May be located up to the rear or side property line behind a solid wall or fence, not less than 6 feet in height. If located less than 3 feet from an interior lot line, shall have no wall openings facing the adjoining property and no drainage onto the adjoining property.</u>
<u>Accessory Structures greater than 120 sq. ft.</u>	<u>Shall be located at least ten (10) feet from the rear or interior side property line, and at least fifteen (15) feet from the street side property line.</u>
<u>Rear Yard Setbacks</u>	
<i><u>(Rear yard setback is measured from the rear yard lot line to the closest exterior wall of a building's façade)</u></i>	
<u>Rear Yard (E)</u>	<u>25 feet ⁽²⁾</u>
⁽¹⁾ A Reversed Corner Lot is defined pursuant to Section 19.104.080.	

(2) Rear yard setbacks may be decreased by to (5) feet if at least 70% of the rear twenty-five (25) feet of the lot remains open and uncovered.



19.320.020 Encroachments and Projections.

- A. In all RS zones, encroachments are permitted within the minimum required setbacks, as indicated in Table 19.320.020-A. Permitted building projections are located in Table 19.320.020-B.

<u>Table 19.320.020-A</u>						
<u>PERMITTED ENCROACHMENTS IN MINIMUM REQUIRED SETBACKS – ALL RS ZONES</u>						
<u>Type of Encroachment</u>	<u>Front Yard</u>	<u>Side Yard</u>			<u>Rear Yard</u>	
		<u>Not Along a Street (interior lot line)</u>	<u>Along a Street</u>		<u>Not Along a Street (interior lot line)</u>	<u>Along a Street or Alley</u>
			<u>Reversed Corner Lot</u>	<u>Other Corner Lot</u>		
<u>Walkways and driveways.</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>All Vehicle Parking and Storage</u>	<u>See Section 19.336.040</u>	<u>See Section 19.336.040</u>	<u>See Section 19.336.040</u>	<u>See Section 19.336.040</u>	<u>See Section 19.336.040</u>	<u>See Section 19.336.040</u>
<u>Real estate signs.</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>
<u>Fences, walls, and hedges (subject to Chapter 19.328).</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Mechanical equipment: freestanding with 5 ft. maximum height, subject to screening requirements.</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted, only where a screening fence is permitted.</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted, only where a screening fence is permitted.</u>
<u>Other above-ground utilities (e.g., transformer boxes, pedestal terminals, etc.) subject to screening requirements.</u>	<u>Permitted (in approved easements)</u>	<u>Permitted (in approved easements)</u>	<u>Permitted (in approved easements)</u>	<u>Permitted (in approved easements)</u>	<u>Permitted (in approved easements)</u>	<u>Permitted (in approved easements)</u>
<u>Swimming and therapeutic pools, including above-ground installations and subject to fencing requirements.</u>	<u>Not Permitted</u>	<u>Permitted, with 5 ft. min. setback</u>	<u>Permitted, with 10 ft. min. setback</u>	<u>Permitted, with 5 ft. min. setback</u>	<u>Permitted, with 5 ft. min. setback</u>	<u>Permitted, with 5 ft. min. setback</u>

<u>Decorative pool, with max. 18-inch depth.</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Trash areas and other permitted outdoor storage.</u>	<u>Not Permitted</u>	<u>Permitted, if screened from public view.</u>	<u>Permitted, if screened from public view.</u>	<u>Permitted, if screened from public view.</u>	<u>Permitted, if screened from public view.</u>	<u>Permitted, if screened from public view.</u>
<u>Play equipment, play structure, playhouse, etc. – If Building Permit is required.</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Patio Covers, Gazebos, and Cabanas</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>BBQ Islands, Firepits, and Detached Fireplaces</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Fountains</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>EV Charging Stations</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

B. Certain building projections are permitted into the minimum required setbacks as indicated below.

- 1. A projection of not more than 2.5 feet is permitted into the front, side, and rear yard setback for the following architectural features:**
 - i. Cantilevered eaves
 - ii. Awnings or shading devices
 - iii. Sills, Cornices, Buttresses
 - iv. Chimneys and Fireplaces with a maximum 8-foot length along the wall
 - v. Cantilevered mechanical equipment (subject to screening requirements in Section 19.340.020)
- 2. A projection of not more than 6 feet is permitted into the front yard and reversed corner side yard setback for the following features:**
 - i. Patio slabs
 - ii. Decks
 - iii. Stoops
 - iv. Planters or similar features
- 3. The maximum height of the features referenced in Subsection 2 shall be 24-inches, except railings may extend 3.5 feet above deck or tread. Railing must be open-type as required by Chapter 19.328.**
- 4. The features referenced in Subsection 2 shall also be permitted to encroach into the interior side or rear yard setback as well as into other corner side yards if located behind fences or walls as specified in Chapter 19.328.**

19.320.030 Pedestrian Access to Dwelling.

- A.** For every single-family dwelling, a minimum three (3) foot and maximum five (5) foot wide pedestrian walkway, other than the driveway, shall provide direct access from the sidewalk to the main entry.

19.320.040 Future Rights-of-Way.

- A.** This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty (40) feet.
- B.** All required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.
- C. Permitted Encroachments.** The following encroachments are permitted within the future rights-of-way area:
1. Utility-owned pole lines within approved easements.
 2. Access walkways and driveways.
 3. Uncovered parking—to the same extent as permitted in adjoining front, side, or rear yard.
 4. Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage)—to the same extent as permitted in adjoining side or rear yard.
 5. Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.)—to the same extent as permitted in adjoining side or rear yard.
 6. Real estate signs.
 7. Fences, walls, hedges, and berms—to the same extent as permitted in adjoining front, side, or rear yard.
 8. Landscaping, other than hedges.

19.320.050 Right-of-Way Improvements

The purpose of this section is to establish requirements for right-of-way improvements for all RS zoned parcels within the City of Buena Park on which property improvements are made. "Right-of-way improvements" shall include curbs, gutters, sidewalks, street pave outs, driveway approaches, handicap ramps, water lines and appurtenances, sewer lines and appurtenances, storm drainage facilities, property dedications of right-of-way, streetlights, pavement markings, signs, and street trees.

Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

- A.** All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
- B.** All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be

installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director, to be placed in a trust fund.

C. Required Improvements. Any construction of a new primary dwelling unit or expansion of 50% or more of the existing floor area of a primary dwelling unit, shall be required to provide the following right-of-way improvements as are deemed necessary and applicable by the Director of Public Works:

1. Sidewalk and Parkway. Construction or repair of a sidewalk and parkway along the project frontage. The sidewalk shall have a minimum clear width of five (5) feet with a parkway, or six (6) feet if the sidewalk adjoins the curb.
2. Curb and Gutter. Construction or repair of curbs and gutters adjoining the site. All unused curb cuts shall be replaced with a full-height curb and gutter.
3. Street Trees. As required by Subsection 18.24.190 of the Municipal Code.
4. Bicycle Trail. As required by Subsection 18.64.020. Construction of bicycle trail as required by the "Fourth District Bikeways Strategy" adopted by the Orange County Transportation.

D. Encroachment Permit Required. Except as otherwise provided in this Section, it is unlawful for any person to encroach or make or cause to be made any encroachment in the public right-of-way or on property subject to a public utility easement, or other easement available for use by public utilities, without first obtaining an encroachment permit from the Public Works Department.

1. Encroachment permits for right-of-way improvements shall be obtained prior to the issuance of a building permit and prior to any work being done within the right-of-way.
2. Street improvement plans for all work in the public right-of-way shall be prepared by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.

E. Parkways. A parkway (i.e., planting strip or tree buffer) is a portion of the street right-of-way lying between the curb and sidewalk.

1. Any objects placed in the parkway (e.g. rocks, benches, etc.) shall not present a hazard or public nuisance and shall not block a clear line of sight across the parkway.

Chapter 19.324 Development Standards—Outdoor Improvements

19.324.010 Trash Storage Facilities.

- A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.
- B. Except for a temporary use, any non-residential use in the residential zones shall comply with the trash storage requirements for commercial uses under Division 5.

19.324.020 Outdoor Storage and Display.

- A. **Outdoor Storage.** Outdoor storage of materials, equipment or other items is permitted, subject to all other limitations of this ordinance and other laws. Outdoor storage shall not be located in any required parking area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six (6) foot high fence is not permitted. Outdoor storage shall be stored within a detached accessory structure, such as a shed or similar structure.
- B. **Outdoor Display.** Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.348.040.

19.324.030 Firepits, Detached Fireplaces, and Fountains.

- A. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum setback of twenty (20) feet from the front property line or five (5) feet from any other property line. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum of five (5) feet from any dwelling or accessory structure on a lot.
- B. Detached fireplaces are permitted within the side yard and rear yard setback. Detached fireplaces located within the side and rear yard areas shall not be greater than eight (8) feet in width. Residential detached fireplace/chimneys shall have a maximum height of 7.5 feet within the side yard and ten (10) feet within the rear yard. Any outdoor detached fireplace shall maintain a minimum setback of five (5) feet from any side or rear yard property line.
- C. Fountains may be located within the front, street side, and/or rear yard setback. Fountains located within the required twenty (20) feet front yard setback, or ten (10) or fifteen (15) foot street side setback shall be at least six (6) feet from the property line and shall not exceed seven (7) feet in height. Fountains located within the required twenty-five (25) feet rear yard setback shall be at least five (5) feet from the property line and shall not exceed ten (10) feet in height. All fountains shall not exceed ten (10) square feet.

19.324.040 Patio Covers, Gazebos, and Cabanas.

- A. The construction of patio covers, gazebos, and cabanas shall comply with the following standards:
 - 1. These structures may be erected within the required side yard or rear yard provided that the clear space between the structure and the property line shall not be less than four (4) feet on the side and five (5) feet in the rear.

2. If located within a required side yard or rear yard setback, the height of the structure shall not exceed ten (10) feet from finished grade.
3. Gazebos or Cabanas shall not be enclosed by solid materials including transparent or opaque.

19.324.050 Swimming Pools and Spas.

Pool and Spa enclosures shall be compliant with CBC Chapter 31 Section 3119B, the California Residential Code (CRC) Appendix AX, The California Health and Safety Code (HCS) Article 2.5 (Sections 115920-115929) "The Swimming Pool Safety Act" and this Code.

Chapter 19.328 Development Standards—Fences, Walls, Hedges, and Berms

19.328.010 General Requirements.

- A. Required Permits and Approvals.** No fence shall be constructed within any single-family residential zoning district until the plans and design for such fence have been approved by the Planning Director pursuant to the zoning compliance review procedure (Section [19.128.090](#)).
1. **Building Permit.** Fences and walls may require a building permit as required by the California Building Code. Fences over 6 feet in height and block walls will require a building permit with the exception of the following: block or retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- B.** All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.
- C.** Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities.
- D.** Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.
- E. Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the State requirements shall prevail.

19.328.020 Fence Height and Locations.

- A.** Each fence, wall, or screen shall comply with the height limits and locations shown in Table 19.328.020.
- B.** Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade shall not be modified in order to increase fence height.

Table 19.328.020

Maximum Height of Fences, Walls, and Screening in Required Yard Area

<u>Location of Fence/Wall/Screen</u> ⁽²⁾	<u>Maximum Height</u>	<u>Design Standard</u>
<u>Located anywhere on a lot</u>	<u>2 feet</u>	<u>Solid Fencing</u>
<u>Located anywhere on a lot</u>	<u>4 feet plus an additional 6-inches for decorative elements on top of pilasters</u>	<u>Upper 2 feet shall be non-view-obscuring, such as wrought iron, split-rail, or picket fencing.</u> ⁽¹⁾
<u>Front Yard – with a minimum setback of 20-feet from the front property line</u>	<u>6-feet</u>	

<u>Standard Corner Lot – Side Yard adjacent to the street within the 10-foot setback area</u>	<u>7 feet ⁽³⁾</u>	
<u>Reversed Corner Lot – Side Yard adjacent to a street with a minimum setback of 10 feet from the property line</u>	<u>7 feet ⁽³⁾</u>	
<u>Interior Side Yard and Rear Yards</u>	<u>7 feet</u>	
<u>⁽¹⁾ Non-view obscuring shall mean a design which does not obscure sight through more than 25 percent of the area in the vertical plane.</u>		
<u>⁽²⁾ Except as restricted above, the maximum height of any fence in residential zones shall be 7 feet, except where a greater height is required for noise reduction as determined by an acoustic analysis.</u>		
<u>⁽³⁾ Fences within required vision clearance areas adjacent to driveways or alleys intersecting with public streets must not obscure sight through more than 25 percent of the area in the vertical plane between 2 feet and 7 feet in height.</u>		

19.328.030 Fence Materials and Design.

A. All fences in each RS zone, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished to the satisfaction of the Community and Economic Development Director;
2. Be suitably finished on both sides unless the applicant prefers the lesser finish facing their property, such as stringers on interior for security purposes and stucco versus non-stucco finish;
3. Shall be architecturally compatible with the primary structure and include matching paint, finish, and trim cap of the building.
4. All fences shall be maintained in good repair and appearance.
5. Unfinished wood or metal are not permitted.

B. Vision Clearance Area. Any fence within a required vision clearance area adjacent to any driveway or alley where it intersects with a public street. The design of such fence shall provide a minimum of **4 inches** of spacing between the vertical or horizontal elements between 2 feet and 7 feet in height.

C. Any masonry wall shall be of a minimum 6-inch-wide block construction. In addition, the wall shall be of ornamental masonry in earth tone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

D. Prohibited Materials. The following fence materials are prohibited in each RS zone unless approved by the designated approval authority for security needs or required by the City, State, federal law, regulation, or as specified below.

1. Chain link fencing
2. Barbed wire or electrified fencing
3. Razor or concertina wire in conjunction with a fence or wall, or by itself.

19.328.040 Double Fences.

- A.** Any parallel fences constructed with less than three (3) feet separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter, debris, and weeds.
- B.** In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.
- C.** Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director of Community and Economic Development may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.

Chapter 19.332 Development Standards—Landscaping

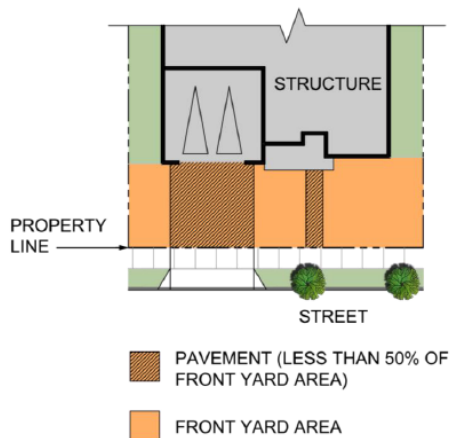
19.332.010 Landscape Provisions for Residential Uses.

- A. For residential uses in the RS zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or located behind solid fences or walls at least six (6) feet high.
- B. For all single-family residential uses, a minimum of fifty (50) percent of each required yard abutting a street shall be permanently maintained with landscaping. The requirement of this section shall not preclude the provision of access walkways and driveways provided that the proposed hardscape does not exceed fifty (50) percent of the area and which meets other minimum requirements of this Division.
- C. All landscape installation or rehabilitation shall meet the requirements of the City's Water Efficient Landscape Ordinance to ensure that the design, installation, and maintenance of landscaping conserves water.
- D. Artificial turf may be permissible in lieu of natural turf within the front, side, and rear yards, and yards adjacent to a public street. Installation of artificial turf shall require an Artificial Turf Permit. Installation of artificial turf shall comply with the following criteria:
 - 1. **Artificial Turf Permit Requirements:**
 - i. If artificial turf is proposed to be located in the parkway, the Applicant shall contact the Public Works Department, as separate approval is required.
 - ii. If artificial turf is proposed to be located in the front, side, or rear yard abutting a street, the Property Owner shall fill out an application for an Artificial Turf Permit and shall complete a Certification of Artificial Turf Installation completed by a licensed professional, along with a minimum 8-year "no fade" warranty.
 - iii. Installation shall be performed by a licensed professional and shall be installed pursuant to manufacturer's requirements.
 - iv. Artificial turf shall be maintained in a green fadeless condition and shall be maintained free of stains, weeds, debris, tears, holes, and impressions.
 - v. Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barrier acceptable to the City to prevent intrusion of living plant material into the artificial turf.
 - vi. A minimum of twenty (20) percent of the landscaped area shall contain living plant material (i.e. flower beds, tree wells, etc.) and shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and ground covers.
 - vii. All areas not occupied by structures or approved pavement shall be landscaped. Landscaped areas shall consist of plantings, lawn/turf, mulch, or bark. Artificial turf may be used if its substrate is permeable.
- E. **Tree Removal Regulations.** No person shall damage, remove, cause to be damaged, or removed, any tree on a single-family residential property in the City without first obtaining approval from the Community and Economic Development Director.
 - 1. The Community and Economic Development Director may approve the removal or relocation of a tree, at no cost to the City, if the tree is:

- i. To be relocated on the same property
- ii. Posing an immediate threat to health, safety, or property
- iii. Dead, diseased, and/or in severe decline as determined by an ISA Certified Arborist
- iv. Damaging public property creating a public safety hazard
- v. Damaging improvements on private property
- vi. Interfering with public utilities
- vii. Removed to preserve the health of an urban grove
- viii. A non-native tree and is to be replaced by a healthy native tree

- F. Landscaped areas shall be kept in a neat and clean condition, free of debris and dead, diseased, or dying vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.
- G. New Construction shall plant a minimum of one (1) tree along each street frontage. Trees shall be a minimum size of 15-gallons at the time of planting.
- H. Pavement or hardscape shall not exceed fifty (50) percent of a front yard. See Figure B.

Figure B. Pavement/Hardscape Requirement



19.332.020 Landscape Provisions for Non-residential Uses.

- A. For non-residential uses permitted in the RS zones, all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped in accordance with this Division and with the landscape and irrigation requirements of Chapter [19.532](#), Division 5 for commercial uses.
- B. **Buffer Fence and Landscaping Abutting RS-zoned Property.** For any permitted non-residential use in the RS zones with parking located adjacent to residentially zoned property, a block wall or solid fence with a minimum six (6) foot height and a minimum five (5) foot wide planter shall be provided along the property line as a buffer.

Chapter 19.336 Development Standards—Vehicular Provisions

19.336.010 Vehicular Provisions for Non-residential Uses.

With the exception of required setbacks (see Section [19.320.010](#)) and the landscape buffer requirement of Section [19.332.020](#), the vehicular provisions of Chapter [19.536](#), Division 5 for commercial uses shall apply for any permitted non-residential use in the RS zones.

19.336.020 Vision Clearance.

A. Vision clearance areas shall be provided as follows:

1. On any corner lot: a triangular area at the street intersection measuring fifteen (15) feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections

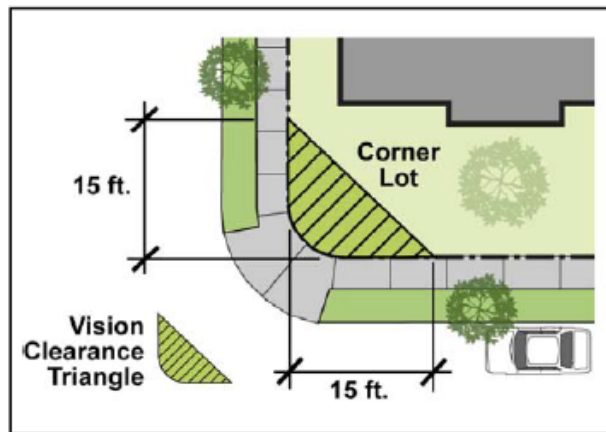


Figure C. Corner Lot Vision Clearance

thereof);

2. At the intersection of an alley with a street, or at the intersection of two (2) alleys, or at an angle point where the alignment of an alley changes by sixty (60) degrees or more: a triangular area measuring fifteen (15) feet along each street or alley property line from the point of intersection of the property lines;
 3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen (15) feet along the street property line and fifteen (15) feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.
- B.** Within a required vision clearance area, there shall be no obstruction to sight between two (2) feet and seven (7) feet above the established street grade with any fence, tree, shrub, or other obstruction. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which meets the fence design criteria for vision clearance areas under Section [19.328.030](#). Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the

subject property shall be located so as to not have any such obstructions in its vision clearance areas.

C. Permitted Encroachments. The following encroachments are permitted within the minimum required vision clearance area:

1. Utility-owned pole lines within approved easements.
2. Access walkways.
3. Fences, walls, hedges, and berms, subject to the design criteria under Section 19.328.030.
4. Landscaping, such as trees, vines, shrubs, and/or ornamental grasses, not exceeding two (2) feet high. Landscaping height may be adjusted to four (4) feet in height provided that it does not act as a privacy screen by spacing less dense trees and shrubs a minimum of five (5) feet apart.

19.336.030 Residential Driveway Standards.

- A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.
- B. All garage, carport, parking area, or other off-street vehicular area shall be connected to one (1) or more public streets or alleys by one (1) or more driveways meeting the standards set forth in this section.

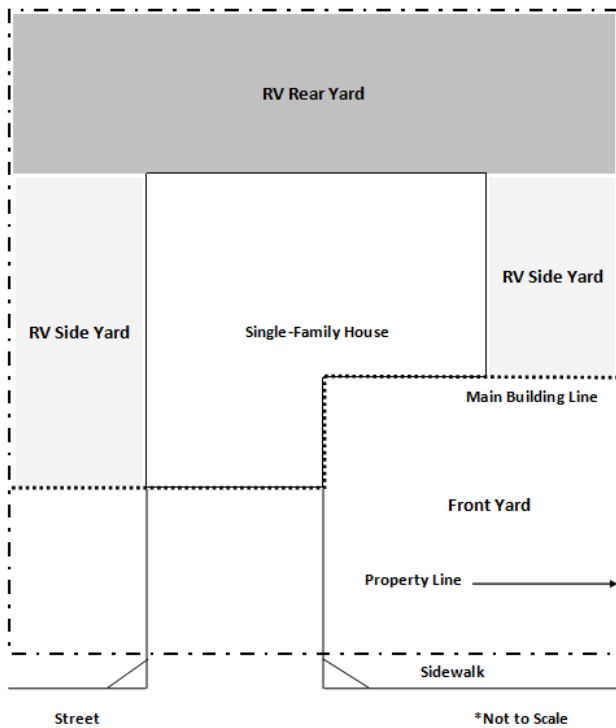
C. Driveway Width.

1. The minimum driveway width in all RS zones shall be ten (10) feet.
2. The maximum driveway width in all RS zones shall not be wider than 20-feet, unless the number of bedrooms exceeds four (4), in which case the maximum driveway width shall be 30-feet.
 - i. If more parking spaces are required pursuant to 19.336.040, additional parking spaces may be provided in the side or rear yards.
 - ii. When a garage is located in the rear yard, whether attached or detached, the maximum permitted driveway width within the front yard setback area shall be no more than twelve (12) feet.
3. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.
4. Vehicle parking in the front yard area of any residentially zoned lot is prohibited, with the exception of parking on a paved driveway.

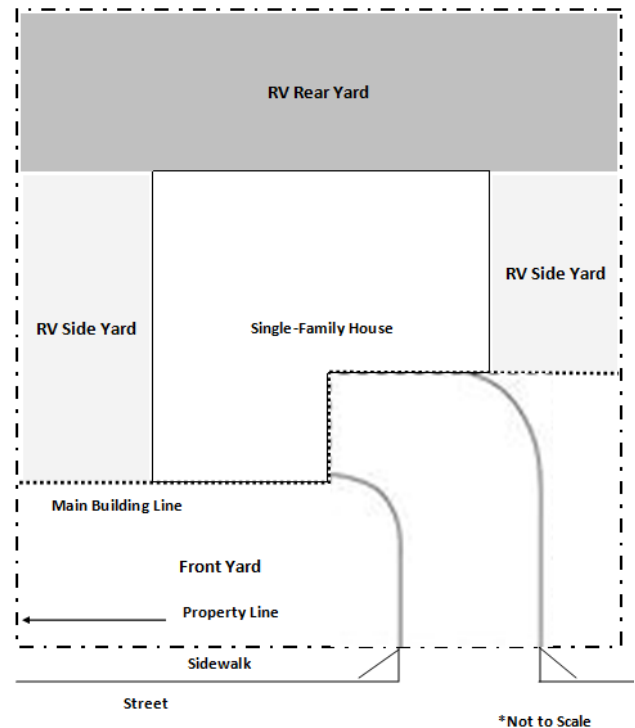
D. Vehicle Storage in Single-Family Zones.

1. **Vehicle Parking.** Refer to Section 19.1108.050 (Motor Vehicle Parking) for additional requirements.
2. **Recreational Vehicle, Boat, and Trailer Parking.**
 - a. Purpose. The purpose of these regulations is to establish standards for the parking and storage of recreational vehicles, boats, truck camper, and trailers as an accessory use in residential zones in order to protect the integrity, value, and character of residential neighborhoods along with public health and safety.
3. **Definitions.**
 - a. Recreational vehicle or "RV" means both motorized and non-motorized vehicles that combine transportation and temporary living quarters for travel, recreation, or camping. Does not include mobile homes or off-road vehicles.
 - b. "Motorized recreational vehicle" means a motorhome built on a truck, bus, or van chassis.
 - c. "Non-motorized recreational vehicle" means a towable recreational vehicle, combining transportation and temporary living quarters for travel, recreation, or camping, that can be unhitched. Examples include, but are not limited to, conventional travel trailer, fifth-wheel travel trailers, travel trailers with expandable ends, folding camping trailers, and sport utility trailers. Boats, horse trailers, utility trailers for storing recreational vehicles, equipment, and all-terrain vehicles (ATVs), motorcycles or personal watercraft stored on trailers utilized for recreational purposes are also considered as non-motorized recreational vehicles. Pickup camper shells that have been removed from the vehicle and stored are considered non-motorized recreational vehicles.
4. **Exclusions.** Van campers and truck campers are excluded from the recreational vehicle definition because they may be used for non-travel-recreation or camping trips, such as commuting to work or school.
5. "Park," "parking," "parked," "stored" and "storage" mean on-site parking of recreational vehicles on residential property for a continuous period more than 72 hours.
6. "Front yard" means the area within the required front yard setback and any area between the street and the main building line as shown in the diagrams below. For other unique lot configurations, the Community and Economic Development Director shall determine front yard.

Typical Lot—Front door on narrow frontage and straight driveway



Typical Lot—Front door on narrow frontage with side entry garage



7. Registered Owner. The registered owner of an RV stored on the property must either be the owner of the property or use the property as their primary residence. This subsection shall not apply to a single RV stored on the property as a result of visiting guest(s) for up to 72 hours.
8. RV, Boat, Camping Trailer, and Utility Trailer Parking and Storage Standards.
 - a. Accessory Use. Parking or storage may occur as accessory use to the primary residential use of the property and is only allowed on a lot with a habitable residence.
 - b. Front Yards. No storage may occur in the front yard. Temporary parking of an RV on a paved driveway within the front yard setback area shall be allowed for up to 72 hours for the purpose of loading, unloading or otherwise prepping and cleaning the RV. No portion of the temporarily parked RV shall encroach into the public sidewalk nor encroach into the public right-of-way.
 - c. Rear Yards. Parking or storage is permitted in the rear yard. A minimum clearance of three (3) feet on each side of the stored vehicle shall be provided.
 - d. Side Yards. Parking or storage is permitted when located behind the front face of the main structure. When a recreational vehicle, boat, or trailer is parked or stored in the side yard, a minimum clearance of three (3) feet shall be provided between the vehicle and the building wall if adjacent to egress window(s) for the dwelling unit.

- e. Parking Surface. Parking and storage shall be on a paved surface (concrete, pavers, etc.) and proper care shall be taken to prevent gasoline, motor oils, or other hazardous fluids from leaking onto the ground, draining, or runoff into storm drain or water course.
- f. Temporary Coverings. No temporary coverings such as tarps or cloth screens are permitted. Fitted covers are permitted and may be used if they are specifically designed for the RV, boat, camping trailer, or utility trailer and maintained in good condition without holes, rips or tears.

E. Ribbon Driveway Design Standards.

- 1. Ribbons shall be a minimum of two (2) feet wide and a maximum of three (3) feet wide.
- 2. Ribbons shall be three (3) feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass, artificial turf, or other ground cover used in the front yard.
- 3. Ribbons shall be surfaced with concrete including decorative concrete, patterned concrete, and exposed aggregate concrete; porous asphalt, concrete pavers, paving blocks, gravel, or other materials approved by the Community and Economic Development Director.
- 4. Honeycomb shaped concrete grids filled with artificial turf or landscape may be used instead of ribbon driveways to reduce the amount of hardscape in the front yard.
- 5. One (1) driveway is permitted per parcel. Parcels with more than 75-feet of street frontage are permitted to have two (2) driveways and a maximum of two (2) curb cuts may be allowed per lot to allow street parking between the two (2) driveways. This may include the following:
 - i. One (1) driveway with one (1) curb-cut and one (1) ribbon driveway leading to the side yard with an additional curb cut within the front yard.
 - ii. One (1) driveway with one (1) curb cut and one (1) ribbon driveway extending off of driveway without a curb cut within the front yard. See subsection 7.
 - iii. One (1) driveway with one (1) curb-cut located in the front yard and one (1) ribbon driveway located within the rear yard/alley or side yard abutting a street in corner lots.
 - iv. One (1) driveway with one (1) curb-cut located in the front yard and one (1) ribbon driveway with an additional curb cut within the rear yard/alley side yard abutting a street in corner lots.
 - v. Other unique lot configurations will be reviewed and approved by the Community and Economic Development Director.
- 6. One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per every 75 feet of frontage of a single-family residential lot. A maximum of two (2) curb cuts may be allowed per parcel. New single-family developments taking access from collector or arterial streets shall share driveways in order to protect public safety by limiting curb cuts.

7. A single slab driveway may be used in conjunction with a ribbon driveway provided that the current slab driveway does not provide access to the side or rear yard for the purposes of vehicle storage. An additional curb cut is required.

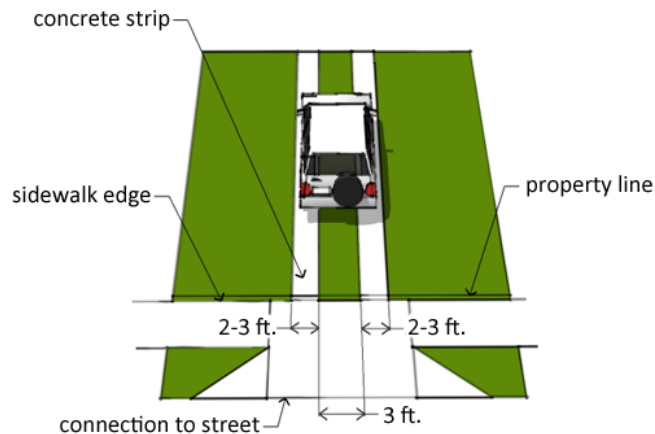


Figure D. Driveway Ribbons

8. Ribbon driveways may extend off the driveway within the front yard setback to the adjoining side yard. When the ribbon driveways extend off the driveway, parking and storage of vehicles shall be located behind the fence in the side yard. Temporary parking of a vehicle for over 72 hours within the front yard setback on ribbon driveways that extends off the driveway is prohibited. Ribbon driveways that extend off the driveway shall include a parking pad for vehicles behind a solid gate within the side or rear yard.



Figure E. Driveway Ribbons extending off driveway

F. Permitted Encroachments. The following encroachments are permitted within the required minimum driveway width:

1. Projections from buildings, with the minimum required height clearance of subsection G of this section, such as:
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features—sills, cornices, buttresses, etc.

- iii. Mechanical equipment cantilevered from building.
 - iv. Balconies, second floor overhangs, and porte-cocheres.
- 2. Utility-owned pole lines within approved easements.
- 3. A maximum of five (5) foot walkway in addition to the permissible driveway leading to the side yard and/or the front of the house.
- 4. Security gate, subject to vision clearance requirements of Section 19.336.020 and allowable fence height of Section 19.328.020.
- G. Driveway Height Clearance.** Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight (8) feet.
- H. Driveway Curvature.** The minimum turning radius for any curve in a driveway shall be twenty-five (25) feet measured to the outside edge of the driveway.
- I. Circular Driveways.** There shall be no circular driveway in a front yard area with two driveway entrances from the same street unless the distance between the driveway approaches is a minimum of thirty (30) feet or more as measured from inside edge to inside edge. Such driveways shall be subject to Public Works Director and City Engineer approval via the Interdepartmental Review procedure (Section 19.128.100).
- J. Driveway Circulation Pattern.**
 - 1. Any garage or accessory building having vehicular entry facing an alley shall be located at least thirty (30) feet from the opposite side of the alley.
 - 2. Any garage or carport with its vehicular entrance facing a street shall be set back at least twenty (20) feet from the street property line in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way.

19.336.040 Parking Spaces Required.

- A.** The minimum requirements for each use shall be as shown in Table 19.336.040, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title.
- B.** For uses or property for which no parking requirement is set forth in Table 19.336.040, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.
- C.** Required off-street parking covered and uncovered must be for the parking of vehicles, unless approved by the City for another use. Garage entrances and driveways shall be free of obstacles so that vehicles can freely access the driveway and garage or carport interior and be parked inside.

Table 19.336.040 PARKING SPACES REQUIRED	
Use	Parking Spaces Required
Residential Uses	
RS-6 and RS-8 Zones	
Single-family dwellings <u>containing 4 or less bedrooms.</u>	2 garage spaces <u>+ 2 additional driveway spaces</u>
Single-family dwelling <u>containing 5 or more bedrooms.</u>	<u>2 garage spaces + 2 additional driveway spaces + 1 space per each bedroom in excess of 4 bedrooms.</u>
RS-10 and RS-16 Zones	
Single-family dwelling containing 5 or less bedrooms.	3 garage spaces <u>+ 2 additional driveway spaces</u>
Single-family dwelling <u>containing 6 or more bedrooms.</u>	<u>3 garage spaces + 2 additional driveway spaces+ 1 space per each bedroom in excess of 5 bedrooms.</u>
Community residential care	
Small group care home.	2 spaces (in garage)
Other community residential care facility.	To be determined under conditional use permit based on licensed capacity, type of care, and number of employees
Non-Residential Uses	
See Table 19.536.040 for parking spaces required for non-residential uses.	

19.336.050 Residential Parking Location.

The required single-family residential parking shall be located on the same lot as the residential dwelling.

19.336.060 Residential Parking Dimensions and Layout.

- A. Dimension of parking space.** In RS zones, a parking space (interior or exterior) shall have minimum ten (10) foot width and twenty (20) foot length, with a minimum twenty-five (25) foot aisle for access into the parking spaces where applicable and with a minimum garage floor area as required pursuant to [Table 19.316.090](#).
- B.** There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space, except that for spaces in residential garages or carports, the vehicular entry widths shall be at least equal to the minimum door or opening widths as required by [Table 19.316.090](#).
- C.** Each parking space and aisle shall have a clear height of at least six and one-half feet, except a storage bin may project not more than two and one-half feet into the front of a parking space with a clear height from the parking surface of at least four feet. For all nonresidential parking areas and for residential visitor parking spaces, at least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.
- D.** For permitted residential uses in the RS zones, other than a single-family dwelling, the residential parking dimensions and layout provisions of Section [19.436.070](#) of Division 4 may apply upon the Director's approval.

19.336.070 Residential Parking Improvements.

- A.** Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures. Non-single-family uses in the RS Zones refer to Chapter 19.536.
- B. Drainage.** All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.
- C. Paving.**
1. With the exception of non-required parking spaces on single-family residential lots, all areas for the movement and parking of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.
 2. Single-family uses in the RS Zones, all driveway approaches, driveways, required parking areas, and floors of carports and garages shall be concrete or decorative cement pavers. The use of asphalt, decomposed granite, gravel, or similar materials is not permitted.

Chapter 19.340 Development Standards – Utilities and Mechanical Equipment

19.340.010 Undergrounding of Utilities.

- A.** Except for underground utilities waivers permitted for single-family homes in accordance with Section [19.128.100](#), new construction or relocation of a main building, or a change of use to a nonresidential use requires that all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section [19.340.020](#).
- B.** The provisions of this section may be waived pursuant to the procedure provided under Section [19.128.060](#) and Section [19.128.100](#).

19.340.020 Visual Screening of Mechanical Equipment.

- A.** All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public right-of-way or architecturally integrated into a building structure, with the following exceptions:
 - 1. Ordinary vents on single-family dwellings;
 - 2. Window-mounted air conditioning units on single-family dwellings;
 - 3. Solar panel surfaces (but not supports, piping, etc.);
 - 4. Outdoor lighting standards and fixtures.
- B.** It is required for all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities, or those structures under construction may screen such equipment with architecturally designed screens.
- C. Plan Check (Retrofits).** Applicant shall submit a plot plan which shall indicate clearly and by full dimensions the following information:
 - 1. Lot dimensions
 - 2. All buildings and structures: location, size, height, and proposed use.
 - 3. All walls, fences and landscaping: location, height, and materials.
 - 4. Location of equipment proposed to be installed.
 - 5. Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.
- D. Design / Materials.**
 - 1. Screening must be architecturally consistent with the building in terms of design type, materials and colors. Effective screening does not call attention to itself, but quietly complements the building.
 - 2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.

3. Above-ground utilities, transformers, and other mechanical equipment placed between the front or street side of a residence and a public street or vehicular or pedestrian accessway, shall be screened from view by a fence, wall, or landscaping.
4. Excluding solar panels, roof-mounted equipment shall be hidden from view from the public street behind roof peaks or parapets.
5. Utility and mechanical equipment shall not obstruct pedestrian pathways.

E. Electric Vehicle (EV) Charging Stations in Single-Family Zones.

1. Pursuant to Government Code Sections 65850.7 and 65850.71, any EV charging stations installed within any RS zone, is subject to the provisions of the streamlined permitting process pursuant to Chapter 15.71 of the City of Buena Park Municipal Code. In addition, EV charging stations in RS zones shall meet the requirements set forth in the Building Division's Electric Vehicle Charging System Guidelines for Residential Buildings. In addition, the EV charging station installation and equipment shall be consistent with the rules and regulations in CAL Green Building Standards Code and CBC Chapter 11A and 11B as applicable.

F. Treatment of Above Grade Transformers; Meters; Gas Manifolds, etc. It is the intent to encourage the placement of such equipment in underground vaults. If located above grade for a residential use, such equipment shall be placed in a side yard out of direct view from the street. If located above grade for a non-residential use, such equipment shall be screened from public view by an architectural screen and landscaping.

G. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.340.030 Communications Antennae Placement in Residential Zones.

- A.** Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.
- B.** Communication antennae shall not be supported by wooden towers.

19.340.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

A. Receive-only Antennae Weighing Less than Thirty-Five (35) Pounds.

1. Any receive-only antenna weighing less than thirty-five (35) pounds may be mounted in the rear yard, interior side yard, or on the roof of any residential structure, subject to all conditions hereinafter provided.
2. Any receive-only antenna weighing less than thirty-five (35) pounds may be mounted in the front yard or street side yard of any residence, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.

B. Receive-only Antennae Weighing Thirty-Five (35) Pounds or More.

1. Each receive-only antenna weighing thirty-five (35) pounds or more shall be installed in the rear yard, except as hereinafter provided.
2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, in a side yard, on the roof of a structure, or in the front yard, subject to conditions hereinafter imposed.

C. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding twenty (20) square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his or her designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees or shrubbery, and wood lattice or other material compatible with the residence or other structures. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen (15) gallons at the time of planting. All such screening shall be on three (3) sides and shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.
2. Each receive-only antenna with a surface area exceeding twenty (20) square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his or her designee. Such screening shall be on at least three (3) sides and shall be sufficiently high so as to screen at least ninety (90) percent of the antenna from public view.

D. Conditions and Restrictions Applicable to All Receive-only Antenna Installations.

1. Location.

- a. The preferred order of placement of any receive only antenna is rear yard first, then side yard, roof, and finally front yard.
 - b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.
2. **Height.** No receive-only antenna shall exceed ten (10) feet in height above the peak roof line of the structure upon which such antenna is mounted or ten (10) feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.
 3. The provisions of Section [19.340.030](#) and this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants and/or restrictions which may prohibit such antenna installation.
 4. No receive-only satellite dish antenna shall exceed ten (10) feet, six (6) inches in diameter.
 5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a “see-through” mesh or open grid design. Solid surface receive-only satellite dish

antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-only Antenna Permit Application.

1. Where a permit is required, or application therefor is authorized, under any provision of Section [19.340.030](#) or this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:
 - i. Name, address, and telephone number of the applicant
 - ii. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning Division may require
 - iii. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed
 - iv. If required herein, a description of the screening proposed to be utilized by the applicant
 - v. A sketch or other drawing, satisfactory to the Director, showing:
 - a. Location of physical features on the subject property
 - b. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon
 - c. The specific location where the antenna, and screening if required, are proposed to be installed
 - d. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
 - e. The design of the antenna and proposed support structure
 - vi. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein
 - vii. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.

3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.344 Development Standards—Environmental Effects

19.344.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Residential Acoustical Design.

1. For all dwelling and group quarters, the development shall be designed to achieve:
 - i. Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five decibels;
 - ii. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five (65) decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred (100) square feet per unit, with access to such area available to the residents of each unit.
2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan and Chapter 8.28 of the Buena Park Municipal Code.

B. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a decibel rating of no more than 60dBA and shall comply with the City's noise standards pursuant to Chapter 8.28.

19.344.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

19.344.030 Lighting.

- A.** Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine or fall directly onto surrounding properties or create glare hazards within public rights-of-way. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.
- B.** The use of unshaded clear bulbs in exterior lighting is prohibited.

19.344.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and

welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.348 Special Requirements for Certain Uses

19.348.010 Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Purpose. The purpose of this section is to establish regulations governing accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in compliance with California [Government Code](#) Sections [66314-66339](#), and to provide local standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing units in the City while ensuring that such units remain compatible with existing neighborhoods. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. Submittal Requirements and Application Processing. Any application for an accessory dwelling unit or junior accessory dwelling unit shall include a site plan, floor plan, demolition plan, and elevations substantiating and evidencing compliance with all applicable development standards. Where all requirements of this section and the Buena Park City Code appear to be met, the application shall be approved ministerially without discretionary review or public hearing within 60 days of receiving the application. The City and applicant may agree to additional time with a written request from the applicant.

If the City denies an application for an ADU or JADU, the City shall, within the 60-day period, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and provide a description of how the application can be corrected by the applicant.

Applications to replace a detached garage with an ADU shall require a demolition permit for the garage. The demolition permit will be reviewed with the application for the ADU and issued at the same time as the permit to construct the ADU.

C. Development Standards. Under the provisions of this section, each accessory dwelling unit or junior accessory dwelling unit shall comply with local building codes and all development standards contained in Division 3 (Single Family Residential Zones) of this Title 19 (Zoning), except as otherwise specified herein:

- 1. Location.** Accessory dwelling units are allowed on lots zoned for single-family residential which contain or are proposed to be developed with a single-family dwelling, or on lots zoned for multifamily residential or mixed-use residential use which contain or are proposed to be developed with a multifamily dwelling. Subject to the standards of this section, accessory dwelling units may be attached, detached, or located within an existing primary residence, which shall include an attached garage, or existing accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use and which are developed with or are proposed to be developed with a single-family dwelling.
- 2. Minimum Lot Size and Allowable Density.** Minimum lot size and density requirements shall not be applicable when determining minimum lot size or allowable density for development of an accessory dwelling unit or junior accessory dwelling unit.

3. **Height of Structure.** The height of an accessory dwelling unit shall not exceed 16 feet, measured from grade, except as follows:
 - a. Notwithstanding subsection C.3 above, on single-family zoned lots, if the ADU is attached to the primary dwelling unit, the maximum height is 2 stories not to exceed 30 feet, or as high as the existing two-story primary dwelling unit, whichever is lower.
 - b. Notwithstanding subsection C.3 above, the maximum height of a detached ADU on a lot zoned for multifamily residential or residential mixed-use which are developed or proposed to be developed with a multifamily, multistory dwelling is 20 feet.
 - c. Notwithstanding subsection C.3 above, if a parcel contains an existing or proposed single-family or multifamily dwelling unit is located within one-half of one mile of a "major transit stop" or a "high quality transit corridor" as those terms are defined in Section 21155 of the Public Resource Code, the maximum height of a detached ADU is 20 feet, measured from existing finished grade to the highest point of the roof.
4. **Access.** Any external access staircase for the accessory dwelling unit, whether attached or detached, shall not be located on street facing elevation(s) of the single-family or multifamily dwelling unit(s), as applicable.
5. **Setbacks.**
 - a. An existing living area or accessory structure that is converted to an accessory dwelling unit, or an accessory dwelling unit that is constructed in the same location and to the same dimensions as an existing living area or accessory structure, may maintain the existing setbacks applicable to the existing area or structure. Any other accessory dwelling unit must maintain a minimum setback of 4 feet to the rear-yard property line and 4 feet to the side-yard property line.
 - b. Any second story windows, decks, balconies, or landings shall provide screening to minimize the loss of privacy for neighboring properties. A minimum second story balcony side or rear yard setback of 5 feet to the property line shall be provided.
 - c. An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise physically infeasible to build such an ADU on other areas of the lot while maintaining the minimum rear and side yard setbacks outlined in this subsection C.5.
6. **Number of Dwelling Units.**
 - a. **Single-Family Zone.** The number of accessory dwelling units or junior accessory dwelling units that may be located on any lot in single-family zones is limited to one (1) of the following options:
 - i. ADU Conversion. One (1) accessory dwelling unit may be located within an existing single-family dwelling or existing accessory structure, or within a single-family dwelling that is proposed to be constructed. Accessory dwelling units that are located within an existing accessory structure may include an expansion of not more than 150 square feet beyond the existing or proposed physical dimensions of the structure for the exclusive purpose of accommodating ingress and egress to the accessory dwelling unit.
 - ii. New ADU. One (1) detached or attached newly constructed accessory dwelling unit may be located on lots which contain an existing single-family dwelling or which are proposed to be developed with a single-family dwelling.
 - iii. Junior ADU. One (1) junior accessory dwelling unit may be located within a single-family dwelling, which shall include an attached garage, or within a single-family dwelling that is proposed to be constructed. The junior accessory dwelling unit conversion may include an expansion of not more than 150 square feet beyond the existing physical dimensions

- of the single-family dwelling only for the purpose of accommodating ingress and egress to the junior accessory dwelling unit.
- iv. Unit Combinations. One (1) junior accessory dwelling unit under subsection C.6.a.iii above, plus one (1) detached accessory dwelling unit under subsection C.6.a.i or subsection C.6.a.ii above, may be located on lots which are or are proposed to be developed with a single-family dwelling.
- b. **Multifamily Zones and Mixed-Use Zones.** The number of accessory dwelling units that may be constructed on any lot in multifamily residential zones and mixed-use zones is limited as follows:
- i. A maximum of two (2) newly constructed detached accessory dwelling units may be constructed on lots which are proposed to be developed with a multifamily dwelling unit.
 - ii. A maximum of eight (8) newly constructed detached accessory dwelling units may be constructed on lots which are developed with multifamily dwelling units. However, the number of accessory dwelling units allowable shall not exceed the number of existing non-accessory dwelling units on the lot.
 - iii. Within an existing multifamily dwelling structure, an accessory dwelling unit may be converted from areas not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. The number of accessory dwelling units that may be developed within an existing multifamily dwelling structure shall not exceed 25 percent of the existing dwelling units within the multifamily dwelling structure (not counting any accessory dwelling units). At least one (1) such accessory dwelling unit conversion is permitted under this subsection. All such units shall comply with applicable fire and building code requirements.
 - iv. Junior accessory dwelling units are not permitted in multifamily residential zones.

7. Dwelling Size.

- a. Newly constructed attached or detached accessory dwelling units shall not exceed 850 square feet for an accessory dwelling unit that provides up to one bedroom, and shall not exceed 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
- b. The total floor area of any attached or detached accessory dwelling unit or a junior accessory dwelling unit shall be of a minimum of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.
- c. Junior accessory dwelling units shall not exceed 500 square feet.

8. Off-Street Parking. One parking space per accessory dwelling unit shall be provided. These spaces may be provided as tandem parking on an existing driveway, or on a driveway in side yard and rear yard as permitted in this Title. Parking is limited to lawfully paved areas approved by the City. No parking for the accessory dwelling unit is required if any one (1) of the following conditions are met:

- a. The unit is located within one-half of one mile of walking distance of public transit.
- b. The unit is located within an architecturally and historically significant historic district.
- c. The unit is part of (i.e., contained within) the footprint of the primary single-family dwelling or an accessory building unit.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. When there is a car share vehicle located within 1 block of the unit.
- f. When an existing garage, carport, or covered parking structure is demolished in conjunction with the development or conversion of an ADU, replacement off-street parking for the main dwelling unit shall not be required.

- g. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph.

9. Location of Parking. Parking required or proposed for the accessory dwelling unit may be located in the following locations, as approved by the City, ordered from most preferred to least preferred:

- a. A garage, carport, or covered space on a driveway; which complies with required setbacks for both primary and accessory structures.
- b. An uncovered tandem space on a driveway.
- c. Within the required street side yard setback.
- d. Within the required side or rear yard setback subject to screening.
- e. Within the required front yard setback.
- f. Parking in setbacks and tandem driveway parking remain subject to the Building Code regarding egress and any other applicable site specific fire and/or life safety conditions of approval as determined by the Building Official.
- g. On-site parking required for the accessory dwelling unit shall be maintained and available for parking purposes at all times.

10. Vehicular Access.

- a. The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless:
 - i. The accessory dwelling unit has access from an alley contiguous to the lot; or
 - ii. The lot is a corner lot with a second driveway, and the second driveway is located on the side street; and
 - iii. A second driveway does not result in the loss of an on-street parking space.
- b. No passageway connecting the accessory dwelling unit to a street is required. Each accessory dwelling unit or junior accessory dwelling unit shall maintain independent exterior access from the existing residence.

11. Way Finding. Each unit shall display address in compliance with the current California Residential Code as adopted and amended by the City.

12. Utilities. All utilities servicing the accessory dwelling unit or junior accessory dwelling unit may be metered in conjunction with the primary dwelling, in compliance with Government Code Section 65852.2(f).

13. Restricted Areas. Accessory dwelling units or junior accessory dwelling units shall not be allowed where roadways, public utilities and services are inadequate with reference to objective and published thresholds established by the utility or service provider. To ensure access by public safety vehicles, an accessory dwelling unit may not be located on a lot that fronts a roadway that is narrower than the minimum road width standards established by the Orange County Fire Authority's Master Plans for Commercial and Residential Development (as the same may be amended from time to time), unless:

- a. One (1) on-site parking space is provided for each bedroom included in the accessory dwelling unit; and
- b. Replacement on-site parking spaces are provided for any parking spaces that are lost or converted to accommodate the accessory dwelling unit; or alternatively
- c. A conditional use permit is issued pursuant to Section 19.128.020 of this Code, provided that the conditional use permit shall be approved if affirmative findings are made based on the following criteria:

- i. Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area; and
 - ii. Adequate utilities and public services are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area.
14. **Building and Fire Codes.** The property owner shall comply with all current State and local building and fire codes. Fire sprinklers are not required for the accessory dwelling unit or junior accessory dwelling unit if they are not required for the primary residence or multi-family dwelling. The construction of an ADU, by itself, shall not trigger requirements to install fire sprinklers in any existing main dwelling.
15. **Park Fees.** For accessory dwelling units of 750 square feet or more, a proportionate amount of Park Land Dedications and In-Lieu Fees shall be paid, based upon the City's adopted Development Impact Fee Schedule.
16. **Objective Design Standards.** Accessory dwelling units or junior accessory dwelling units shall incorporate the same architectural features, building materials, and color as the main dwelling unit on the property. These features shall include, but are not limited to, roofing material, roof design (i.e., slope, style), fascia, exterior building finish, color, exterior doors, windows, garage door, and architectural enhancements.

When an existing garage is converted into a JADU/ADU, the existing garage door, if visible from public or private right-of-way, shall be eliminated and replaced with a wall, windows, door, or other exterior design features which are architecturally consistent with the exterior design of the structure and the main dwelling.

Second story windows and glass doors shall be located to retain privacy between properties through such methods as offset or clerestory placement, use of opaque or view-obscuring glass. Manufactured homes shall be equipped with skirting to give the appearance of the manufactured home being located on grade. Synthetic materials of a similar appearance to the materials of the structure of the main dwelling and equivalent durability shall be permitted. Exterior siding shall be installed from the exterior finished grade to a point at or near the roof. However, if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the siding need not extend below the top of the foundation.
17. **Separate Sale Prohibited.** An accessory dwelling unit may not be sold separately from the primary residence.
18. **Short-Term Rental Prohibited.** The minimum rental term of the accessory dwelling unit shall be no less than 30 days.
19. **Demolished or Destroyed.** If the accessory dwelling unit is demolished or destroyed, or if the accessory dwelling unit is modified such that it no longer complies with this section, the property owner shall return the lot and all improvements into a condition that complies fully with applicable land use and building standards set forth in this Code. The property owner shall apply for any and all permits necessary to complete the scope of work, as required under the City's building and fire codes.
20. **Specific Junior Accessory Dwelling Units Requirements.** Notwithstanding anything contrary in this section, the requirements and standards of this subsection shall apply specifically to junior accessory dwelling units.

- a. The owner of the single-family lot shall occupy the single-family dwelling, any accessory dwelling unit that may exist on the lot in compliance with this section, or the junior accessory dwelling unit as their principal place of residence.
- b. As a condition to obtaining a building permit for a junior accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement to restrictions, containing a reference to the deed under which the property was acquired by the owner and stating that:
 - i. The junior accessory dwelling unit cannot be sold separately from the primary residence; and
 - ii. The size and attributes of the junior accessory dwelling units shall conform at all times with the requirements of California Government Code Section 66333 and the Buena Park Municipal Code; and
 - iii. Minimum rental term of either the junior accessory dwelling unit or primary residence shall be no less than 30 days; and
 - iv. The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section.
- c. A junior accessory dwelling unit shall include: a separate entrance from the main entrance to the proposed or existing single-family residence; and an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter or counters that is of reasonable size in relation to the size of the junior accessory dwelling unit.
- d. A junior accessory dwelling unit that does not include a separate bathroom shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- e. The owner of a property with a junior accessory dwelling unit shall reside in one of the dwelling units on the property. This owner-occupancy requirement shall not apply to a junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

19.348.020 Single-Family Cluster Housing.

A. Purpose. The purpose of this section is to encourage detached single-family residential design on parcels which are less than the minimum size specified in the underlying RS zone for but are designed to maximize common open space, energy and water conservation, and architectural harmony.

B. Density.

1. Where contiguous sites for four (4) or more single-family dwelling units are to be developed, the dwelling unit density may be increased by up to 20% of the density otherwise allowed (as provided in Section 19.308.050).
2. Approval of such density increase shall be accomplished as part of the subdivision map approval procedure (Title 18), and shall be based upon an objective evaluation of the degree to which the purposes of this section is achieved by the design proposed in comparison with typical projects meeting the normal minimum lot size and configuration requirements of the City.
3. The objective evaluation shall be accomplished via a conditional use permit review procedure prescribed by Section 19.128.020 and shall be conducted concurrently with the tentative tract map procedure under Title 18 of this Code and the State Subdivision Map Act. If a cluster housing plan is approved, the recording of a final tract map shall be a condition of the conditional use permit approval. Note: If a single-family cluster development proposes to

provide a minimum of 80% affordable housing in the RS-8 and RS-6 zones, the project shall be approved ministerially subject to the objective design standards herein.

4. Notwithstanding other provisions of this Division, a project approved under this section may include lots to be held in separate ownership which do not meet the site requirements otherwise applicable, provided the project site as a whole, including any land parcels to be held in common, satisfies the overall density requirement established.
5. Parcels to be held in common ownership shall be governed by an association of owners and be established similar to that required for residential condominium projects under Section 19.448.030 of Division 4.
6. The following table identifies the minimum and maximum density requirements for single-family cluster developments.

<u>Zone</u>	<u>Minimum Density (dwelling units per net acre)</u>	<u>Maximum Density (dwelling units per net acre)</u>
<u>RS-8</u>	<u>5.4 du/ac</u>	<u>6.5 du/ac</u>
<u>RS-6</u>	<u>7.2 du/ac</u>	<u>8.7 du/ac</u>
<u>PD</u>	<u>Varies</u>	<u>Varies</u>

C. Development Standards.

1. Notwithstanding other provisions of this Division, an approval under this section may include waivers of the front, side, and rear yard and space between building regulations otherwise applicable if it is determined that the project design offers at least equal safety and privacy with superior environmental quality.
2. **Site Dimensions.** The minimum site dimensions for all single-family cluster developments in the RS-8, RS-6, and PD zones is shown in the table below.

<u>Minimum Lot Area (Development Site)</u>	<u>43,560 square feet (1 acre)</u>
<u>Minimum Street Frontage (Development Site)</u>	<u>150 feet</u>

3. **Lot Coverage.** The lot coverage for individual lots within a single-family cluster development may exceed the maximum allowable 40 percent, provided that the total lot coverage of all structures within the development does not exceed 40 percent of the net project area, excluding common vehicular streets, driveway aisles, and guest parking.
4. **Floor Area.** The minimum floor area for each single-family cluster unit within the development shall be at least 1,600 square feet with an attached two-car garage. The attached garage shall be included as part of the minimum floor area requirement.
5. **Building Height.** The maximum building height for single-family cluster developments shall be two (2) stories or thirty (30) feet, whichever is less.
 - i. Antennae. Notwithstanding the restrictions of subsection 5 of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty (60) feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four (24) inches in diameter, may be used but may not be more than twenty-five (25) feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.
- ii. Flagpoles. Flag poles shall be permitted within front, side or rear yards provided they are setback a minimum of five (5) feet from property line and shall be limited to no more than thirty (30) feet in height subject to issuance of a building permit.
- iii. Other Structures. Any free-standing structure, not specifically referenced in this Title shall be limited to no more than eight (8) feet in height and may not be located within the front, side, or rear yard setback area.
6. **Setbacks.** The minimum setback requirements for single-family cluster developments shall meet the required setbacks for single-family zones provided in Section 19.320.010.
7. **Zero Side or Rear Yard.** Where no side or rear yard is required or where a zero side yard is permitted, any building or structure shall be located either at the property line or at least five (5) feet from the property line.
8. **Zero Residential Side Yard.** In the residential zones, where the lots on both sides of a property line are being developed anew (with all existing buildings on both lots being removed), a zero side yard, in lieu of the side yard otherwise required, may be provided on one or both sides of the property line, provided:
 - i. Any building wall along the property line shall be of a sound-absorbing type in accordance with standards adopted pursuant to Section 19.124.050.
 - ii. An agreement or covenant between the property owners involved and running with the land, in a form acceptable to the Director, shall be recorded setting forth acceptance of the physical arrangement and, providing that failure to maintain such wall to the prescribed standard shall obligate each party to conform to the otherwise applicable yard regulations.
9. **Common Useable Open Area.** For single-family cluster housing developments of ten (10) or more dwellings, a common usable open area shall be provided with at least two hundred (200) square feet per dwelling unit for the first twenty (20) units, plus one hundred fifty (150) square feet per dwelling unit for each additional dwelling unit over twenty (20).
 - i. The minimum dimension of such common usable open area shall be 10 feet in each direction and the least horizontal dimension shall be at least one-third (1/3) of the greatest horizontal dimension.

10. **Parking Required.** The entire single-family cluster housing development shall provide a minimum of 5 parking spaces per home with up to four bedrooms and 6 parking spaces per home with five or more bedrooms. Each home shall maintain a minimum 400 square feet garage consisting of 2 parking spaces 10 feet in width and 20 feet in length. Non-garage parking spaces may be located on streets, public or private, or within a driveway directly in front of the garage provided that the driveway has a minimum width of 8 feet per space and minimum length of 20 feet and is not shared with any other property.

19.348.030 Home Occupations.

A. Purpose. The purpose of this section is to prevent detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.

B. Uses Permitted. No home occupation shall be conducted which, in order to be operated, would necessitate exceeding the limitations set forth in this section or any other provision of this Division.

C. Limitations.

1. Any sales activity shall be conducted only by mail, telephone, or internet.
2. The space occupied by home occupations shall be limited to no more than one room in a dwelling unit. Garages and accessory buildings shall not be used for a home occupation.
3. There shall be no interior or exterior remodeling or change in appearance of a dwelling to accommodate a home occupation.
4. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
5. There shall be no indoor or outdoor storage of materials or equipment pertaining to a home occupation.
6. Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.
7. Employment in a home occupation shall be limited to the occupants of the dwelling unit.
8. There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.
9. No vehicular or pedestrian traffic shall be generated by the home occupation with the exception of one-on-one tutoring or musical instrument training (non-amplified, no percussion) for children 18-years of age or younger shall be permitted.
10. A home occupation shall not place any added burden or demand on utility services or community facilities.
11. A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, vibrations, odors, lighting, or signs.

19.348.040 Yard Sales.

- A. Purposes.** The purposes of this section are to control the nature and frequency of yard sales in residential areas in order to maintain the noncommercial character of such areas and to prevent excessive traffic congestion and noise in such areas.
- B. Location, Frequency, and Time.** In any RS zone, on any one lot in residential use, a yard sale may be conducted on not more than two consecutive days in any six-month period. Sales shall be conducted only between eight a.m. and sunset.
- C. Limitations.** Items displayed, offered, or sold at a yard sale shall be only household items which have been in regular use or storage for six months or more on the same premises.

19.348.050 Animal Keeping.

- A. Purpose.** The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.
- B. Animals Allowed.** No animal shall be kept or maintained within the RS zones except as follows:
 - 1. **Household Pets.** Not more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, and parrots, canaries, and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited except in an "A" Overlay Zone subject to the provisions of Section 19.312.030. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than three nonvenomous reptiles not over six feet long, any nonpoisonous toad, nonvenomous lizard or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.
 - 2. Beekeeping and the keeping of chickens shall be permitted within the RS zone subject to the development and operational standards outlined in the sections below.
- C. Beekeeping.** Unless otherwise permitted by conditional use permit, not more than 4 bee hives shall be permitted within any RS-zoned property subject to the following development and operational standards:
 - 1. The number of hives fluctuates slightly depending on the season; properties found with more than four (4) hives will first be issued a warning to reduce the number of hives prior to initiating further enforcement actions.
 - 2. Hives may be located in the side or rear yard but must be a minimum of ten (10) feet from any property line.
 - 3. Parcels that share a common property line with a School, licensed childcare facility, or park shall not be permitted to keep bees.
 - 4. No property may keep bees without first obtaining a ministerial permit from the Community and Economic Development Department.
 - 5. Each application for beekeeping shall be on a City-provided form and shall include the following information and documentation:

- i. The property address where beekeeping is proposed.
 - ii. Property owner authorization.
 - iii. A site plan showing the location on the parcel where the beehives will be located and the required six-foot tall fence/wall/hedge around the property or apiary.
 - iv. The location of the on-site water source.
 - v. Self-attestation that the applicant has completed a training/certification course on beekeeping.
6. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of bees based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

D. Chicken Keeping.

1. No property may keep chickens without first obtaining a ministerial permit from the Community and Economic Development Department.
2. Any property which keeps or maintains chickens shall provide an adequate enclosure.
3. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.
4. The enclosure must provide protection for the chickens from the elements, and to prevent wildlife or other predators from gaining entry.
5. Chicken enclosures or related structures may be located in the side or rear of the property but shall not be located in the front yard.
6. Chicken coops/runs/enclosures shall be at least 10-feet from any side or rear property line.
7. Chickens must be provided proper feeding and water at intervals not longer than twelve (12) hours apart.
8. Coops, pens, enclosures or yards where chickens are kept must be maintained in a clean and sanitary condition. Manure or other debris shall be removed from such enclosures daily.
9. Each application for the keeping of chickens shall be on a City-provided form and shall include the following information and documentation:
 - i. The property address where chicken keeping is proposed.
 - ii. Property owner authorization.
 - iii. A site plan showing the location on the parcel where the enclosure/coop/run will be located.
 - iv. Self-attestation that the applicant has completed a training/certification course on keeping of chickens.
10. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

E. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only within the A Overlay Zone subject to the requirements of Section 19.312.030.

F. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;

G. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his or her control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and

comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.

2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.
3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.
4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal-control regulations.

19.348.060 Agricultural Use.

A. Findings and Purpose. It is found that an agricultural use as a commercial enterprise may provide an acceptable interim land use for certain undeveloped or under-utilized properties within the City. The purpose of this section is to minimize any adverse effects with the surrounding properties.

B. Uses Permitted. Except for properties designated with the A - Agricultural Overlay Zone, the type and extent of agricultural uses, as well as any related uses, shall be established and restricted by the terms of a conditional use permit.

C. Site Requirements.

1. Except for property designated with the A – Agricultural Overlay Zone, the minimum lot area for an agricultural use shall be 4 acres.
2. The site for an agricultural use shall have a minimum frontage of 150 feet along a roadway with a capacity of a secondary highway or greater, as designated in the Buena Park General Plan.

D. Development Standards. All development standards including, but not limited to, building design and materials, setbacks, and parking improvements shall be determined through the conditional use permit process.

19.348.070 Emergency Shelters.

A. Emergency shelters are permitted in the RS-6 zone as an incidental use to a religious assembly.

B. The maximum number of beds/persons permitted to be served nightly shall be based on the individual capacity of the building and overall facility and shall not be less than 50 square feet per person served. Shelters are limited to 30 occupants per site as a principal permitted use, consistent with Cal. Gov't Code Section 65583(4)(A).

C. Maximum stay at the facility shall not exceed 180 days in a 365-day period.

- D. Facility location shall be within a 1/2 mile radius from an OCTA bus stop, as measured from the property line.
- E. The proximity to other emergency shelters shall be a minimum distance of 300 feet.
- F. A minimum of 1 staff member per 15 beds shall be awake and on duty when the facility is in operation.
- G. A minimum of one (1) parking stall for every eight (8) beds and one (1) covered and secure bicycle parking space for every four (4) beds. Parking requirements may be waived if the emergency shelter is located within ½ mile of a High Quality Transit Corridor (HQTC), although one (1) space per employee is recommended.
1. Exceptions. An Emergency Shelter may propose fewer parking spaces if the Emergency Shelter can demonstrate by a parking study that the proposed parking will satisfy the anticipated parking demand for the project to the satisfaction of the Public Works Department. In any case, the required parking for an Emergency Shelter shall not be more than that which is required for similar residential or commercial uses within the zone.
- H. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of Section [19.536.070\(G\)](#).
- I. On-site client waiting and intake areas shall be located internally in the building where feasible. If not feasible, a waiting area shall be provided which contains a minimum of 10 square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by minimum 6-foot-tall visually screening mature landscaping or a minimum 6-foot-tall decorative masonry wall, and shall provide consideration for shade/rain provisions.
- J. The emergency shelter manager shall be responsible for ensuring that any food service or on-site meal preparation areas comply with all applicable requirements of the county health department.
- K. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view. Any outdoor storage areas provided shall be screened from public view by a minimum of 6-foot-tall visually screening mature landscaping or a minimum 6-foot-tall decorative masonry wall.
- L. A private storage area or closet shall be provided with each on-site bed. At no time shall any client of an emergency shelter be allowed to keep on-site any alcoholic beverages or store any type of illegal substances, drugs, and/or firearms of any kind. The manager of the emergency shelter shall conduct routine inspections of each on-site client's personal space to verify compliance with this section.
- M. Facility improvements shall additionally provide:
1. A minimum of 1 toilet for every 10 persons.
 2. A minimum of 1 shower for every 8 persons.
 3. A minimum of 1 hand-washing station for every 10 persons.
 4. Private shower and toilet facility for each area designated for use by individual families.

N. An operational plan shall be provided for the review and approval of the Community and Economic Development Director. Plans may be required to address additional specific needs as identified by the Director. The approved operational plan shall remain active throughout the life of the facility and updated as necessary. At a minimum, the plan shall contain provisions addressing the topical areas outlined below:

1. Security and safety - addressing both on- and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility;
2. Loitering control - with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site;
3. Management of outdoor areas - including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses;
4. Staff training - with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income;
5. Communication and outreach with objectives to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public;
6. Screening of clients for admittance eligibility - with objectives to provide first service to Buena Park residents;
7. Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report on this activity to the City; and
8. Litter control - with an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility.

O. The facility may provide the following services in a designated area separate from sleeping areas and restrooms:

1. A recreation area either inside the shelter or in an outdoor area visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence;
2. A counseling center for job placement, educational, health care, legal, or mental health services;
3. Laundry facilities to serve the number of clients at the shelter;
4. Kitchen for the preparation of meals and dining area;
5. Client storage area (i.e., for the overnight storage of bicycles and personal items); or
6. Similar services geared to homeless clients.

19.348.080 Residential Short-Term Rentals.

A. Scope, Purpose and Findings. The purposes of this section are to:

1. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any residential short-term rental use within the City.
2. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (a) the City has approved a hotel use in a nonresidential zoning district pursuant to Title 19; or (b) the City has approved a short-term rental permit pursuant to this section.

B. Definitions.

Advertise.

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City.

Applicant.

“Applicant” means any person, who seeks approval of a short-term rental permit under the authority of this section.

Authorized agent.

“Authorized agent” means the person specifically authorized by a short-term rental host in lieu of themselves as the 24-hour emergency contact for a lawfully operating short-term rental.

Bedroom.

“Bedroom” means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit. “Code” means the Buena Park Municipal Code.

Director.

“Director” means the Director of the Community and Economic Development, or designee.

Enforcement officer.

“Enforcement officer” means the Director, Building Official, Fire Marshall, City Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this section.

Guest.

“Guest” means an invitee of a renter or other person visiting a renter of a short-term rental unit who is not listed on the rental agreement.

Host.

“Host” means a person or persons holding fee title to the real property that is the subject of a short-term rental permit and to whom the short-term permit is issued.

Owner.

“Owner” means a person or persons, not a corporation or a limited liability company, holding fee title to the real property.

Renter.

“Renter” means a person or persons, not a host, who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its host or authorized agent.

Resides.

“Resides” means legal residence, also referred to as primary residence of a property owner, as reflected in title records, as evidenced by homeowner’s exemption, voter registration, vehicle registration, or similar means.

Short-term rental.

“Short-term rental” means the renting of any portion of any structure or residential dwelling unit for a period of not less than 12 hours and for a maximum of 29 consecutive days to a particular occupant. A short-term rental shall not be considered as a hotel, extended stay hotel, motel or corporate apartment.

Short-term rental unit.

“Short-term rental unit” means the structure or residential dwelling unit in which the short-term rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

Sign.

“Sign” shall have the same meaning as the term used in Title 19 Division 9 of this Code.

Transient occupancy.

“Transient occupancy” shall have the same meaning as the term is used in Chapter [3.16](#) of this Code.

C. Short-Term Rental Eligibility.

1. **Qualified Dwelling Unit.** A qualified dwelling unit is a structure that has been legally permitted by the City as a habitable space. Accessory dwelling units (ADU) are not considered qualified dwelling units and may not be operated as Short-Term Rentals (STR). The table below list examples of some common permitted structures and their eligibility for STR use.

<u>Qualified for STR Use</u>	<u>Not Qualified for STR Use</u>
<ul style="list-style-type: none">• <u>Single-Family Dwelling or portions thereof</u>	<ul style="list-style-type: none">• <u>Garage</u>• <u>Storage Room</u>• <u>Pool house</u>• <u>ADUs or JADUs</u>• <u>Live/Work Units/Spaces</u>• <u>Campers/RVs</u>• <u>Treehouse</u>

D. Short-Term Rental Permit Application. No short-term rental may operate without a permit as required by this Section 19.348 of the Buena Park Municipal Code.

1. The Director shall accept written applications for short-term rental permits in accordance with this section. The Director shall make a decision and provide that decision in writing within 6 weeks of the date of receipt of a complete application.

2. Each application for a short-term rental permit shall be on a City-provided form and shall include the following information and documentation, signed by the host, and otherwise in a form acceptable to the Director:
 - a. Location of real property where a short-term rental use is proposed.
 - b. Identity of the host(s) of the real property on which the short-term rental is proposed (include the name, mailing address, email address, and 24-hour telephone number). Identity of the authorized agent on behalf of the host (include the name, mailing address, email address, and telephone number).
 - c. Provide adequate documentation such as driver's license, voter registration, vehicle registration, utility bills, or property tax records showing name of the host(s) and the short-term rental property address that establishes the host resides at the short-term rental unit as their primary residence.
 - d. A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s), and approximate square footage in the short-term rental unit.
 - e. The maximum number of vehicles allowed for overnight occupants, including host's and other long-term residents' vehicles and location of designated on-site parking spaces. All required garage spaces will be used for storage of operable vehicles.
 - f. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a short-term rental, including this section, the City's business license requirements (Title 5 of this Code), the City's transient occupancy tax requirements (Chapter [3.16](#) of this Code), and any additional administrative regulations promulgated by the Director to implement this section.
 - g. Copy of the standard rental agreement to be used by the short-term rental host, including 'house rules', and any associated materials as required by subsection E.5 of this section. Written acknowledgement and agreement that claims, requests, objections and arguments not set forth in the short-term rental permit application, prior to the final decision on the permit, are and shall be deemed waived to the maximum extent permitted by law.
 - h. Written agreement that any and all use of the property for short-term rental/transient occupancy purposes shall cease upon the expiration or revocation of the short-term rental permit.
 - i. Written agreement to hold harmless, indemnify and defend the City, its elected officials, officers, employees, contractors, volunteers, and agents, against any and all claims and liabilities arising out of, or related to the issuance of the short-term rental permit, to the maximum extent permitted by law.
 - j. Declaration under penalty of perjury that the information submitted is accurate and truthful, and that the applicant agrees to comply with all conditions of the permit and this section.

- k. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials, and to mail notice to property owners within 300 feet.
 - l. Previous active or expired short-term rental permits on the property.
 - m. Letter of No Objection from the Home Owner's Association (if applicable).
 - n. Any other information that the Director deems reasonably necessary to administer this section.
3. Applications shall not be considered complete until all documentation required under this section has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be processed.

E. Decision on Application. The Director shall process and evaluate permit applications pursuant to this section.

- 1. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C of this section, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
- 2. Director will mail notice of applicant's request to property owners within 300 feet of the subject property. The Director will consider any written comments received within 10 days of the mail of the notice, in his or her decision on the application.
- 3. Property line of the property that is the subject of the permit application shall not be within 300 feet of the nearest property line of any other short-term rental (approved or conditionally approved by the Director pursuant to this section).
- 4. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under subsection E.3 above, the Director shall notice a public hearing of the Planning Commission. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly subsection D of this section. The Planning Commission's decision shall be final.
- 5. If the Director determines that an applicant has satisfied the application requirements of subsection D of this section, and that the applicant has borne the burden of proving that the applicant will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the short-term rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional short-term rental permit shall be effective upon receipt of the applicant's written agreement to comply with all permit conditions set forth in the notice, and all requirements of this section and such date shall be set forth in the permit.

6. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property owners within 300 feet of the conditional or otherwise, approval of the short-term rental permit, which shall include the following:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the short-term rental unit; (ii) any special conditions or restrictions applied to the short-term rental permit; and (iii) how to obtain a complete copy of the permit and this section.
 - b. The City's Code Enforcement telephone number at which members of the public may report violations of this section, the short-term rental permit, and any permit conditions.

F. Conditions Applicable to Permits. Each short-term rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Short-term rentals are permitted in single-family residential dwelling unit only. Use of portions of a unit for "day-use" for portions of a day shall not be permitted.
2. The host is required to reside on the property on which the short-term rental is located. Further, a sleeping area must, at a minimum, include shared use of a full bathroom.
3. The host shall comply with all requirements of and be subject to the Business License Fees (Title 5 of this Code) and the Transient Occupancy Tax (TOT) (Chapter 3.16 of this Code) for the short-term rental use. The TOT may be remitted by the hosting platform on behalf of the host. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.16 of this Code.
4. The host shall permit the Enforcement Officer to conduct an annual inspection of the short-term rental premises to confirm compliance with this section. The City shall notify the permittee of the scheduled inspections at least 2 weeks in advance.
 - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b. Smoke detectors shall be installed per the California Building Code.
 - c. No double keyed dead bolts may be installed on exit doors.
 - d. A fully charged, portable fire extinguisher shall be provided in an easily accessible and clearly designated area.
 - e. Exit doors may not be obstructed and/or prohibited from fully opening.
 - f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from any structures.
 - h. Wood burning fire pits are not allowed.

- i. No electrical wiring may be exposed or open in any outlet, switch or junction.
- j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
- k. There shall be no unpermitted improvements or modifications to the home or garage.
- l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
- m. Each bedroom that is a part of the short-term rental use shall have an emergency escape or rescue exit plan posted.
- n. All swimming pools and spas must meet 2 of the 7 safety features listed below, as defined in Article 2.5 of the State of California Health and Safety Code.
 - i. An enclosure that meets the requirements of California Health and Safety Code Section 115923 and isolates the swimming pool or spa from the private single-family home.
 - ii. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - iii. An approved safety pool cover, as defined in subdivision (d) of California Health and Safety Code Section 115921.
 - iv. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
 - v. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
 - vi. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
 - vii. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

5. Short-term rental host shall be responsible for informing their renters of the “house rules.” Such rules shall, at a minimum, include rules as explained in this paragraph. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with the following:
 - a. A copy of the house rules, and the short-term rental permit shall be posted in a prominent location inside the short-term rental unit.
 - b. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters.
 - c. It is the intent of the City to enforce all applicable provisions of State law related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver’s presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
 - d. Renter and/or guests of the short-term rental unit shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
 - e. Quiet times shall be from 10:00 p.m. to 7:00 a.m.
 - f. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Further, the permittee shall contact the Police Department in the event renters or guests fail to comply with this subsection.
 - g. No short-term rental unit may be used for any wedding, auction, commercial function, or other similar event that is inconsistent with residential uses permitted by this Code.
 - h. Pets may be permitted by the short-term rental business host, provided the pet is attended to at all times and has current vaccinations.
 - i. Discharge of fireworks is prohibited except on the 4th of July, between the hours of 10:00a.m. and 10:00p.m.
 - j. Maximum occupancy permitted within the active short-term rental permit.
6. No person shall advertise the use of a building in a residential or nonresidential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the City pursuant to Title 19; or (b) there is a current City issued short-term rental permit for the property. All advertisement for short-term rentals must include the City issued short-term rental permit number.
7. There shall be no signs or other structures except those permitted for a dwelling use in the zone.

8. Pools and hot tubs shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with the hours set forth in subsection F.5.e.
9. Lighting on premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Lighting on premises shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares. The use of unshaded clear bulbs in exterior lighting is prohibited.
10. A short-term rental shall not operate on a property where an accessory dwelling unit exists. A short-term rental permit shall become void upon approval of an accessory dwelling unit on a property.
11. Structures not built for habitable use such as but not limited to tents, trailers, tree houses, garage, storage shed; or temporary structures such as recreational vehicles shall not be used for short-term rentals or to satisfy the host occupant requirement of this section.
12. A host shall maintain liability insurance of not less than \$1,000,000.00 to cover each short-term rental unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
13. Maximum occupancy of a residential unit with an active short-term rental permit shall be limited to 2 adults per bedroom and 2 additional adults for the entire unit. There is no occupancy limitation on the number of accompanied children under the age of 18.
14. All short-term rental hosts must maintain a detailed and accurate record of their guest information pertaining to hosting dates, and financial documentation, and make this information available to relevant authorities upon request. Hosts must keep this record for 5 years and may be audited to ensure tax compliance.
15. For each short-term rental use:
 - a. The host or the authorized agent must be available to the Enforcement Officer and the renter, by telephone 24 hours per day, 7 days per week when the short-term rental is rented.
 - b. The host or authorized agent must be on the premises of the short-term rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the host or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
16. Only one short-term rental permit within the City, per individual shall be in effect at any time.

G. Restrictions on Permit Transfer. Each short-term rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this section. Any attempt to transfer a short-term rental permit, or use a transferred short-term rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

1. A short-term rental permit shall not be transferred by any person.

2. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new short-term rental permit in their own name.
3. If the permit requires a name change due to a partial change in ownership, the new owner(s) can be added or removed from the permit by written notice to the Director. The written notice must include the reason for the change, documentation partial change in ownership, such as marriage certificate, divorce decree etc., the name(s) and contact information to be removed and the name(s) and contact information to be added. All parties on the current permit and any new parties, must sign and the document must be notarized.

H. Permit Renewal and Annual Review.

1. Unless revoked by the Director earlier pursuant to this section, a permit to operate a short-term rental expires 3 years after the date of its issuance.
2. A host shall apply for renewal prior to the expiration of the permit on a form provided by the Director no later than 30 days prior to its expiration. The host shall update the information contained in the original permit application required per this Section, if any information has changed. The host shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete.
3. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit set forth in this section.
4. The Director shall follow the procedures set forth in this chapter when determining whether to renew a permit.
5. Upon expiration of any short-term rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
6. An annual inspection shall be conducted. The host shall submit to the Director the annual inspection fee along with all of the information set forth in this section.
 - a. The host shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this section.
 - b. The host shall comply with the requirements of subsection E.
 - c. The host shall document compliance with all requirements of the Business License Ordinance (Title 5 of this Code).
 - d. The host shall provide evidence of compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code), as may be required by the Director. The host shall also document each date on which the short-term rental was rented during the previous term of the permit (if applicable).

I. Director's Action Following Annual Inspection. Following an annual permit inspection:

1. If the Director determines that the host is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the host and authorized agent that the inspection passed.
2. If the Director determines that the host has failed to comply with this section or the permit conditions, the Director shall provide written notice of the inspection failure, listing what defects were found. The host shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days. If the permittee does not submit proof of remedy within 30 days, subsection K of this section shall be followed.

J. Permit Modification, Suspension, or Revocation.

1. At any time during the term of a short-term rental permit, the Director may modify, suspend, or revoke the short-term rental permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director makes any of the following findings:
 - a. A short-term rental use is detrimental to the public health, safety, or welfare; or
 - b. The host has provided false or misleading information in connection with any submittal required under this section or this Code; or
 - c. The host is in violation of, or has failed to comply with, any requirements of this section, the permit terms and conditions, this Code, or any State or Federal law; or
 - d. If the host has not rented the short-term rental for a minimum of 10 total days within any 12-month period.
2. In the event the Director finds any of the above findings and orders the modification, suspension, or revocation of a short-term rental permit (whichever the case may be), the Director shall provide written notice to the permittee of his or her decision by certified mail to the name and address listed on the permit.

K. Violation and Penalties.

1. It is unlawful for any person to violate any provision or fail to comply with any requirement of this section. Any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is guilty of a misdemeanor offense punishable in accordance with Chapter 1.04 of this Code. Nothing in this section shall prevent the city attorney or city prosecutor from prosecuting a violation of this chapter as an infraction, at his or her discretion, as set forth in Chapter 1.04 of this Code.
2. Each violation of this section shall be a separate offense for each and every day, or part thereof, during which a violation of this section, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
3. In addition to the remedies set forth in this section, any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is subject

to any and all civil and administrative penalties and remedies authorized under Chapter 1.04 of this Code.

4. Public Nuisance. In addition to the penalties provided by this section, any condition or activity caused or permitted to exist in violation of any provision, restriction, or requirement of this section or any notice, order, or permit issued pursuant to this section, shall be deemed a public nuisance and may be summarily abated by the city by any and all means (civil, administrative, and/or equitable) as provided by law or in equity.

L. Appeals. Any determination made by the Director pursuant to this section shall be final unless appealed pursuant to the requirements of this section.

1. Any decision by the Director to approve, conditionally approve, or deny a permit application, or to modify, suspend, or revoke a permit, or to impose any penalty or undertake any enforcement action permitted herein, may be appealed only to the Planning Commission. A written appeal must be received by the Director within 10 business days of the date the appealed decision was rendered or action was taken. Upon receipt of an appeal within 10 working days, the Director will schedule a public hearing before the Planning Commission. The Planning Commission may affirm, reverse, or conditionally reverse the Director's decision and the Planning Commission's decision shall be final.
2. Failure to file an appeal within 10 business days of the date the appealed decision was rendered, or action was taken shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the Director pursuant to this section.

19.348.090 Urban Lot Splits (SB-9)

A. Purpose. The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

B. Definition. An "urban lot split" means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

C. Application.

1. Only individual property owners may apply for an urban lot split. "Individual property owner" means a person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
2. An application for an urban lot split must be submitted on the city's approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

D. Approval.

1. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Public Works Director, without discretionary review.
2. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this Chapter. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval if not recorded.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

E. Requirements. An urban lot split must satisfy each of the following requirements:

1. **Map Act Compliance.**
 - i. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. Seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.
 - ii. If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:
 1. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 2. The city has all the remedies available to it under the SMA.
 - iii. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

2. **Zone.** The lot to be split is in a single-family residential zone (RS-6, RS-8, RS-10 and RS-16).

Lot Location. The lot to be split is not located on a site that is described by any of subparagraphs of California Government Code Section 65913.4(a)(6)(B)–(K) which includes Very High Fire Hazard Severity Zones

3. **Not Historic.** The lot to be split must not be a historic property or within a historic district.
4. **No Prior Urban Lot Split.**
 - i. The lot to be split was not established through a prior urban lot split.
 - ii. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
5. **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income or housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - ii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

- iii. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
6. **Lot Size.**
- i. The lot to be split must be at least 2,400 square feet.
 - ii. The resulting lots must each be at least 1,200 square feet (Two (2) lots maximum after SB-9 subdivision).
 - iii. One (1) lot shall not be less than forty (40) percent of the lot area of the original lot. Each lot is allowed to contain up to two (2) units in one (1) or two (2) primary dwellings.
7. **Easements.**
- i. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
 - ii. Each easement must be shown on the tentative parcel map.
 - iii. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved.
8. **Lot Access.** Each resulting lot must have access to or adjoin the public right of way and each have at least 10 feet of frontage on a public right of way.
9. **Separate Conveyance.**
- i. Within a resulting lot.
 - 1. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - 2. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - 3. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
 - ii. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

19.348.100 Two-Unit Developments (SB-9)

- A. **Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.

B. Definition. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

C. Application.

1. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
2. An application for a two-unit project must be submitted on the city’s approved form.
3. The applicant must provide evidence to the City that the subject lot has been legally subdivided as part of the application submittal.
4. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

D. Approval.

1. An application for a two-unit project is approved or denied ministerially, by the Community and Economic Development Director, without discretionary review.
2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this code.

E. Requirements. A two-unit project must satisfy each of the following requirements:

1. **Map Act Compliance.** The lot must have been legally subdivided.
2. **Zone.** The lot is in a single-family residential zone.
3. **Lot Location.** The lot is not located on a site that is described by any of subparagraphs 65913.4(a)(6)(B)–(K).
4. **Not Historic.** The lot must not be a historic property or within a historic district.
5. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

- c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. **Unit Standards.**

a. **Quantity.**

- i. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
- ii. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city’s ADU ordinance.

b. **Unit Size.**

- i. The total floor area of each primary dwelling built that is developed under this section shall not be less than 500 square feet and shall not exceed 800 square feet.
- ii. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
- iii. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

c. **Height Restrictions.**

- i. On a lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
- ii. On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the step-back.
- iii. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.

- d. Demo Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

- e. Lot Coverage. The maximum building coverage of net lot area for all single-family residential zones shall be 40 percent. This lot coverage standard is only enforced to the

extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

f. Setbacks.

i. Generally. All setbacks must conform to the setbacks that are imposed through the underlying zone except as follows:

1. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
2. Interior Side Yard and Rear Yard Setbacks. Dwelling units shall provide a minimum of four (4) feet interior side yard and rear yard setbacks from the property line.
3. Corner Lot Setbacks for side yards abutting a street. Dwellings that are constructed pursuant to this Chapter must provide setbacks at least 10-feet from the side yard abutting a street.

g. Parking. Each new primary dwelling unit shall provide a maximum of one (1) off-street parking space per unit that is 800 square feet or less, unless the dwelling is located within ½ mile from a high-quality transit corridor or one (1) block from a car share vehicle location as those terms are defined in Subdivision B of Section 21155 of the Public Resources Code or a Major Transit Stop as defined in Section 21064.3 of the Public Resources Code.

h. Privacy. These standards are designed to provide privacy between primary living spaces of buildings on each side of an original interior side or rear lot line. Windows and balconies along the side of a building within six (6) feet of an original interior side or rear lot line are subject to these standards.

i. Primary living spaces adjoining an interior side or rear setback shall either:

1. Orient principal/main windows/glazed openings toward the front and rear of the building, away from interior side or rear lot lines; or
2. Set the window/glazing openings:
 - a. Perpendicular to interior side or rear lot lines; or
 - b. More than six (6) feet from interior side or rear lot lines

ii. Windows and balconies openings within six (6) feet of an interior side or rear lot line shall either:

1. Have a minimum sill height of 44 inches; or
2. Place the window at an angle of at least 30 degrees, measured perpendicular to the adjacent side or rear lot line.

i. Building Types. Division 3 permits single-family homes and accessory dwelling units, and objective design standards are provided for those building types herein. Two-Unit Developments are not allowed in single-family zones, unless pursuant to SB-9.

i. Each lot may have up to two primary building types for a total of two units, using only the allowed building types in this Division. The building types may be combined as allowed by this Section. Alternatively, each lot is allowed one primary building type and an accessory dwelling unit.

ii. A maximum of two (2) single-family homes are allowed per lot pursuant to SB-9.

iii. Two-Unit Developments (Side-by-Side or Stacked with an ADU)

1. Two-Unit Development, Side-by-Side. A Two-Unit Development, side-by-side, may be one (1) or two (2) stories that consists of two (2) side-by-side

units, both within a single building massing. A Two-Unit Development, side-by-side, shall have a maximum of two (2) units per building, and one (1) maximum building per lot.

2. Two-Unit Development, Stacked. A Two-Unit Development, stacked, shall be two (2) stories that consists of two (2) stacked units, both within a single building massing. A Two-Unit Development, stacked, shall have a maximum of two (2) units per building, and one (1) maximum building per lot.

3. General Standards:

- a. Height requirements. See Section 19.348.100.E.6.c.
- b. The building width shall be a maximum of 50 feet and the maximum building depth shall be 40 feet.
- c. Pedestrian access shall be located along the primary street for both units. All buildings not fronting a street shall have their entry connected to the street by a sidewalk.
- d. The entry to buildings located behind the front building(s) that abut an open yard must be located along the open yard.
- e. On corner lots, each unit shall front a different street.

j. Objective Architectural and Design Standards.

- i. The roof pitch/slope and roof style (e.g. hip, gable, mansard, dutch-gable, flat, etc.) of the proposed unit or addition must be the same as the primary dwelling.
- ii. The window style, method of operation (hung, double-hung, slider, casement, etc.), window trim and sills of the proposed unit or addition must be the same as the primary dwelling.
- iii. The exterior of the new dwelling unit must contain a primary material and an accent material which is not the same as the primary material (e.g. wood siding, stucco, brick, stone). The accent material must cover a minimum of twenty-five percent of the street facing elevations.
- iv. The size of the common indoor living areas of a dwelling unit, such as the living room, dining room, kitchen, family room, etc., must be equal to, or greater than, the square footage of bedrooms provided. The square footage of bathrooms, closets, garages or other defined storage spaces may not be counted towards common living area square footage to comply with this requirement.
- v. New two-story structures, including second story additions, shall be stepped back a minimum of five feet from the first floor wall plane on all street facing elevations. No balcony deck or other portion of the second story may project into the step-back.
- vi. Direct exterior access from a first-floor bedroom to the exterior of the dwelling unit may only be through a sliding glass door or double-french doors.
- vii. Water Heaters (excluding tank less water heaters) and Laundry Facilities (Washer and Dryer) may not be located on the exterior of a dwelling unit.
- viii. No window of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

k. Landscaping. All landscaping shall comply with the City's Water Efficient Landscape Ordinance.

- l. Nonconforming Conditions. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
- m. Utilities. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
- 7. Fire-Prevention Measures.
 - a. All dwellings on the site must comply with current fire code requirements.
- 8. Separate Conveyance.
 - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- 9. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:
 - a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 - b. Expressly prohibits any non-residential use of the lot.
 - c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - d. If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
 - e. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

- 1. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- 2. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

State Law Compliance. Section 19.348.090 and Section 19.348.100 implements Government Code Sections 65852.21 and 66411.7 through objective design standards as provided in 65852.21 (b). All development and/or subdivisions using the standards of the SB-9 must also be in compliance with all other requirements of Sections 65852.21 and 66411.7 of the Government Code not contained in this Division. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in SB-9 Law shall apply. In the event of a conflict between these provisions and the provisions of SB-9 Law, whichever is stricter shall prevail.

19.348.110 Cottage Cluster Developments.

- A. **Purpose.** The purpose of this section is to encourage affordable detached cottage cluster developments that include between four (4) and ten (10) smaller single-family residential units arranged around a shared court visible from the street on parcels 20,000 square feet or more in size in the RS-8 and RS-6 zones.
- B. **Submittal Requirements and Application Processing.** Any application for a cottage cluster development shall include a site plan, floor plan, and elevations substantiating and evidencing compliance with all applicable development standards. Cottage cluster developments that do not provide a minimum of 80% affordable housing shall be subject to discretionary review. Where all requirements of this section and the Buena Park City Code are met, the application shall be approved ministerially without discretionary review or public hearing within 60 days of receiving the application for affordable housing exceeding the minimum 80% affordability requirement. The City and applicant may agree to additional time with a written request from the applicant.
- C. **Development and Objective Design Standards.**

1. **Site Dimensions.** The minimum site dimensions for cottage cluster developments in the RS-8 and RS-6 zones is shown in the table below.

<u>Site Dimensions</u>	<u>RS-8</u>	<u>RS-6</u>
<u>Minimum Lot Area (square feet)</u>	<u>24,000 sq. ft.</u>	<u>20,000 sq. ft.</u>
<u>Minimum Street Frontage (lineal feet)</u>	<u>150 ft.</u>	<u>100 ft.</u>
<u>Minimum Lot Width (lineal feet)</u>	<u>150 ft.</u>	<u>100 ft.</u>
<u>Minimum Lot Depth (lineal feet)</u>	<u>150 ft.</u>	<u>100 ft.</u>

2. **Setbacks.** The minimum setbacks for cottage cluster developments are shown in the table below.

<u>Minimum Front Yard Setbacks (Property Line to Dwelling)</u>	<u>20 feet</u>
<u>Minimum Side Yard Setbacks (Property Line to Dwelling)</u>	<u>15 feet</u>
<u>Minimum Rear Yard Setbacks (Property Line to Dwelling)</u>	<u>20 feet</u>
<u>Minimum Setbacks from Dwellings to Parking Lot</u>	<u>15 feet</u>
<u>Minimum Building Separation (Side to Side)</u>	<u>5 feet</u>

3. **Lot Coverage.** The lot coverage for cottage cluster developments shall not exceed 60%.
4. **Building Height.** The maximum building height shall not exceed two (2) stories or thirty (30) feet, whichever is less. Building projections shall meet the requirements set forth in Section 19.320.020.
5. **Density.** Density requirements shall be pursuant to the density standards of the underlying zone. Cluster bonuses may be applied to cottage cluster developments, although the number of units per cottage cluster on a single parcel shall not exceed ten (10) units in any RS zone.
6. **Floor Area.** The minimum floor area for each cottage cluster unit within the development shall be a minimum of 600 square feet and a maximum of 1,200 square feet. Attached garages are not required. If an attached garage is provided, the floor area shall not be less than 1,200

square feet. The attached garage shall be included as part of the minimum floor area requirement.

7. **Parking.** The cottage cluster development is exempt from minimum parking requirements if the development is located within a half-mile from public transit or located within one (1) block of a dedicated car share lot.

i. Garage parking is not required. If garage parking is provided, each unit shall maintain a minimum 400 square-foot garage consisting of 2 parking spaces 10 feet in width and 20 feet in length. Garages shall not be shared by more than one (1) cottage cluster unit. Garages shall be attached to the cottage cluster unit but shall not abut common open spaces. Parking may also be located in the driveway in front of the garage provided that the driveway has a minimum width of 8 feet per space and minimum length of 20 feet and is not shared with any other unit.

ii. On-site parking for cottage cluster developments shall provide a minimum of one (1) parking space per unit with up to two (2) bedrooms, two (2) parking spaces per unit with three (3) bedrooms, and three (3) parking spaces per unit with four (4) bedrooms or more. Guest parking shall provide a minimum of 0.5 parking spaces per unit, regardless of the number of bedrooms.

iii. Parking Lots.

1. Parking spaces in a parking lot on-site shall be provided in clusters of up to eight (8) spaces. Parking clusters shall be separated by a minimum four (4) foot landscaped buffer.
2. Parking lots shall be setback at least ten (10) feet from the property line.
3. Screening shall be required between clustered parking areas and public streets, common courtyards, and existing single-family residential.
4. Landscaping, fencing, or walls at least three (3) feet tall shall separate parking areas and parking structures from common courtyards and public streets.

8. **Cottage Orientation.**

i. Each cottage cluster unit shall either abut a common courtyard or shall be directly connected to the common courtyard by an ADA compliant pedestrian path, and shall meet the following standards:

1. A minimum of 50% of the cottage cluster units within a cottage cluster development shall be oriented to the common courtyard and shall:

- a. Have a main entrance facing the common courtyard, as applicable.



Figure F. Example of a small lot single-family cluster development.

- b. Be within ten (10) feet of the common courtyard, measured from the façade of the cottage cluster unit to the nearest edge of the common courtyard.
 - c. Be connected to the common courtyard by a pedestrian path.
- 2. Cottage cluster units within twenty (20) feet of a street property line may have their entrances facing the street.
 - 3. Cottage cluster units not facing the common courtyard or the street, shall have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

9. **Common Courtyard.**

- i. The minimum common courtyard shall be 150 square feet per cottage cluster unit.
- ii. The common courtyard shall be a single compact, continuous, central open space, that has a minimum width of fifteen (15) feet.
- iii. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common open space shall not exceed 70 percent of the total common courtyard area.
- iv. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

10. **Community Buildings.** Single-family cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, daycare, or community eating areas. Community buildings shall require a conditional use permit.

Division 4 – Multi-Family Zones

Chapter 19.404 Purpose and Description of Multifamily Residential Zones

19.404.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives regarding multi-family residential uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to multi-family residential land uses.

19.404.020 Description of Zones.

The following multi-family residential zones, with their general purpose as indicated, have been created to implement the goals, objectives, and multi-family residential land use designations of the General Plan.

- A. **RMH, Mobile Home Park Zone.** For the development and preservation of mobile home park communities which are attractive for permanent residence and include the facilities and services for such residence.
- B. **RM-10, Low-Density Multi-family Residential Zone.** For the development and preservation of relatively low-density garden apartments, town houses, condominiums, and other forms of attached dwellings in an attractive environment, with outdoor areas for both private and common use.
- C. **RM-20, Medium-Density Multi-family Residential Zone.** For the development and preservation of medium-density apartments, condominiums, and group quarters in locations convenient to community commercial, recreational, and cultural activities.
- D. **Planned Development Zones.** To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principles included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.
- E. **Housing Incentive Overlay (HIO) Zones.** The HIO Zones includes six (6) Overlays that serve to implement the Housing Element's goal of providing new housing that addresses affordable housing needs by establishing objective design criteria for designated housing opportunity sites. The Housing Incentive Overlays include Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, Housing Opportunities Overlay, Religious Congregational and Fraternal Overlay, and Hotel/Motel Conversion Overlay. The HIO Zones have been applied to properties shown on the Zoning Map.
 - 1. The Mixed-Use Housing Incentive Overlays focus on mixed-use, walkable and vibrant environments and range in function and intensity from primarily residential areas with a mix of lower intensity building types (MUO45, Mixed-Use Overlay-45), to moderate intensity neighborhoods (MUO60, Mixed-Use Overlay-60), to higher intensity neighborhoods (MUO100, Mixed-Use Overlay-100). The "45", "60", and "100" in the name of the Overlay refers to the allowable density within the Overlay Zone.

2. The **Housing Opportunities Overlay (HOO)** provides for higher-density affordable multi-family housing.
3. The **Religious Congregational and Fraternal Overlay (RCFO)** allows faith-based and fraternal organizations to build affordable housing on their sites.
4. The **Hotel/Motel Conversion Overlay (HMCO)** allows for the conversion of existing transient residential structures, such as hotels/motels into permanent multifamily housing for lower income individuals.

F. Mixed-Use Zones. The following mixed-use zones with their general purpose as indicated have been created to implement the goals, objectives, and land use designations of the General Plan.

1. **GMU, General Mixed-Use.** To provide for a horizontal or vertical mix of higher-density residential and neighborhood commercial uses along major arterials.
2. **CBPMU, Central Buena Park Mixed-Use.** To provide for a vertical mix of higher-density residential and/or office uses above existing commercial, and office uses in a pedestrian-friendly environment.
3. **EMU, Entertainment Mixed-Use.** To provide for a horizontal and vertical mix of higher-density residential, entertainment and commercial uses that support entertainment and tourism uses within the City.

19.404.030 Housing Incentive Overlay (HIO) Classification.

Properties located in areas shown on the Zoning Map with the symbol “HOO”, “MUO45”, “MUO60”, “MUO100”, “RCFO”, and “HMCO” may be used for higher-density housing as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Objective Design Standards apply to such properties. Refer to the adopted Housing Incentive Overlay (HIO) Objective Design and Development Standards for applicable standards.

19.404.040 Planned Unit Developments.

- A.** A planned unit development, wherein the owners of individual lots also hold undivided interests in common areas within the same development, all as defined in Section 19.104.080 may be approved in any RM zone. Such approval shall be accomplished under both the subdivision ordinance (Division I of Title 18) and site plan review (Section 19.128.040) procedures, except a conditional use permit also is required for the planned unit development of a mobile home park in the RMH Zone and for any development in the PD Overlay Zone.
- B.** For planned unit developments, the minimum lot size and dimension requirements of Section 19.408.050, as well as other regulations of this Division based on dimensions from lot lines, shall not apply to the individual unit lots, but shall apply to the total net site area of each such development.

19.404.050 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Chapter 19.408 Intensity of Use and Site Requirements

19.408.010 Residential Densities.

The base density table below refers to the maximum number of units per net acre permitted under the corresponding zoning district. Additional density may be achievable in the form of a density bonus (Lot Consolidation Bonus, Affordable Housing Bonus, and Senior Housing Bonus). Before any density bonuses are applied, the number of dwelling units permitted in a multi-family residential development shall not exceed the base density specified below.

Zone	Base Density (dwelling units per net acre) ⁽³⁾
RMH	12.0
RM-10	10.0 ⁽¹⁾
RM-20	20.0 ⁽²⁾

⁽¹⁾ In the RM-10 zone, a minimum 100 ft. lot width and a minimum 12,500 sq. ft. lot area is required for more than 1 dwelling unit on a lot.

⁽²⁾ In the RM-20 zone, special density requirements apply for lots with less than 100 feet in width and/or less than 12,500 sq. ft. in lot area. See Section 19.448.020.

⁽³⁾ For standards on density bonus, see Section 19.408.020 for Lot Consolidation Bonus and Section 19.408.030 for Affordable Housing Bonus.

19.408.020 Lot Consolidation Bonus — Multi-family Zones.

- A. Before any other density bonus is applied, for the RM-10 Zone, a site area bonus shall be granted for up to 16 dwelling units per net acre when multiple parcels are combined into a single development with a minimum lot size of 12,500 square feet.
- B. Before any other density bonus is applied, for the RM-20 Zone, a site area bonus shall be granted for up to 24 dwelling units per acre when multiple parcels are combined into a single development with a minimum lot size of 12,500 square feet.
- C. The Housing Opportunity Overlay (HOO) encourages parcel aggregation by permitting increased density and flexible development standards for consolidated properties in multi-family zones. This promotes the creation of higher density affordable multi-family housing, facilitating efficient land use and enabling more impactful affordable housing projects to address housing needs effectively within the designated overlay area.

19.408.030 Affordable Housing Bonus.

State Density Bonus Law (Government Code Sections 65915-65918) provides that local governments shall grant density bonuses and regulatory concessions and incentives to developers of housing, childcare facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower-income households, very low-income households, moderate-income households or qualifying residents. This section adopts the State Density Bonus Law by reference. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in State Density Bonus Law shall apply. In the event of a conflict between these provisions and the provisions of State Density Bonus Law, whichever is stricter shall prevail.

19.408.040 Fractional Results.

- A. Regardless of the maximum density calculated pursuant to this chapter, at least one (1) dwelling unit shall be permitted on any lawfully established lot in a residential zone if such lot has a net area of at least 2,500 square feet.
- B. In other cases, in determining the maximum number of dwelling units permitted on a site, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

19.408.050 Site Dimensions.

- A. The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.408.050.

B. Notes.

1. Certain specific uses of property require site areas and dimensions greater than the minimum site requirements for the zone. See Chapter 19.448, Special Requirements for Certain Uses.

C. Site non-conformity.

1. **RM-10 Zone.** Pursuant to Section 19.204.090 for site non-conformities, any property located in the RM-10 zone shall be fully conforming as to lot area and lot width for the development of any multi-family dwellings.
 2. **RM-20 Zone.** For any multi-family development on a lot in the RM-20 zone with non-conformity as to lot width and/or lot area set forth in Table 19.408.050, the special requirements of Section 19.448.020 shall apply.
- D. Where property is also located in the PD Overlay Zone, the minimum site area for development shall be 5 acres (217,800 square feet).

**Table 19.408.050
MINIMUM SITE DIMENSIONS**

Zone	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RMH	200,000	—	—	—
RM-10 ⁽²⁾	12,500	50	100	—
RM-20 ⁽¹⁾⁽²⁾	12,500	50	100	—

⁽¹⁾ In the RM-20 zone, lots with less than 100 feet in width and/or less than 12,500 sq. ft. in lot area shall refer to Section 19.448.020.

⁽²⁾ For housing developments that consist of three (3), but not more than ten (10) units are permitted in the RM-10 and RM-20 zones are permitted without meeting the minimum lot size requirements. Refer to California Government Code Section 65913.11.

Chapter 19.412 Uses

19.412.010 Uses Permitted.

- A. Land, buildings and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.412.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

- B. Those uses listed as accessory uses in the uses permitted table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

Table 19.412.010 USES PERMITTED – MULTI-FAMILY RESIDENTIAL ZONES					
Uses	RMH	RM-10	RM-20	PD ^(B)	Additional Requirements
Residential Uses					
<i>Single-Family Dwellings:</i>					<u>See Note (1).</u>
Site-Built.		P	P	C	
Manufactured Homes.		P	P		
Single-family cluster.		C	C	C	<u>See Section 19.448.040.</u>
<i>Multi-Family Dwellings:</i>					
Multi-Family Apartments.		P	P	C	
Transitional/Supportive Housing.		P	P	<u>P</u>	<u>See Chapter 5.70 and Government Code Section 65651 for supportive housing projects.</u>
Condominium, Stock Cooperative, Community Apartments.		C	C	C	<u>See Section 19.448.030.</u>
<u>Cottage Cluster.</u>		<u>P</u>	<u>P</u>		<u>Cottage Clusters are permitted only if 100% of the development is affordable and meets the requirements set forth in the Objective Design Standards in Section 19.448.050.</u>
<u>Employee/Farmworker Housing.</u>		<u>P</u>	<u>P</u>		
<i>Mobilehome Park:</i>					<u>See Section 19.448.010.</u>

Undivided ownership.	P				
Condominium or planned unit development ownership.	C			C	
Group Quarters:					
Convent, rectory, rooming house, dormitory, fraternity or sorority house, etc.		C	C		
Transient Quarters: (See Division 5, Commercial Uses—Tourist Services.)					
Community Residential Care:					<u>See Note (2).</u>
Small group care home.		P	P	P	
Other community residential care facility.		C	C		<u>See California Government Code Section 65583, subdivision (c)(10)(A) for Affirmatively Further Fair Housing (AFFH) provisions.</u>
Residential Accessory Uses:					
<u>Non-Habitable Accessory Structure.</u>	I	I	I	I	<u>See Section 19.416.080.</u>
Accessory dwelling unit.		I	I	I	<u>See Section 19.348.010.</u>
Guesthouse.					
Home occupation.	I	I	I	I	<u>See Section 19.448.060.</u>
Short-term rental.	I	I	I	I	<u>As incidental to a single-family dwelling only. See Section 19.348.080.</u>
Animal keeping.	I	I	I	I	<u>See Section 19.448.080.</u>
Swimming pool, therapeutic pool, recreational structure <u>(play equipment, tennis courts, etc.).</u>	I	I	I	I	
Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	I	I	I	C	
Rental management office, storage room.	I	I	I	I	
Parking, within garage.	I	I	I	I	
Parking, under carport.	I	I	I	I	
Parking, uncovered.	I	I	I	I	
Yard sale.	I	I	I	I	<u>See Section 19.448.070.</u>
Public Service Uses					
Community Day Care:					
Small group child day care home (1-14 children).		P	P	P	<u>See Note (3).</u>
Small group adult day care home (1-6 adults).		P	P	P	
Child day care center (more than 14 children).		Ci	Ci	Ci	<u>See Note (4).</u>
Adult day care center (more than 6 adults).		Ci	Ci	Ci	<u>See Note (4).</u>
Health Facilities:					
Long-term care (intermediate care or skilled nursing).		C	C		

Public Assembly: (See also Recreation.)					
Church.		C	C		<u>In all residential zones in which churches are permitted, such churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan. Additionally, see Note (5).</u>
Café/Coffee Shop		I	I		<u>Permitted only as an incidental use to an existing permitted religious facility and subject to all building and fire safety standards applicable to commercial/assembly use. Must be less than 3,000 square feet.</u>
Emergency shelter.		I	I		<u>See Section 19.448.090.</u>
Education:					
Educational institution.		C	C		<u>See Note (5).</u>
Recreation:					
Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P	
Community recreation center.		P	P	C	
Utilities and Communications:					<u>See Division 12 of Zoning Ordinance.</u>
Aviation navigational aids.	C	C	C	C	
Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C		
Transportation:					
Parking lot.		C	C	C	
Parking structure.		C	C	C	
Temporary Uses					
Temporary uses, <u>as provided in Title 19, Division 10.</u>	T	T	T	T	
On-site construction facilities.	T	T	T	T	<u>See Note (6).</u>
On-site real estate sales office.	T	T	T	T	<u>See Note (7).</u>
Notes:					
<u>(1) Previously approved existing single-family uses within RM Zones are considered legal non-conforming. However, in the event that 20 percent or more of an existing single-family use within an RM zone is destroyed or significantly damaged, such use will no longer be permitted, and the property must be developed in accordance with the zoning regulations applicable to the respective zone.</u>					
<u>(2) A Community Residential Care facility is a “community care facility” serving seven (7) or more persons, licensed for any type of 24-hour care pursuant to the California Community Care Facilities Act and California Health and Safety Code Section 1500 et. Seq. Community Residential Care facility</u>					

are conditionally permitted in the RM- 10 and RM-20 zones. A minimum distance of 300 feet shall be maintained from any other community care facility.

(3) All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any 1 time based on applicable standards and criteria. In no case, shall the total number of children supervised at any 1 time at any residence exceed 14.

(4) Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.

(5) Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.

(6) Offices, storage, activities, and facilities directly pertaining to construction on the same site provided construction is not suspended for a permitted use for more than 30 consecutive days.

(7) Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.

(8) Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.

19.412.020 Multi-family Residential Zone—Commercial Parties Prohibited.

A. Purpose and Intent. It is the purpose and intent of the City Council by the adoption of this section to prohibit parties conducted in a commercial manner within all multifamily residential zones in order to preserve the rights of residents to the quiet enjoyment of their property.

B. Definitions. For purposes of this section, the following words and phrases shall have the meanings set forth herein:

1. "Admission charge" means a tangible benefit, monetary or otherwise, which is expressly or implicitly required as a condition of admittance to a party. Customary courtesies and clearly noncommercial activity such as gifts by guests and voluntary sharing of expenses for meals shall not be considered to be an "admission charge." "Admission charge" shall not include donations for political, community service, charitable, or religious purposes.
2. "Party" means 3 or more persons meeting together for social, recreational, or amusement purposes.

C. Admission Charge Prohibited. No person or group of persons shall require, implicitly or expressly, any admission charge to any party conducted in any multifamily residential zone.

19.412.030 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section **19.128.010**.

Chapter 19.416 Development Standards—Building Form

19.416.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.412.010 and 19.424.020, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.416.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building pursuant to this Division shall not be occupied by a nonresidential primary use.

19.416.030 Height of Structures.

- A. The maximum height of any building or structure shall be as shown in Table 19.416.030.

Table 19.416.030 HEIGHT LIMITS – MULTI-FAMILY ZONES		
Zone	Maximum Height	
	Within 50 Feet of Any RS Zone	More than 50 Feet from RS Zone
<u>RMH</u> ⁽¹⁾	<u>2 stories or 30 feet, whichever is less.</u>	<u>2 stories or 30 feet, whichever is less.</u>
<u>RM-10 & RM-20</u>	<u>2 stories or 35 feet, whichever is less.</u>	<u>3 stories or 40 feet, whichever is less, except a greater height may be authorized by a conditional use permit.</u>
<u>RM-10 and RM-20</u> <u>With tuck-under parking</u>	<u>The maximum building height may be 3 stories or 35 feet.</u> <u>The minimum height of the ground floor for tuck-under parking shall be 12 feet with residential units located on the second and third floors.</u>	<u>The maximum building height may be 4 stories or 45 feet.</u> <u>The minimum height of the ground floor for tuck-under parking shall be 12 feet with residential units located on the second, third, and fourth floors.</u>
⁽¹⁾ See Section 19.448.010 for height limits and additional development standards for RMH zones.		

- B. For multi-family units on a lot in the RM-20 zone with non-conforming lot width and/or lot area, special height requirements of Section 19.448.020 shall apply.
- C. For a single-family dwelling (one dwelling unit on a lot) in the RM zones, the height limits of Section 19.316.030 of Division 3 shall apply.

19.416.040 Building Form

- A. Building entries shall face the primary public street with pedestrian access provided from sidewalks to all building entries, parking areas, and publicly accessible open spaces. For larger sites with multiple buildings, buildings not sited adjacent to a public street may also be oriented to face internal streets, open spaces, paseos, and recreation amenities.
- B. Each entry to a dwelling unit shall be emphasized and differentiated through architectural elements such as porches, stoops, dooryards, roof canopies, and detailing that provides ground level space. The space next to the porch shall be used for landscaping.
- C. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof.
- D. For multifamily projects located across the street from a single-family residential zone, parking lot areas and carports shall not be located along the single-family neighborhood street frontages, unless screened by landscaping or a block wall.
- E. Buildings shall be arranged to provide functional common outdoors spaces (such as courtyards, paseos, or parks) for the use of residents.
- F. **Massing Breaks.** Large building massing shall be articulated to reduce apparent bulk and size. All street-facing facades must include at least one (1) change in wall-plane (projection or recess) at least four (4) feet in depth, or two (2) changes in wall-plane at least two (2) feet in depth, for every 50 linear feet of wall. Such features shall extend the full height of the respective façade of single-story buildings, at least half of the height of two-story buildings, and at least two-thirds of the height of buildings that are three (3) or more stories in height.
- G. **Horizontal Building Step back.** Buildings exceeding three (3) stories in height shall provide a minimum horizontal stepback of six (6) feet for all stories above the 3rd level on all street-facing elevations (including front and side yard façades and alley) and any elevation adjacent to a residential zone or use.
- H. **Privacy Considerations for Adjacent Single-Family Residential Zones.** When a building is adjacent to a single-family residential zone, windows, balconies, or similar openings shall be designed to prevent direct line-of-sight into adjacent residential units, private patios, or backyards. This can be achieved through one (1) or more of the following strategies:
1. Incorporating the required upper-story step backs.
 2. Strategic window placement.
 3. Utilizing clerestory windows, frosted or opaque glass.
 4. Integrating mature landscaping within the rear or side setback areas.
- I. **Rooflines.** Rooflines shall be segmented and varied within an overall horizontal context. Roofline ridges and parapets shall not run unbroken for more than 100 feet. Variation may be accomplished by changing the roof height, offsets, direction of slope, and by including elements such as dormers.
- J. **Antennae.** Notwithstanding the restrictions of Section 19.416.030, radio antennae permitted under FCC regulations, and similar equipment shall be subject to the following regulations:
1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty feet, unless permitted higher by a conditional use permit.
 2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four inches in diameter, may be used but may not be more than 25 feet higher than the highest point of the

building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.

3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

K. Flagpoles. Flag poles shall be permitted within front, side or rear yards provided they are setback a minimum of 5-feet from property line, and shall be limited to no more than 30-feet in height subject to issuance of a building permit.

L. Other Structures. Any free-standing structure, not specifically referenced in this Title shall be limited to no more than 8-feet in height from grade and may only be located outside of any front, side or rear yard setback areas.

M. Accessory Dwelling Units. See Section 19.348.010 for height limits for Accessory Dwelling Units.

19.416.050 Space between Buildings.

- A. The minimum distance between buildings located on the same lot, shall be as shown in Table 19.416.050. The minimum distance is measured from the exterior faces of nearest exterior walls between buildings.
- B. **Single Family Dwelling.** For a single-family dwelling in the RM zones, the minimum building separation requirements for the single-family zones in Section 19.316.060 of Division 3 shall apply.

Table 19.416.050 MINIMUM SPACE BETWEEN BUILDINGS				
Zone:	Between Main Building and an Accessory Building	Between Two Main Buildings		
		Window ⁽¹⁾ In Only One of the Facing Walls	Window ⁽¹⁾ In Both Facing Walls	Doorway ⁽¹⁾ In One or Both Facing Walls
RMH	(2)	(2)	(2)	(2)
RM-10 and RM-20	6 feet	<u>5</u> feet ⁽³⁾	<u>10</u> feet ⁽³⁾	<u>10</u> feet
⁽¹⁾ Wall openings which are only for utility access or emergency exit are not considered to be windows or doorways for the purposes of these requirements. ⁽²⁾ See special requirements, Section 19.448.010. ⁽³⁾ <u>Windows that directly face each other on adjacent properties shall be either staggered or designed so as not to have a direct line of sight between them, to ensure privacy and minimize visual intrusion between neighboring structures.</u>				

- C. Multi-family residential developments with two (2) or more buildings shall be designed around a common open space, public open space (e.g., a linear park/paseo), or community amenities such as swimming pools or other recreational facilities with a horizontal distance of no less than fifteen (15) feet. Pedestrian walkways shall be provided and connect open space areas to a public right-of-way and/or building entrance.

D. Permitted Projections from Buildings. Projecting elements on all floors may project a maximum of three (3) feet from the façade into the minimum required space between buildings. Building projections may include:

1. Building features.

- a. Cantilevered eaves, awnings, and shading devices.
 - b. Architectural features such as sills, cornices, buttresses, Juliet balconies, bay windows, etc.
 - c. Chimneys not exceeding 8 feet in length.
 - d. Mechanical equipment cantilevered from building.
2. Uncovered, cantilevered balconies, with a minimum 10-foot separation in all horizontal directions from any balcony or wall in the opposing structure.
3. Uncovered stairways and walkways.

19.416.060 Residential Building Floor Area.

- A.** For any multi-family residential development, the minimum floor area of each dwelling unit shall be as shown in Table 19.416.060, titled Minimum Dwelling Unit Floor Area.
- 1. In the RM zones, up to 15 percent of the minimum required gross floor area may be in private balconies, porches, and patios which meet the minimum requirements of Section 19.420.030.
 - 2. Attic and basement space, where the ceiling height is less than 6.5 feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.
- B.** The minimum bedroom size shall be 80 square feet of clear floor space without obstructions, with a minimum of 8 feet in one (1) direction.
- C.** The square footage of the common indoor living areas of a dwelling unit, such as the living room, dining room, kitchen, family room, etc. must be equal to, or greater than, the square footage of bedrooms provided. The square footage of bathrooms, closets, hallways, garages or other defined storage spaces may not be counted towards common living area square footage to comply with this requirement.
- D.** For a single family dwelling (one dwelling unit on a lot), the minimum floor area requirement shall be governed by Section 19.316.070 of Division 3 for the RS-6 zone.

Table 19.416.060 MINIMUM DWELLING UNIT FLOOR AREA			
Minimum Gross Floor Area (square feet per dwelling unit)			
Zero* Bedroom Unit	One Bedroom Unit	Two Bedroom Unit	Three or Plus Bedroom Unit
<u>400⁽¹⁾</u>	<u>550⁽¹⁾</u>	<u>700⁽¹⁾</u>	<u>850 plus 100 each additional room</u> <u>(1)</u>

*Zero Bedroom Units shall not exceed 20 percent of the total number of units in multi-family developments.

(1) Dwelling unit size may be reduced below the square footage specified in Table 19.416.060 with a Conditional Use Permit.

19.416.070 Building Coverage.

- A. Maximum Building Coverage.** The maximum building coverage for all multi-family residential zones shall be forty-five (45) percent.
- B. Inclusion of Roofed Structures.** Building coverage shall include all roofed structures over 6 feet in height, with dimensions measured around the outside bearing walls and/or support columns. Exceptions include trash enclosures or open-sided shading structures that are part of a recreational accessory use in the common usable open area.
- C. Projecting Enclosed Building Floor Areas.** Building coverage shall include any enclosed building floor areas above the ground that may project beyond the bearing walls and support columns.
- D. Covered Breezeways and Private Patio Structures.** Covered breezeways and private patio structures, whether open-sided or enclosed, trellised or solid-roofed, shall be considered part of the building coverage.

19.416.080 Non-Habitable Accessory Structures.

- A. Non-habitable accessory structures are covered non-habitable areas which may include storage areas, attached or detached garages, utility and pump houses, restroom facilities, vertical circulation access ways, open air structures such as cabanas, gazebos, trellis and other similar structures.**
- B. Any non-habitable accessory structure shall not exceed 400 square feet in floor area and shall not exceed 1 story or 15 feet in height, whichever is less. Non-habitable accessory structures shall be located within the side yard or rear yard setback and shall not be visible from the street.**
- C. Canopies or vinyl laminate and mesh tarps are prohibited in the Multifamily Residential zones. However, wall-mounted shade sails that meet the following criteria are permitted:**
 - 1. Shade sails shall be architecturally integrated and attached to the building and shade sail poles in a manner that does not compromise structural integrity or appearance.
 - 2. Shade sails shall not project from the building more than 15 feet and shall not extend beyond the property line or into required setbacks.
 - 3. Shade sails shall be installed pursuant to the manufacturer's requirements and shall be included as part of the site plan review process.

19.416.090 Residential Garages and Carports.

- A.** For a mobilehome park in the RMH zone, separate requirements for carports apply pursuant to Sections 19.436.050 and 19.448.010.
- B.** For a single family dwelling (one dwelling unit on a lot) in the RM zones, the requirements for minimum garage floor area and vehicular openings shall be governed by Chapter 19.336 of Division 3 for the RS-6 zone.

- C. The maximum width of parking areas along street frontages and within the required front setback, including driveways, open parking, carports, and garages, but excluding underground parking and parking located behind buildings, shall not exceed 25 percent of the linear street frontage.
- D. Garage doors shall be recessed into the garage wall a minimum of 4 inches to accentuate shadow patterns and relief.
- E. Parking for residents, visitors, and/or employees shall be accommodated onsite in garages, parking areas, or along internal streets to minimize spillover to adjacent residential neighborhoods. Parking and loading/ unloading areas shall not create stacking/queuing issues at ingress/egress points.
- F. For multifamily apartments, garage and/or carport floor areas shall be provided to accommodate the number of required parking spaces as required in Chapter 19.436.
 - 1. Each parking space shall have a vehicular door or access opening of a minimum 8-foot width. Two parking spaces may be combined with a vehicular door or access opening of a minimum 16-foot width.

19.416.100 Building Materials.

- A. **Facade Materials.** Primary, Secondary and Accent materials are allowed or prohibited as specified in Table 19.416.100, which may be updated periodically by the Community and Economic Development Director as new or amended materials become available. Community and Economic Development Director approval is required for materials not identified in Table 19.416.100 below.
- B. **Primary Building Materials.** The primary building materials listed in Table 19.416.100 are permitted to make up approximately 50% to 75% of the building design. The primary building materials include the appropriate wall surface materials and visible roofing materials. The primary building materials cover the primary/front façade, secondary/corner side façade, side façade, and rear façade of the entire building.
- C. **Accent/Secondary Materials.** The accent/secondary building materials listed in Table 19.416.100 are permitted to make up approximately 5% to 50% of the building design. This includes exterior windows, decorative window treatments and balconies, decorative entries, etc.
- D. **Variation Between Buildings.** For projects with six (6) buildings or more, the colors and materials of exterior walls, doors, and accents such as window trim shall vary and a minimum of two (2) distinct color schemes shall be provided for every six (6) buildings in a project.
- E. **Consistency Between Elevations.** The materials, colors, and styles of windows, doors, roofs, decks, balconies, exterior staircases, porches, and any façade treatment shall be used on more than one (1) elevation of a building.
- F. **Material Transition.** Changes in material shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
- G. **Chimneys.** Chimneys shall either be painted the same color as the exterior wall or constructed with the same materials present on other accents or elements of the facade.
- H. **Accessory structures including attached and detached ADUs, trash enclosures, storage rooms shall be constructed of the same materials, colors, roof type as the primary structure.**

- I. Building materials and colors shall be in compliance with the Architectural Styles provided in Section 19.416.110. If an affordable housing multi-family residential development is proposed, refer to the Architectural Styles Objective Design Standards for a list of applicable building materials and colors.

Table 19.416.100
MULTI-FAMILY MATERIALS LIST

<u>Material</u>	<u>Maximum Usage</u> <u>% of Façade</u> <u>Area⁽²⁾⁽³⁾</u>
<u>Permitted as Primary (or Secondary) Building Materials</u>	
<u>Brick (full dimensional)</u>	<u>75%</u>
<u>Stone/masonry</u>	<u>75%</u>
<u>Stucco/Cement Plaster</u>	<u>75%</u>
<u>Glass (transparent, spandrel)</u>	<u>75%</u>
<u>Finished wood, engineered wood</u>	<u>75%</u>
<u>Fiber reinforced cement siding and panels</u>	<u>75%</u>
<u>Vinyl siding</u>	<u>50%</u>
<u>Exterior Insulation Finishing System (EIFS)</u>	<u>50%</u>
<u>Permitted as Accent/Secondary Materials</u>	
<u>Vegetated wall panels or trellises</u>	<u>50%</u>
<u>Concrete blocks with integral color (ground, polished, or glazed finishes)</u>	<u>35%</u>
<u>Concrete blocks with integral color (split face finish)</u>	<u>35%</u>
<u>Ceramic tile</u>	<u>35%</u>
<u>Standing seam metal</u>	<u>35%</u>
<u>Brick/Stone (veneer/thin brick)</u>	<u>35%</u>
<u>Wrought Iron</u>	<u>15%</u>
<u>Three-Dimensional Glass</u>	<u>5%</u>
<u>Roof Materials</u>	
<u>Asphalt/metal shingles</u>	<u>100%</u>
<u>Clay/metal tiles</u>	<u>100%</u>
<u>Slate tiles</u>	<u>100%</u>
<u>Concrete tile</u>	<u>100%</u>
<u>Standing seam metal</u>	<u>100%</u>
<u>Prohibited Building and Roof Materials ⁽¹⁾</u>	
<u>Corrugated sheet metal</u>	<u>Not Permitted</u>
<u>Galvanized metal</u>	<u>Not Permitted</u>
<u>Interlocking metal</u>	<u>Not Permitted</u>
<u>T-111 Plywood</u>	<u>Not Permitted</u>
<u>Wood Shingles</u>	<u>Not Permitted</u>
<u>Rolled/Flat Roof ⁽⁴⁾</u>	<u>Not Permitted</u>
<u>⁽¹⁾ No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.</u>	
<u>⁽²⁾ The following structures shall be exempt from the provisions of this section:</u>	
<ul style="list-style-type: none"> <u>Storage sheds not visible from a public street as an accessory structure to a multi-family dwelling which do not require building permits;</u> <u>Storage containers as a permitted temporary use which do not require building permits.</u> <u>Patio structures that are not visible from a public street.</u> 	
<u>⁽³⁾ The Community and Economic Development Director is authorized to allow deviations of up to 10%.</u>	
<u>⁽⁴⁾ Flat roof design is permitted if consistent with Spanish Colonial or Modern style architecture.</u>	

19.416.110 Architectural Styles.

The Architectural Styles for new development apply to all new construction pursuant to this Division, except those areas within the boundary of an existing Specific Plan. The Architectural Styles Objective Design Standards identifies six (6) preferred architectural styles, as indicated below. Architectural design elements and materials shall be consistent throughout the project, recognizing that a building is three-dimensional and must be well-designed on all sides. Detailing, choice of materials, and window and door choices shall reinforce the overall project design. Alternative styles may be submitted to review by the Community and Economic Development Department, although discretionary approval may be required by the Planning Commission or Zoning Administrator.

- A. Spanish Colonial Revival.** The Spanish Colonial Revival architectural style draws inspiration from Spanish, Mediterranean, and early Californian influences, and it originated during the late 19th and early 20th centuries. Typically, buildings with this style exhibit an asymmetrical design. They are characterized by low-pitched roofs with minimal or no overhang, adorned with serpentine roof tiles. This style often incorporates wood framing and is covered with light-colored stucco siding. The use of arches is prevalent, particularly above doors, porch entries, and main windows.
- B. Craftsman.** The Craftsman architectural style originated in the early 20th century as part of the Arts and Crafts movement. Notable design features include exposed rafters and beams beneath the eaves, decorative brackets and fasteners, full or partial-width porches, and prominent columns or piers. While the Craftsman style emphasizes a horizontal emphasis, vertical architectural elements are often incorporated to highlight corners and entrances. Traditional Craftsman homes typically showcased exterior cladding made of wood shingles or clapboard siding, along with details such as extended lintels and decorative lighting with geometric patterns.
- C. Farmhouse.** The Farmhouse architectural style is an expression of rural residential designs and materials, with the Contemporary Farmhouse style specifically reflecting the agricultural history and commercial structures found in Southern California. This style incorporates playful elements, such as shed roofs, vibrant color blocking, and contemporary interpretations of traditional farm structures like barns and silos. The roofs of Farmhouse-style buildings are typically medium to high-pitched, and the overall detailing is kept simple.
- D. Tuscan.** The Tuscan architectural style blends modern and classic elements, incorporating both Spanish Revival and Italian influences. This style draws inspiration from Mediterranean variants found in California, showcasing rustic elements. Key characteristics include the use of stone and stucco, light earthy tones, and red tiled roofs. Classical elements like columns, arches, and decorative ironwork add visual interest and complexity. Squared towers and projections reflect classic Italianate influences. Porches and porticoes are commonly featured, as well as vertically oriented recessed windows.
- E. Modern.** The Modern architectural style draws inspiration from utilitarian design principles, featuring block forms, contrasting colors, and eclectic combinations of materials in contemporary compositions. This style embodies a minimalist and clean aesthetic. It utilizes simple rectangular shapes and forms, integrating them within horizontal and vertical planes to create dynamic lines. Flat roofs are commonly used to reinforce the rectangular shapes while also providing opportunities for outdoor deck areas. Accents in the Modern style are understated and unpretentious, often taking the form of trellis elements.
- F. American Traditional.** The American Traditional architectural style is a fusion of various traditional American styles such as Cottage, Cape Cod, and Farmhouse. It is characterized by simplicity and classic design elements, including rectangular forms, spacious front porches, decorative shutters,

dormers, and wood siding. This style represents a traditional interpretation of rural farmhouses. The color palette used in American Traditional homes is typically subtle, with shades of white or gray for the main body of the house, while light or dark shutters provide contrasting accents.

Chapter 19.420 Development Standards – Yards and Open Space

19.420.010 Setbacks.

The following minimum setback requirements apply to residential development within the RM-10 and RM-20 zones. For the RMH zone, the special requirements of Section 19.448.010 apply. For a single-family dwelling in the RM zones, the required setbacks and the related permitted encroachments of the RS-6 zone in Division 3, Chapter 19.320 shall apply.

<u>Yard</u>	<u>Minimum Setbacks</u>
<u>Front Yard</u>	<u>The minimum front yard setback shall be 10 feet. In addition, each building or structure shall be set back an additional distance equal to one-half the height of the building or structure above 30 feet.</u>
<u>Side Yard, abutting a street</u>	<u>The minimum side yard abutting a street shall be 10 feet. In addition, each building or structure shall be set back an additional distance equal to one-half the amount by which the height of the building or structure exceeds 30 feet.</u>
<u>Side and Rear Yard, not abutting a street</u>	<u>The minimum required rear yard and side yard, not abutting a street, shall be 10 feet.</u>
<u>Rear Yard, abutting a street or alley</u>	<u>The minimum rear yard, abutting a street or an alley, shall be 10 feet.</u>

19.420.020 Yard Encroachments

The following encroachments are permitted within the minimum required setbacks within the RM-10 and RM-20 zones. For the RMH zone, the special requirements of Section 19.448.010 apply.

- A. Cantilevered eaves, awnings, and shading devices may project from the building's facade into the setback area no more than five (5) feet within the front and side yard setbacks, but no more than three (3) feet within the rear yard setbacks. The height of all awnings or shading devices above the sidewalk shall be consistent, with a minimum clearance of 8 feet provided between the bottom of the valance and the sidewalk. Valances shall not exceed 18 inches in height.
- B. Architectural features such as sills, cornices, buttresses, Juliet balconies, bay windows, etc., may project from the building's facade into each setback area no more than 2.5 feet.
- C. Chimneys not exceeding eight (8) feet in length may project from the building's facade no more than 2.5 feet.
- D. Uncovered porches, decks, stoops, steps, planters, etc., with a maximum 6-foot projection from the building's facade and a maximum 24-inch height except railings may extend 3.5 feet above deck or tread. (Where maximum fence height is 3.5 feet, railing must be open type.). Balconies located above the ground level shall provide a minimum 7-foot clearance with no obstructions.
- E. Mechanical equipment, cantilevered may project from the building's facade, subject to screening requirements in Section 19.440.020, a minimum of 2.5 feet within the side yard and rear yard setbacks.
- F. Mechanical equipment, freestanding with a maximum 4-foot height and subject to screening requirements in Section 19.440.020 may be located within the side and rear yard setbacks.
- G. Signs are permitted within the front yard setback pursuant to Section 19.908.010.

H. Accessory Dwelling Units. Refer to Section 19.348.010.

I. Permitted projections within the side yard, not abutting a street and rear yard only.

1. Utility-Owned Facilities.
 - i. Pole lines within approved easements.
 - ii. Other above ground facilities with a maximum 5-foot height within approved easements, such as transformer boxes, pedestal terminals, etc.
2. Access walkways and driveways.
3. Uncovered parking, subject to screening, landscaping, and wall requirements.
4. Storage of vehicles (over 24 hour), trash areas, other permitted outdoor storage screened from public view.
5. Pools.
 - i. Swimming pools, therapeutic pools, with a minimum 5-foot setback from the side and rear property lines.
 - ii. Decorative pools, with maximum 18-inch depth.
6. Recreation facilities which are subject to a building permit, such as play equipment, play structure, play house, etc.
7. Non-Habitable Accessory Buildings. Shall not exceed 15 feet in height, and shall be located a minimum of 5 feet from a rear or side property line, not abutting a street, and at least ten (10) feet from the street side property line.
 - i. Furthermore, such accessory building, if located more than 60 feet from a street property line and not abutting a RS zone, may be located up to the rear or side property line not along a street behind a solid wall or fence, not less than 6 feet in height.
 - ii. Such accessory building, if located less than 3 feet from an interior lot line, shall have no wall openings facing the adjoining property and no drainage onto the adjoining property.

J. Fences, walls, hedges, and berms, subject to the allowable height and design requirements in Chapter 19.428.

19.420.030 Required Open Space.

All multi-family residential developments within the RM zones shall meet the minimum open space requirements as provided below. Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of 10 feet of dense landscaping shall be provided as screening between the open space area and arterial street, service area, or commercial development. Open space surfaces shall include a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope of open space areas shall not exceed 10%.

<u>Zone</u>	<u>Common Open Space (per unit) ⁽³⁾</u>	<u>Private Open Space (per unit)</u>	<u>Recreational Amenities</u>
<u>RMH</u>	<u>N/A – Refer to 19.448.010</u>	<u>N/A - Refer to 19.448.010</u>	<u>For projects with 25 or more dwelling units, provide one recreational amenity for every 30 dwelling units or fraction thereof.</u>
<u>RM-10 ⁽²⁾</u>	<u>200 sq. ft. ⁽¹⁾</u>		
<u>RM-20 ⁽²⁾</u>	<u>200 sq. ft. ⁽¹⁾</u>	<u>60 sq. ft./upper floors</u> <u>100 sq. ft./ground floor</u>	

⁽¹⁾ Requirement applies to developments with 200 units or less. For developments with 200 units or more shall provide a minimum of 100 square feet of common open space per unit.

⁽²⁾ Every development that includes five (5) or more residential units shall provide at least one (1) common open space area.

⁽³⁾ A maximum of 25 percent of the total area counted as common open space may be provided on a roof and subject to the requirements of Section 19.420.080.

Note: Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space.

19.420.040 Common Usable Open Space.

- A. In projects with fewer than 10 units, the common open space area shall have a minimum length and width of 15 feet.
- B. In projects with 10 or more units, where the required common open space area is less than 3,000 square feet, the common open space shall be concentrated in one area. The common open space area shall be at least 25 feet in width.
- C. Where the required common open space area is 3,000 square feet or more, the space may be divided among multiple areas, provided that at least one common open space area is a minimum of 2,000 square feet with a minimum width of 25 feet. All other areas shall be at least 1,000 square feet with a minimum width of 10 feet.
- D. Common upper-story decks shall be a minimum of 60 square feet and shall not be less than 6-feet in any direction. Roof decks shall be subject to the requirements of Section 19.420.080.
- E. Primary common open space shall not be located at an extreme edge of the property or dispersed as smaller areas throughout the site.
- F. All residential units shall be within a 1/4 mile (1,320 feet) walking distance of the provided common open space.
- G. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance. At least one (1) side of the common open space shall border residential buildings with transparent windows and/or entryways.
- H. An area of usable common open space shall not exceed an average grade of 10 percent. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.
- I. All common open spaces shall include seatings and lights. Site furniture shall use graffiti-resistant materials and/or coatings and skateboard deterrents to retain the site furniture's attractiveness.
- J. Forecourt must be enclosed on at least three sides by buildings. The minimum dimension of any side is 40 feet.

- K. Multifamily developments exceeding 150 units shall have at least two common open space areas and shall incorporate activities for different age groups.
- L. There shall be no obstructions above the open space except for devices to enhance the usability of the space. Buildings and roofed structures with recreational functions (e.g., pool houses, recreation centers, gazebos) may occupy up to 20% of the area counted as common open space.
- M. Mechanical equipment may be located within the common usable open space area provided that the equipment is fully screened from view.
- N. Developments that include 15 or more units shall include children's play areas and play structures. For senior housing developments this shall be replaced by one (1) of the following:
1. Outdoor seating area with shade structure.
 2. Low-impact recreational activities such as bocce ball, horseshoes, miniature golf, bean bags, badminton, croquet, etc.
- O. Non-conforming Lots in the RM-20 Zone. For a multi-family use on a lot in the RM-20 zone with non-conforming lot width and/or lot area, separate requirements apply for common usable open area pursuant to Section 19.448.020.
- P. Pedestrian walkways throughout common open space areas, recreational amenities, access to individual units, and within the minimum setbacks shall be a minimum of 3 feet in width and shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
- Q. Where restricted open space is located adjacent to a window of an adjoining dwelling unit, balcony railings and patio walls or fencing shall be constructed with an opaque material. Screening shall be constructed with limited openings to provide a minimum of 85 percent surface area screening (measured from the finished floor of the restricted open space to the top of the railing, fencing, or walls).
- R. Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site. Fencing or barriers shall be designed with transparency to allow visibility.
- S. A minimum of three (3) of the following features shall be incorporated into common open spaces and maintained on the site:
1. Fixed or movable seating
 2. Shade trees or shaded canopy
 3. Flowering plants
 4. Native habitat
 5. Play area for children
 6. Play area for pets
 7. Low-impact recreational activity for seniors
 8. Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information.
 9. Outdoor kitchen equipment or fire pit
 10. Public art or interactive art, such as a sculpture, or murals

19.420.050 Recreational Amenities.

- A. The required front yard area shall not be counted toward the common recreation area requirement.
- B. Projects shall include at least one children's play area with a minimum dimension of 150 square feet.
- C. Developments that include 15 or more dwelling units shall include at least one play area for children (unless age restricted to senior citizens or within 300 feet of a public park). Such play areas shall:
 - 1. Have a minimum dimension of 20 feet in any direction and a minimum area of 600 square feet.
 - 2. Contain play equipment, including equipment designed for children aged five years and younger.
 - 3. Be visible from multiple dwelling units within the project.
 - 4. Be protected from adjacent streets or parking lots with a fence or other barrier at least 4 feet in height.
- D. Unless otherwise approved by the Community and Economic Development Director, required play spaces for children shall be accessible from all on-site dwellings by pedestrian paths and separate from vehicular areas.
- E. All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
- F. A play area for children under age five shall be provided within direct visibility of common spaces.
- G. One common recreational amenity shall be provided for every 15 units or fraction thereof. Facilities that serve more people could be counted as two (2) amenities, as indicated below. The following listed amenities satisfy the recreational requirements:
 - 1. Clubhouse at a minimum of 750 square feet (counts as two)
 - 2. Swimming pool at a minimum of 15x30 feet or equal surface area (counts as two)
 - 3. Tennis, pickleball, basketball, or racquetball court
 - 4. Weightlifting facility/Indoor fitness center
 - 5. Children's playground at a minimum of 600 square feet
 - 6. Sauna or jacuzzi
 - 7. Day care facility
 - 8. Picnic areas/stations with tables and chairs or BBQ grills with picnic stations
 - 9. Outdoor chess/checkers boards
 - 10. Community garden
 - 11. Plaza at a minimum 2,000 square feet

12. Other recreational amenities deemed adequate by the Community and Economic Development Director.

19.420.060 Private Open Space.

- A. In RM zones, each dwelling unit shall be provided with at least one (1) area of private usable open space and shall be accessible to only one (1) living unit by a doorway or doorways to a habitable room or hallway of the unit. Private open space located above ground level in the form of fenced or screened patio or balcony shall have a minimum eight-foot vertical clearance and have minimum dimensions of no less than six (6) feet in any horizontal direction. Private open space located on the ground level in the form of fenced or screened yard, deck, or patio shall have a minimum eight-foot vertical clearance and have minimum dimensions of no less than ten (10) feet in any horizontal direction.
- B. Mechanical equipment of a dwelling unit may be located within that unit's private open space provided that the equipment is not more than 3.5 feet in height and the equipment is screened from view. Mechanical equipment located within the unit's private open space area shall provide a minimum area of at least 72 square feet.
- C. Above ground-level space shall have at least one (1) exterior side open and unobstructed for at least 6 feet above floor level, except for incidental railings and balustrades.

19.420.070 Courts.

- A. A building or buildings that consists of up to 16 attached and/or stacked units on the same lot, accessed from a shared courtyard. The shared court could be common open space (known as garden-court) or shared driveway (known as motor-court). Courts are surrounded on 3 sides by the building(s). Access shall be provided from the primary street frontage for courts that provide common open space or access shall be provided from either the side street or alley for courts that provide a shared driveway subject to compliance with Orange County Fire Authority requirements for fire access and turnarounds. The maximum building length shall be 150 feet at any side. The court shall provide access to units and garages and there shall be at least one (1) entrance for every 50 feet.
- B. Primary elevations (facades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building. Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet, and each floor shall have at least two of the following features:
1. Recess (e.g., deck, patio, courtyard, balcony, garage, entrance, or similar feature) that has a minimum depth of 4 feet.
 2. Extension (e.g., floor area, deck, porch, bay window, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.
 3. Offsets of facade or roof elevation of 2 feet or greater.
- C. Courts are permitted in the RM-10 and RM-20 Zones.

19.420.080 Rooftop Decks.

- A. Rooftop decks are designed to provide an outdoor space on top of a building and are allowed in all RM zones, except for RMH zones. Rooftop decks shall be located on the uppermost story of the primary building. Rooftop decks are included in the total building height and are not permitted on buildings that exceed 40 feet in height in RM zones unless approved with a Conditional Use Permit. However, permanent fixtures associated with the usable open space, such as trellises; shade

structures; furniture; and furnishings such as planters, lighting, and heaters may exceed the height limit by up to 12 feet.

- B. Roof decks shall have no horizontal dimension less than 15 feet, and no more than 25 percent of the total area counted as common open space may be provided on a roof.
- C. Roof top decks are not permitted when a property line is shared with an RS zoned property.
- D. One (1) rooftop deck is permitted per building. Materials provided for the rooftop deck shall be consistent in color and architectural style as the primary building. Exterior access is allowed subject to compliance with the Uniform Building Code (UBC).
- E. At least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening, stormwater planters, or other landscaping. All required landscaped areas should be equipped with automatic irrigation systems and be properly drained.
- F. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any existing single-family use.
- G. When adjacent to a residential use, rooftop decks shall provide screening walls or landscaping which ensures privacy for adjacent residential properties.

19.420.090 Pedestrian Access to Dwellings.

- A. A pedestrian walkway shall be provided connecting parking areas to main entrances of buildings and the public sidewalk. The walkway shall be clearly marked with special paving, concrete stamping or coloring.
- B. Clear, safe pedestrian access should be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
- C. Walkways shall not be sited directly against a building façade but buffered with a minimum 5-foot-wide landscaped planting area to provide privacy of nearby residences or private open space.

19.420.100 Future Rights-of-Way.

- A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty (40) feet.
- B. In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided in subsection C of this section. All other required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.
- C. **Permitted Encroachments.** The following encroachments are permitted within the future rights-of-way area:
 - 1. Utility-owned pole lines within approved easements.
 - 2. Access walkways and driveways.
 - 3. Uncovered parking—to the same extent as permitted in adjoining front, side, or rear yard.

4. Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage)—to the same extent as permitted in adjoining side or rear yard.
5. Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.)—to the same extent as permitted in adjoining side or rear yard.
6. Real estate signs.
7. Fences, walls, hedges, and berms—to the same extent as permitted in adjoining front, side, or rear yard.
8. Landscaping, other than hedges.

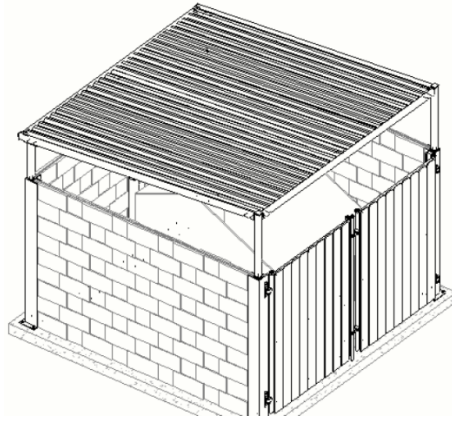
19.420.110 Right-of-Way Improvements.

- A. The purpose of this section is to establish requirements for right-of-way improvements for all RM zoned parcels within the City of Buena Park on which property improvements are made. "Right-of-way improvements" shall include curbs, gutters, sidewalks, driveway approaches, handicapped (ADA) ramps, water lines and appurtenances, sewer lines and appurtenances, storm drainage facilities, property dedications of right-of-way, streetlights, pavement markings, signs, and street trees.**
- B. Required Improvements.** All projects adding new units shall be required to provide the following right-of-way improvements as are deemed necessary and applicable by the Director of Public Works:
1. **Sidewalk and Parkway.** Construction or repair of a sidewalk and parkway adjoining the site. The sidewalk shall have a minimum clear width of five (5) feet with a parkway, or six (6) feet if the sidewalk adjoins the curb, or shall be the minimum width of the adjoining properties along that side of the street.
 2. **Curb and Gutter.** Construction or repair of curbs and gutters adjoining the site. All unused curb cuts shall be replaced with a full-height curb and gutter.
 3. **Street Trees.** As required by Subsection 18.24.190 of the Municipal Code.
 4. **Bicycle Trail.** As required by Subsection 18.64.020. Construction of bicycle trail as required by the "Fourth District Bikeways Strategy" adopted by the Orange County Transportation Authority or otherwise referenced on the City of Buena Park Active Transportation Plan.
- C. Encroachment Permit Required.** Except as otherwise provided in this Section, it is unlawful for any person to encroach or make or cause to be made any encroachment in the public right-of-way or on property subject to a public utility easement, or other easement available for use by public utilities, without first obtaining an encroachment permit from the Public Works Department.
1. Encroachment permits for right-of-way improvements shall be obtained prior to the issuance of a building permit and prior to any work being done within the right-of-way.
 2. Street improvement plans for all work in the public right-of-way shall be prepared by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.
- D. Parkways.** A parkway (i.e., sidewalk strip, parking strip, or tree buffer) is a portion of the street right-of-way lying between the curb and sidewalk.
1. Any objects placed in the parkway (e.g. rocks, benches, etc.) shall not present a hazard or public nuisance and shall not block a clear line of sight across the parkway.
- E. Objective Design Standards.** Refer to Section 19.720.100 for Right-of-Way Improvements Objective Design Standards.

Chapter 19.424 Development Standards —Outdoor Improvements

19.424.010 Trash Storage Facilities.

- A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.
- B. Loading areas and refuse storage facilities shall be as far as possible from residential units and shall be completely screened from view of adjacent residential portions of the project. The location and design of trash enclosures shall account for potential nuisances from odors.
- C. Except for a temporary use, any non-residential use in the residential zones shall comply with the trash storage requirements for commercial uses under Division 5.
- D. All mobile home parks, group quarters, and multi-family developments of 4 or more units in the residential zones shall provide a trash enclosure and shall conform to the following standards:
 - 1. All required trash enclosures shall meet the minimum requirements as specified by the City's waste hauler based on the size and type of development.
 - 2. **Design.** Provide a minimum 6-inch reinforced decorative block wall construction. Enclosure wall and roof design shall be compatible with design of the primary structures located on the property. The enclosure opening, including gates and hinges, must provide a minimum opening of 9 feet to allow containers to be moved in and out of the enclosure. The floor of the enclosure shall be a Portland Cement Concrete (PCC) pad, flush with adjacent driveway. Provide a minimum 10-foot by 10-foot PCC pad outside the entrance to the enclosure that is capable of withstanding the impact of bins being set down, and a 20-ton stationary load, as needed.
 - 3. **Curbing.** Installation of a 6-inch-wide by 8-inch-high concrete curb at the base of interior walls for protection of walls from trash containers and bins is required.
 - 4. **Bin Separation.** If multiple containers are stored in one enclosure, a minimum of 30 inches between containers is required to allow ease of access in loading bins.
 - 5. **Location.** Enclosures shall be located on a grade no more than 2% and within 250 feet from a doorway of each residential unit. The containers shall be arranged for ease of pick-up and shall not interfere with other activities on the site. Recycling and trash enclosures shall be located away from building fronts and major entries, and/or screened from public view in a fixed enclosure. Trash enclosures shall not encroach into driveways, parking areas, pedestrian pathways, or emergency access areas. Such location shall be subject to the approval of the Planning Division.
 - 6. **Accessibility.** All trash enclosures shall comply with the requirements set forth in the California Building Code and the requirements of CCR Title 24, regarding accessibility to trash and recycling collection containers for persons with disabilities.
 - 7. **Screening.** Enclosures shall be screened from view on at least three sides by a wall at least 6 feet in height, and on the 4th side by gates no less than 5 feet in height. Solid non-combustible metal gates with latches and bolts are one option. Alternative designs must be reviewed and approved by the Director.



8. **Rainwater infiltration.** Enclosures shall be covered to prevent rainwater infiltration. A horizontal or sloped non-combustible material solid roof shall be provided for protection of the containers from the elements. The roof should extend sufficiently outward in all directions so that wind-blown rain will not enter the interior of the storage area. A minimum of 8 feet of vertical clearance within the storage area shall be provided to allow the container lids to be fully opened and closed inside the trash enclosure. If fire sprinklers or drop lighting are installed within the enclosure, the minimum vertical clearance of 8 feet will be measured from the lowest point of the sprinkler heads, lighting, or any other fixture.
9. **Runoff.** Enclosures shall be designed to prevent liquid runoff and to secure litter and trash from wind run-off. Enclosures and areas around enclosures shall not discharge to the storm drain system. If proposed use of the development includes a food service facility, any drains installed in or beneath enclosure areas shall be connected to a grease removal device prior to discharging to the sanitary sewer.
10. **Overhead Clearance.** An overhead clearance of 20 feet shall be provided in front of the enclosure to allow containers to be emptied by a front-end loader collection vehicle.
11. **Access.** Driveways and travel aisles shall conform to Section 19.436.040, and local building code requirements for trash, recyclable and organics collection access and clearance. Unobstructed access shall be provided for collection vehicles and collection company personnel, as well as for facility occupants and maintenance staff.
12. **Large Containers.** For containers of 6 cubic yards of capacity or greater, the following applies.
 - i. **Door opening.** The door opening shall be at least 10 feet in width and allow for direct pick-up by the collection vehicle.
 - ii. **Entrance gate.** The entrance gate should be capable of being latched open so that an 8-foot-wide truck can access the enclosure.
 - iii. **Vertical Clearance.** A minimum of a 15-foot vertical clearance is required within the enclosure so the collection vehicle can reach the bin.
 - iv. **Truck access.** Enclosure must provide direct access by the collection vehicle. At a minimum, a lane, 10 feet wide by 30 feet in length, must be provided directly in front of the enclosure.
13. **Turnarounds.** For safety reasons, a turnaround must be provided for any street, driveway or travel aisle that would otherwise require the collection truck to back up a distance greater than 100 feet. A minimum of a 42-foot turning radius is required for solid waste collection vehicles.
14. **Locks.** If locks are needed to secure the enclosure, the Franchised hauler will supply container locks and keys at the lock charge fee in accordance with the service agreement for the property.
15. **Maintenance.** All trash enclosures and adjacent paving shall be maintained as a condition of the use.

16. Enclosures shall be separated from adjacent parking stalls with a minimum 3-foot-wide planter area.
 17. Enclosures for compactors located outside the building shall be constructed of masonry block, designed to screen the bins, hydraulic lines, and accessory components, and to be architecturally compatible with primary structures on site.
- E. For multifamily residential uses of four or more dwelling units and for mobile home parks, the minimum trash storage capacity provided shall be an amount determined on the basis of a refuse production rate of one-half cubic yard per dwelling unit per week and the frequency of pickup service available.

19.424.020 Outdoor Storage and Display.

- A. **Outdoor Storage.** Outdoor storage of materials, equipment or other items is prohibited.
- B. **Outdoor Display.** Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.448.070.

19.424.030 Firepits, Detached Fireplaces, and Fountains.

- A. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum setback of 5 feet from the side yard and rear yard property lines. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum of 5 feet from any dwelling or accessory structure on a lot.
- B. Detached fireplaces are permitted within the side yard and rear yard setback. Detached fireplaces located within the side and rear yard areas shall not be greater than 8 feet in length. Residential detached fireplace/chimneys shall have a maximum height of 7.5 feet within the side yard and 10 feet within the rear yard. Any outdoor detached fireplace shall maintain a minimum setback of 5 feet from any side or rear yard property line.
- C. Fountains may be located within the front, street side, and/or rear yard setback. Fountains located within the required 10-foot front, street side and rear yard setback shall be at least six (6) feet from the property line and shall not exceed seven (7) feet in height. Fountains located within the required 10-foot rear yard setback shall be at least 5 feet from the property line and shall not exceed 10 feet in height. All fountains shall not exceed ten (10) square feet.

19.424.040 Patio Covers, Gazebos, and Cabanas.

- A. The construction of patio covers, gazebos, and cabanas shall comply with the following standards:
1. These structures may be erected within the required side yard or rear yard provided that the clear space between the structure and the property line shall not be less than four (4) feet on the side and ten (10) feet in the rear.
 2. If located within a required side yard or rear yard setback, the height of the structure shall not exceed ten (10) feet from finished grade.
 3. Gazebos and cabanas shall not be enclosed by solid materials including transparent or opaque.

19.424.050 Swimming Pools and Spas.

Pools and Spas enclosures shall be compliant with CBC Chapter 31 Section 3119B, the California Residential Code (CRC) Appendix AX, The California Health and Safety Code (HCS) Article 2.5 (Sections 115920-115929) - "The Swimming Pool Safety Act" and this Code.

Chapter 19.428 Development Standards —Fences, Walls, Hedges, and Berms

19.428.010 General Requirements.

- A. Required Permits and Approvals.** No fence shall be constructed within the RM zones until the plans and design for such fence shall have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.
- 1. Building Permit.** Fences and walls may require a building permit as required by the California Building Code. Fences over 6 feet in height and block walls will require a building permit with the exception of the following: block or retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- B.** Furthermore, except for a lot developed with only one dwelling unit, no fence within a required yard adjacent to a street or a security gate as defined in Section 19.428.060 shall be constructed until the plans and design for such fence shall have been approved by the Director pursuant to the interdepartmental review process (Section 19.128.100)
- C.** All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.
- D.** Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.
- E. Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.
- F.** As defined in Section 19.104.080, the term “fence” as used in this Division means fence, freestanding wall, gate, hedge, or berm unless otherwise specifically stated.

19.428.020 Fence Height and Locations.

- A.** For any use in the RM zones, other than a single-family dwelling (one dwelling on a lot) and a mobilehome park in the RMH zone, the following fence height requirements shall apply;
- With the exception of a required yard abutting a street, a maximum 7-foot-high fence may be permitted anywhere on a lot.
 - Yards, abutting a street.** Within a required yard abutting a street, a maximum 6-foot-high fence may be permitted, subject to the following setback requirements and the design and material requirements of Section 19.428.030;
 - For any portion of a fence which is not view-obscuring, other than the provision of pilasters and vines, there shall be a minimum 3-foot setback from the street property line for that portion of fence.
 - For any solid or view-obscuring portion of a fence, there shall be a minimum 5-foot setback from the street property line for that portion of fence.
 - For any fence over 2 feet in height within the required 15 feet by 15 feet vision clearance area adjacent to any driveway or alley where it intersects with a public street as defined under 19.436.030 shall meet the design requirements of Section 19.428.030.

- B. Single Family Dwelling.** For a single-family dwelling in the RM zones, the fence height requirements of Section 19.328.020 shall apply with the exception that a 6-foot maximum height fence may be permitted within the minimum required front yard with a 15-foot setback from the front property line.
- C. Mobilehome Park.** For a mobilehome park in the RMH zone, separate fence height requirements apply pursuant to Section 19.448.010.
- D.** The maximum height of any fence in the multifamily residential zones shall be 7 feet, except where a greater height is required for noise reduction as determined by an acoustical analysis.

19.428.030 Fence Materials and Design.

- A.** All fences in multifamily residential zones, whether required or not, shall:
 - 1. Utilize no salvaged materials.
 - 2. Be suitably finished on both sides.
 - 3. Utilize colors and materials that are compatible with the property and neighborhood.
 - 4. All fences shall be maintained in good repair and appearance.
- B.** In the RM-10 and RM-20 zones, chain link and wire fences shall be prohibited, except that chain link may be used for temporarily securing construction sites and vacant or vacated property.
- C.** All fences shall have an ornamental finish in subdued earthtone colors compatible with the structures on the property. Furthermore,
 - 1. Block walls shall be of ornamental masonry construction or finish. A common grey or pink block wall shall not be considered as an ornamental masonry or finish.
 - 2. Wood fences shall be of durable construction and finished appearance, and shall be painted or stained.
 - 3. Wrought iron and tubular metal fences shall be primed and painted.
- D.** Any masonry wall shall be of a minimum 6-inch wide block construction.
- E. Vision Clearance Area.** Any fence within a required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as further defined under section 19.436.030, shall not be a view-obscuring fence. The design of such fence shall provide a minimum of 4-inches of spacing between the vertical and horizontal elements between the height of 2 feet and 7 feet.
- F. Fences within Required Yards, abutting a street.** Pursuant to the provisions of the Architectural Styles Guide, any fence within a required yard abutting a street shall comply with the following design criteria:
 - 1. In addition to the vision clearance requirements of subsection E of this section, fencing near any property line of an adjacent property shall be located or designed in such a manner as to maintain any potential vision clearance requirements, as determined by the Director.
 - 2. Landscaping with the use of shrubs, vines and trees shall be incorporated into the design of the fence, utilizing variations in fence setbacks from the street property line where possible.
 - 3. Common (cinder) block masonry shall not be permitted as a finished material for any fence within a required yard abutting a street.
- G. Perimeter Walls/Visual Interest.** Perimeter walls shall incorporate various textures, staggered setbacks, and variations in height in conjunction with landscaping to provide visual interest and to

soften the appearance of perimeter walls. Perimeter walls shall incorporate wall inserts and/or decorative columns or pilasters to provide relief. The maximum unbroken length of a perimeter wall shall be 25 feet.

1. All non-transparent perimeter walls and/or fences shall be architecturally treated on both sides and shall incorporate landscaping whenever possible.
2. Screen walls, sound walls, and retaining walls shall be used to mitigate noise generators and provide privacy for residents.
3. Wall design and selection of materials shall consider maintenance issues, especially graffiti removal and long-term maintenance. Decorative capstones on stucco walls are required to help prevent water damage from rainfall and moisture.
4. Visually penetrable materials (e.g., wrought iron or tubular steel) shall be used in areas of high activity (i.e., pools, playgrounds) and areas adjacent to street frontage.

H. Trash Collection and Storage Area Screening. Sight-obscuring screening shall be provided for all garbage and trash collection areas, approved outdoor storage, and parking lots abutting a single-family residential development. Such screening shall be 6 feet in height.

19.428.040 Required Fences in Multi-family Residential Zones.

In any RM Zone (including the RMH Zone), in connection with any development other than a residential use of not more than three dwelling units, a solid ornamental masonry shall be provided along all side and rear property lines which do not abut a street. Such fences shall be not less than six feet high and not more than seven feet high, unless a greater height is approved for noise attenuation or other mitigation of environmental effects.

19.428.050 Double Fences.

- A. Any parallel fences constructed with less than 3 feet separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter and debris.
- B. In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.
- C. Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.
- D. When fences are constructed to be 3 feet away from each other, the fence materials/ height shall provide visibility into the corridor for maintenance and safety. The surface between the two (2) fences shall consist of concrete, or other hardscaping material which deters the growth of vegetation.

19.428.060 Security Gate Standards.

A. General Requirements.

1. **Definition.** For the purpose of this Section, security gates shall be defined as any gate, door, or other barrier that limits or restricts public access to or from a property. This definition does not include any barrier securing a pool area, an individual garage, private patio, yard, or living area, or such storage room, recreation rooms, or similar areas not intended for general public access.
2. Proposed residential developments in the RM zones shall indicate during the site plan process prospective plans for future security gates and fencing installation.
3. Security gates shall conform to all other provisions of this Chapter, except where such provisions may conflict with the requirements of this Section.

B. Pedestrian Access. For any security gate that restricts pedestrian access to dwelling units of any multifamily residential development in the RM zones, an intercom, telephone, or remote access system shall be provided at the gate for each dwelling unit with restricted access.

C. Vehicular Access. For any security gate that restricts vehicular access onto any multifamily residential development in the RM zones, the following requirements shall apply;

1. All vehicular security gates shall be constructed of material that is not view-obscuring.
2. All vehicular security gates shall be automatically operated by remote control devices or key pad. Furthermore, such vehicular gates shall not be permitted to swing out.
3. **Pedestrian Access.** A separate pedestrian walkway leading from the public sidewalk into a development shall be provided for any development with a security gate across a vehicular access driveway.
4. **Gate Width.** Vehicular entry gates shall open a minimum 20 feet to completely clear the minimum driveway width. Additional width may be required by the City for access or circulation purposes.
5. **Gate Setback.**
 - a. For any development located on a street with a traffic count of 2,000 cars or fewer per day, a security gate across a vehicular driveway shall be set back from the street property line a minimum of 20 feet,
 - b. For any development located on a street with a traffic count of more than 2,000 cars per day, a security gate across a vehicular driveway shall be set back from the street property line a minimum of 40 feet.
6. **Vehicular Turnaround.** A turnaround area outside of the gate shall be required for any development of 2 or more units which is located on a street with a traffic count of more than 2,000 cars per day or for any development of more than 20-dwelling units.
7. **Trash Pickup.** A means of entry, to be approved by the City-franchised trash disposal service, shall be provided which automatically opens the vehicular gate(s) for trash pickup. Furthermore, all 3 cubic yard trash bins shall remain within City-approved trash storage facilities for removal by the franchise service at the location of the trash storage area.

D. Emergency Response Access. Prior to the issuance of any permits, fence plans with security gates shall be reviewed and approved by the Fire and Police Departments as to any required compliance with the following standards.

1. To facilitate access by Fire Department personnel, a key switch box, or other approved device, shall be provided for all pedestrian and vehicular security gates.

2. To facilitate access by City law enforcement officers, a key pad, or other approved device, shall be provided for all pedestrian and vehicular security gates. Furthermore, vehicular gates must provide egress for law enforcement vehicles.

Chapter 19.432 Development Standards—Landscaping

19.432.010 Where Required.

- A. In all RM zones, permanent landscaping materials shall be integrated into the required setbacks, parking areas, and private frontages, except for areas within the required setback occupied by permitted encroachments.
- B. A minimum of 20 percent of the total site shall be permanently maintained with landscaping. Stormwater retention areas may count towards the landscaping requirement. Required setbacks, corner landscaping, and paved pedestrian pathways shall not be counted toward this requirement.
- C. All portions of the developed site that are not occupied by other permitted buildings, structures, or facilities, shall be permanently maintained with landscaping.
- D. Except for single-family uses (one detached single-family dwelling on a lot), all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped.
- E. All landscape installation or rehabilitation shall meet the requirements of the City's Water Efficient Landscape Ordinance to ensure that the design, installation, and maintenance of landscaping conserves water.

F. Parking Lot Landscaping Improvements.

1. **Landscaped Buffers Along Streets.** Except at driveway and walkway openings and as required for Vision Clearance, the required setback areas for parking areas of Section 19.436.080 shall be landscaped with one (1) or a combination of the following requirements:
 - a. Ornamental masonry wall or hedge, 2 feet high, at the perimeter of the parking area facing a street.
 - b. Landscaped berm, 10 feet wide and 2 feet high.
2. **Landscaped Buffers Along Alleys.** Except for driveways and walkways, a minimum 4-foot landscaped planter shall be provided along all parking areas adjacent to an alley with no vehicular overhang permitted.
3. **Interior Landscaping.** All open parking areas (e.g. non-structured, non-garage) and the project perimeter shall be landscaped such that:
 - a. Planters with a total landscaped area equaling a minimum of 25 square feet per parking space shall be provided and distributed evenly throughout the open parking area including one (1) tree (minimum 36-inch box) for every eight (8) single- or double-loaded parking spaces.
 - b. Trees with a total shaded area (e.g. the area under the tree canopy 15 years after installation) equaling a minimum of 50% of the square footage of the open parking area shall be provided and distributed throughout the open parking area.
 - c. Landscaped areas shall include a three-tiered planting system consisting of ground cover, shrubs and vines, and trees. The use of grass is strongly discouraged outside of active recreational areas.
 - d. All portions of a parking area not improved for parking aisles, walkways, access ways or parking stalls shall be landscaped. Any portion of the parking area not landscaped shall be paved. At all boundaries between landscaped areas and paving, a 6-inch-high concrete

curb shall be provided unless specifically excluded as part of the project's Water Quality Management Plan (WQMP).

4. **Landscape Buffer Abutting RS Zones.** Any parking area in the RM zones abutting a RS zone shall be provided with a landscape buffer consisting of trees and some combination of shrubs, vines and ground cover consisting of a minimum 6-foot-high ornamental block wall and a minimum of 5-foot-wide planter along the abutting property line.
5. **Landscape Buffer Adjacent to Residential Structures.** Where a parking area, loading area, driveway, or other area provided for vehicular circulation faces a wall of a multifamily dwelling or group-quarters building with windows, doors, or similar openings on the first floor in such wall (other than openings which are only for utility access or emergency exit), a landscaped area at least 7 feet wide shall separate the vehicular area from the building. Such landscaped area may include walkways, uncovered porches, and exterior stairways, provided at least sixty percent of the total required buffer area is occupied by plant materials.

G. Drought-Tolerant Species. A minimum of 75 percent of non-turf landscaped areas shall be planted with native or drought-tolerant planting materials, as widely recognized within the horticultural industry or as recommended by a California-licensed Landscape Architect, to bring interest and beauty to the landscape, support biodiversity, and reduce the need for pesticides and excessive irrigation. Landscape selection shall be in compliance with the City's Water Efficiency Landscape Ordinance.

H. Turf and Synthetic Turf. Turf areas shall be limited to activity or recreation areas and shall have a 10-foot minimum diameter. Synthetic turf may be used as a substitute for natural turf for the purposes of water conservation, or in high activity or foot-traffic areas.

I. Non-Plant Material. Crushed rock, mulch, pebbles, stones, and similar non-plant materials shall be allowed up to 20% of the total required landscaping.

J. Mulch. Landscaped areas shall be top-dressed with a bark chip mulch or an approved alternative to avoid exposed bare soil.

19.432.020 Plan Approval Required.

- A. A landscape and irrigation plan for any newly established landscape area shall be submitted for zoning compliance review and approval.
- B. The landscape and irrigation plan shall clearly identify the following criteria:
 1. Property lines and property address.
 2. Streets, driveways, walkways, recreational areas, and other paved areas.
 3. Pools, water features, fences, and retaining walls.
 4. Existing and proposed buildings and structures.
 5. Landscaping materials, trees, shrubs, vines, ground cover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, water usage, and quantities of each group of plants indicated.
 6. An approximate calculation of the total landscape area.
- C. A landscape and irrigation plan with new landscaped areas of 500 square feet or more, or 2,500 square feet of rehabilitated landscape area shall be prepared and/or certified by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field.

- D. Minimum acceptable plant sizes shall be determined by policy of the Director and/or as conditions of approval for an administrative action pursuant to Division 1 but in no case shall:
1. Trees be less than 15-gallon size, with 25 percent of all trees on a project site planted at a minimum 24-inch box size.
 2. Shrubs and vines be less than 5-gallon size, with a 15-gallon minimum size where required for screening. The minimum planter width for shrubs is 3 feet.
 3. Groundcover be less than 1-gallon size.
 4. Street trees be planted less than one (1) tree per 25-35 linear feet of sidewalk length.
- E. Landscape and irrigation plans shall be submitted prior to the issuance of permits for such work or prior to the issuance of any permits (i.e. building permits) for any associated work approved by an action of the Director.

19.432.030 Landscape and Maintenance.

- A. All landscaping shall be permanently maintained in a clean, healthy, and attractive condition. This includes pruning, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the appropriate watering of all landscaping.
- a. Landscaping designs shall include one (1) or more of the following planting design concepts:
 - i. Specimen trees (48-inch box or more) in informal groupings or rows at major focal points.
 - ii. Use of planting to create shadow and patterns against walls.
 - iii. Use of planting to soften building lines and emphasize the positive features of the sit.
 - iv. Use of flowering vines on walls, arbors, or trellises.
 - v. Trees to create canopy and shade, especially in parking areas and passive open space areas.
 - vi. Berms, plantings, and walls to screen parking lots, trash enclosures, storage areas, utility boxes, etc.
 - b. Plant materials shall be placed so that they do not interfere with the lighting of the premises or restrict access to emergency apparatus such as re hydrants or re alarm boxes. Trees or large shrubs shall not be planted under overhead lines or over underground utilities if their growth might interfere with such public utilities. Trees and large shrubs shall be placed as follows:
 - i. A minimum of 6 feet between the center of trees and the edge of a driveway, a water meter, gas meter, and sewer laterals.
 - ii. A minimum of 20 feet between the center of trees and the beginning of curb returns at intersections to keep trees out of the line-of-sight triangle at intersections.
 - iii. A minimum of 15 feet between the center of trees and large shrubs to utility poles and streetlights.
 - iv. A minimum of 8 feet between the center of trees or large shrubs and re hydrants and re department sprinkler and standpipe connections.
- B. **Curbs Required.** All landscape planters shall be separated from all parking and loading spaces, parking aisles, and driveways with a minimum 6-inch-high concrete curb. In addition, for any such landscape area adjacent to a public sidewalk, in which the grade of the planter is higher than the sidewalk and which is planted with ground cover other than a hydroseeded or sodded lawn, a minimum 6-inch-high concrete curb shall be provided alongside the public sidewalk to preclude soil erosion across such sidewalk.

19.432.040 Irrigation System and Maintenance.

- A. All required landscaping shall be provided with a permanent underground irrigation system. The irrigation system shall consist of piped water lines terminating in an appropriate number of sprinklers or other outlets to insure complete coverage of water for plants within the landscaped areas.
- B. Any permanent, underground irrigation system, whether required or not, shall comply with the following criteria:
1. Permits are required prior to installation of any permanent, underground irrigation system.
 - a. **Off-Site Work.** Irrigation systems exclusively in City rights-of-way require permits issued by the Construction Services Division of Public Works. Any system within City rights-of-way shall meet the minimum requirements outlined under Engineering Standard No. ISP-1.
 - b. **On-Site Work.** On-site and combination on-site and off-site installations shall comply with the water efficient landscape ordinance. Permit fees shall be in accordance with the applicable sections of the City Code.
 2. **Backflow Prevention Devices.** All irrigation systems shall be protected by an approved type and size of backflow prevention devices, as required by the Public Works Department, to be painted green and screened by landscaping.
 3. All sprinkler heads shall be adjusted and maintained to minimize overspray upon public access ways in order to reduce the undermining of surface areas and to reduce water waste.
 4. Sprinkler heads and risers shall be protected from car bumpers. "Pop-up" heads shall be used near curbs and sidewalks. The landscape irrigation system shall be designed to prevent run-off and overspray.
 5. Irrigation systems shall be maintained in good working order.
- C. In addition to the requirements of subsection B of this section, any required permanent underground irrigation system for a development with 500 square feet or more in landscape area shall comply with the following criteria:
1. Each irrigation system shall be equipped with an automatic controller capable of operating valve stations to set days and length of time.
 2. Each irrigation system shall be equipped with a rain sensing override device which automatically shuts off the irrigation system when it rains.
 3. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigation during times of high wind or high temperature.
 4. For larger developments, the following criteria may be required when considered appropriate under a department policy of either the Planning Division or Public Works Department.
 - a. A soil moisture sensing device may be required where appropriate to measure soil moisture and maintain efficient irrigation schedules.
 - b. A separate landscape water meter may be required.

Chapter 19.436 Development Standards—Vehicular Provisions

19.436.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

- A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
- B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.

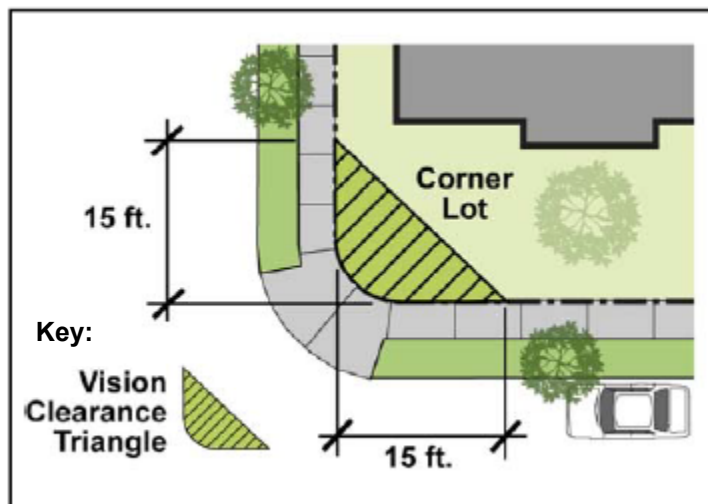
19.436.020 Vehicular Provisions for Non-residential Uses.

With the exception of required yards and setbacks (see Chapter 19.420) and landscape buffer requirements of Section 19.436.080, the vehicular provisions of Chapter 19.536, Division 5 for commercial uses shall apply for any permitted non-residential use in the RM zones.

19.436.030 Vision Clearance.

A. Vision clearance areas shall be provided as follows:

1. **On any corner lot:** A triangular area at the street intersection measuring 15 feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);



2. At the intersection of an alley with a street, or at the intersection of two (2) alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring 15 feet along each street or alley property line from the point of intersection of the property lines;

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen feet along the street property line and fifteen feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line;
- B.** Within a required vision clearance area there shall be no fence, tree, shrub, or other obstruction to sight between two feet and seven feet above the established street grade. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which meets the fence design criteria for vision clearance areas under Section 19.428.030. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.
- C. Permitted Encroachments.** The following encroachments are permitted within the minimum required vision clearance area:
1. Utility-owned pole lines within approved easements.
 2. Access walkways.
 3. Fences, walls, hedges, and berms, subject to the design criteria under Section 19.428.030.
 4. Landscaping, such as vines, shrubs, and/or ornamental grasses, not exceeding two (2) feet in height. Landscaping height may be adjusted to four (4) feet in height provided that it does not act as a privacy screen by spacing less dense landscaping a minimum of five (5) feet apart.

19.436.040 Residential Driveway Standards.

- A.** In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.
- B.** Every garage, carport, parking area, or other off-street vehicular area shall be connected to one (1) or more public streets or alleys by one (1) or more driveways meeting the standards set forth in this section.
- C. Driveway Width.**
1. The width of any driveway shall be within the limits shown in Table 19.436.040, except for a single family dwelling (one dwelling unit on a lot) in the RM zones, the requirements for driveway width shall be governed by Section 19.336.030 of Division 3 for the RS-6 zone.
 2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.
 3. **Permitted Encroachments.** The following encroachments are permitted within the required minimum driveway width:
 - a. Projections from buildings, with the minimum required height clearance of subsection D of this section, such as:
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features—sills, cornices, buttresses, etc.
 - iii. Mechanical equipment cantilevered from building.
 - iv. Balconies, second floor overhangs, and porte cocheres.
 - b. Utility-owned pole lines within approved easements.

- c. Access walkways.
- d. Security gate, subject to vision clearance requirements of Section 19.436.030 and the fence requirements of Chapter 19.428.

Table 19.436.040 DRIVEWAY WIDTHS		
Zone	Minimum Driveway Width	Maximum Driveway Width
RM-10, RM-20:		
Not more than three dwelling units on lot	12 feet (1)	25 feet
More than three dwelling units on lot	20 feet	25 feet
(1) To preclude backing out onto a street, for any multifamily dwellings on property with access on a secondary or greater highway, as denoted in the Buena Park General Plan, the minimum driveway width shall be 20 feet.		

D. Driveway Height Clearance. Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight feet. In addition, any portion of a driveway not covered by a building or porte-cochere shall be unobstructed to a height of fourteen (14) feet.

E. Driveway Curvature. The minimum turning radius for any curve in a driveway shall be 25 feet measured to the outside edge of the driveway. The minimum turning radius for parking aisles shall be 25 feet.

F. Driveway Circulation Pattern.

1. Driveways and on-site circulation shall be arranged so that vehicles are not required to back into a street, with the following exceptions;
 - a. Single family dwellings.
 - b. A lot with 3 or fewer units with vehicular access on a street designated as a secondary or lower-volume street/arterial as denoted in the Buena Park General Plan.
2. Any garage or carport with its vehicular entrance facing a street, where permitted under subsection F of this section, shall be in compliance with this Chapter in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way.
3. There shall be no direct entry from an alley to a parking space in order to preclude backing from a parking space into an alley in the RM zones.
4. In all residential zones, there shall be no circular driveway in a front yard area with two (2) driveway entrances from the same street unless the street frontage on such street is 120 feet or more.
5. **Corner Lots.** Corner lots shall include a minimum of one (1) driveway on each street frontage (primary street and secondary/side street).

G. Surface Parking.

1. Parking lots shall be placed to the side or rear of buildings. There shall be no vehicular parking between building fronts and the public right-of-way.
2. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways. Pedestrian walkways shall be a minimum of three (3) feet wide.

3. Access drives shall be at least 150 feet apart and at least 100 feet from street intersections, and 12 feet minimum from a property line unless an approved shared drive is provided or the driveway location does not create a traffic hazard to adjacent property.
4. Parking lot landscaping shall be located so as to discourage pedestrians from having to cross any landscaped areas to reach building entrances from parked cars.
5. Maximum number of driveways:
 - i. One driveway for lot frontage up to 150 feet.
 - ii. Two driveways for lot frontage 150 feet to 299 feet.
 - iii. One driveway for each additional 300 feet.

H. Residential Garage. If garage parking is provided, the following standards shall apply:

1. Garage doors may occupy no more than 25 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.
2. Street-facing garage doors serving individual units that are attached to the structure shall incorporate one (1) or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - i. Garage door windows or architectural detailing consistent with the primary dwelling.
 - ii. Arbor or other similar projecting feature above the garage doors. Projecting features located above the garage door shall not project more than 2.5 feet into the required setback.
3. Each garage space shall be equipped with an automatic door opener and a roll-up sectional or similar garage door. On multifamily dwellings, a security gate on a multi-space garage is permitted pursuant to Section 19.428.060.

I. Interior Dimensions for Multi-Family Enclosed Garages.

1. A single-car garage shall be at least 10 feet in width and 20 feet in depth.
2. A standard double car garage shall be at least 20 feet in width and 20 feet in depth. For any interior utilities such as floor mounted water heaters, washer and dryer, and water softeners, etc. shall be located outside of the required parking space dimensions pursuant to Table 19.436.070.
3. For an attached private garage, the design shall include adequate space for waste/solid storage and a water heater unit.

J. Parking Structure and Loading.

1. Any driveway providing access to a parking structure shall have a minimum width of 25 feet.
2. Parked vehicles at each level in the structure shall be shielded from view of adjoining streets.
3. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This can be accomplished through the use of textured concrete, planters or trellises, or other architectural treatments.
4. If a toll or fee booth is in the driveway area, the driveways on either side of the booth shall have a minimum width of 12 feet.
5. The maximum length of a parking aisle without being intersected by another parking aisle or driveway shall be 300 feet.
6. Minimum lighting requirement at entrances and exits is 50 foot-candles. Minimum lighting requirement of parking areas is 5 foot-candles.
7. The minimum distance of entry/exit from a corner intersection is 150 feet.
8. Illuminated signs with architectural features, such as an arch or canopy, shall be used at the entrance to emphasize the facility entry and attract patrons pursuant to Section 19.904.080.B.

K. Tandem Parking. Tandem parking may be permitted to satisfy the off-street parking requirement for a residential unit in accordance with the following:

1. No more than two vehicles shall be placed one behind the other.
2. Both spaces shall be assigned to a single dwelling unit.

3. The tandem parking spaces shall be a minimum 36 feet by 9 feet in interior dimensions.
4. Tandem parking to meet required parking for multiunit development shall not exceed 50 percent of the total provided number of spaces.
5. Tandem parking shall not be used to satisfy the parking requirement for guest parking.
6. The minimum vertical clearance shall be 8 feet.

L. Visitor Parking. Parking for visitors and/or employees shall be accommodated on site in garages or parking areas to minimize spillover to adjacent residential neighborhoods.

19.436.050 Parking Spaces Required.

- A.** In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for residential uses shall be as shown in Table 19.436.050, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.436.050, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.
- B.** Any fractional space requirement resulting from the calculation of required parking spaces shall be disregarded if less than 0.50 space and shall be counted as one required space if 0.50 or greater.

Table 19.436.050	
PARKING SPACES REQUIRED	
Use	Parking Spaces Required
Residential uses:	
Single family dwelling.	2 garage spaces (1) (Subject to Chapters 19.316 and 19.336 of Division 3 for the RS-6 zone)
Condominium, Townhomes, cooperative apartment, community apartment	0-3 bedrooms = 2 garage spaces (plus 1 additional open space) 4 bedrooms = 2 garage spaces (plus 1.5 additional open spaces) <u>When an on-site leasing office is included in the development, a minimum of three (3) parking spaces for prospective tenants shall be provided outside of any security gates or the security gate system shall provide for access to non-residents for leasing purposes. For all townhome/condominium developments, the allocation and management of restricted or assigned parking spaces shall be governed by Community Covenants and Restrictions (CC&Rs) which shall be reviewed and approved by the city to ensure compliance with local regulations.</u>
Mobilehome park.	2 spaces (tandem parking permitted) plus 0.25 visitor space per unit.
Multifamily apartments:	

in RM-10 Zone and RM-20 Zone.	0-1 bedrooms = 2 spaces (1 covered) 2 bedrooms = 2.5 spaces (1 covered) 3+ bedrooms = 3 spaces (1 covered) <u>When an on-site leasing office is included in the development, a minimum of three (3) parking spaces for prospective tenants shall be provided outside of any security gates or the security gate system shall provide for access to non-residents for leasing purposes.</u>
Group quarters:	
Rooming house, dormitory, sorority fraternity, etc.	1 space per sleeping room (plus 1 space per 100 sq. ft. of total net floor area in sleeping rooms which are in excess of 150 square feet in each such room) plus 2 spaces for any manager's dwelling unit.
Religious group quarters.	0.5 space per sleeping room (plus 0.5 space per 100 sq. ft. of total net floor area in sleeping rooms which are in excess of 150 sq. ft. in each such room)
Community residential care:	
Small group care home.	2 spaces (in garage) + 2 driveway spaces
Other community residential care facility.	To be determined under conditional use permit based on licensed capacity, type of care, and number of employees. If no conditional use permit is required, parking spaces shall follow standards for single-family dwellings.
(1) Any home constructed with five bedrooms or including at least 3,000 sq. ft. of living space shall maintain a minimum 600 square foot garage.	
Non-Residential uses: (For parking space requirements of non-residential uses, refer to Section 19.536.040 of Division 5.)	
<u>* Assembly Bill 2097 (AB 2097) prohibits public agencies or cities from imposing a minimum automobile parking requirement on most development projects located within a half-mile radius of a major transit stop. However, Government Code §65863.2(b) provides that any public agency findings to impose parking minimums must be supported by a preponderance of evidence in the record, showing that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, on any of the following:</u> <ol style="list-style-type: none"> <u>The City's ability to meet its share of the Regional Housing Needs Assessment (RHNA) for low and very low-income households.</u> <u>The City's ability to meet any special housing needs for the elderly or persons with disabilities, as identified in the City's Housing Element.</u> <u>Existing residential or commercial parking within one-half mile of the housing development project.</u> 	
<u>Consistent with the preponderance of evidence standard under Government Code Section 65863.2(b), a parking study must be provided by the public or other interested party as part of the evidence of a substantially negative parking impact for a given project.</u>	

19.436.060 Residential Parking Location.

A. Required residential parking shall be located on the same lot as the activities or uses served, except as follows:

1. Required parking may be located on a lot adjacent to the lot served subject to a recorded covenant as provided in subsection B of this section.

2. Any required parking provided by means of an off-street parking district is not subject to a specific location requirement.

- B. Where required parking is not on the same lot as the activity or use served, a covenant running with the land shall be recorded by the owner of the parking lot guaranteeing to the City that the required parking will be maintained for the use or activity served.

19.436.070 Residential Parking Dimensions and Layout.

<p style="text-align: center;">Table 19.436.070 PARKING LAYOUT STANDARDS</p>										
Type of Space	Stall		Aisle Width (in feet)							
	Width in feet	Length in feet	One-Way				Two-Way			
			30°	45°	60°	90°	30°	45°	60°	90°
Standard Car Parking:										
Angle Parking:	<u>9</u>	<u>18</u>	15	19	20	<u>20</u>	20	20	20	25
Parallel Parking	8	<u>22</u>								
Compact Car Parking										
Angle Parking:	8	16	13	15	20	<u>20</u>	20	20	20	25
Parallel Parking	7	<u>20</u>								
Tandem Car Parking ⁽¹⁾	<u>9</u>	<u>36</u>								
<u>(1) Tandem parking stalls are permitted in parking garages and private parking lots provided at least one (1) parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible and at least one (1) standard stall per dwelling unit shall be provided.</u>										

- A. Except as further provided in this section, the layout of residential parking areas shall meet the standards shown in Table 19.436.070.
- B. Parking areas shall be located within the development and not along primary frontages, unless properly screened from view. An exception may be made for accessible parking and visitor parking.
- C. Where internal street networks are provided, visitor parking shall be permitted as on-street parking on the internal street.
- D. Parking areas shall be divided into parking courts separated by landscaping.
- E. Where multi-family developments are located adjacent to any RS zone, parking for residents, visitors, and/or employees shall be accommodated onsite in garages, parking areas, or along internal streets to minimize spillover to adjacent residential neighborhoods. Parking and loading/unloading areas shall not create stacking/queuing issues at ingress/egress points.
- F. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space, except that for spaces in residential garages or carports, the vehicular entry widths shall be at least equal to the minimum door or opening widths as required by Section 19.416.090.

- G. Each parking space and aisle shall have a minimum clear height of at least six and one-half feet, except a storage bin may project not more than two and one-half feet into the front of a parking space with a clear height from the parking surface of at least four feet. For residential visitor parking spaces, at least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.
- H. Americans with Disabilities Act (ADA) parking spaces shall be provided in accordance with State standards.
- I. Except for any parking area of 10 or more spaces other than residential garage spaces, not more than 30 percent of the required spaces may be for compact car parking.
- J. The layout of parking spaces shall comply with the driveway circulation requirements of Section 19.436.040.

19.436.080 Residential Parking Improvements.

- A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.
- B. **Drainage.** All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.
- C. **Paving.**
 - 1. All areas for the movement and parking of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance. This requirement shall not apply to:
 - a. Non-required parking spaces for single-family dwellings.
 - b. That portion of a mobile home site beneath the mobile home.
 - 2. For all residential uses, all driveway approaches, driveways, required parking areas, and floors of carports and garages shall be portland cement concrete with a minimum 4 inches thickness. Other similar paving material may be permitted by the Director for driveways and parking areas, provided it is determined to be equivalent in useful life, serviceability, and appearance.
- D. **Permitted Vehicle Overhang.** In all angle parking stalls (including ninety-degree parking) facing the perimeter of an uncovered parking area, a six-inch high poured-in-place concrete curb shall be provided, located three feet inside the front boundary of the stalls, with the area between the curb and the front boundary of the stall to be landscaped.
- E. **Landscaping.**
 - 1. **Landscaped Buffers Along Streets.** Every parking area adjacent to a street, including vehicular overhangs, shall be set back from the street as indicated in the table below. Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter 19.432.

	Minimum setback from property line for parking
Front property line	10 feet
Side property line, adjacent to street	10 feet

F. Screening in the RM Zones. In the RM zones, not including the RMH Zone, any parking area located in front of a main building or within sixty feet from a street property line shall be screened from public view by one of the following methods:

1. The parking shall be within a garage building or garage portion of a main building which is architecturally integrated with the main building.
2. The parking shall be effectively screened by ornamental fences, hedges or berms, or some combination thereof, at least four feet high, and including trees in any case. Erosion from such landscaped area onto any public walkway shall be prevented by sod, ground cover, or a six-inch-high concrete curb.

G. Marking of Parking Spaces.

1. All residential parking spaces serving more than three dwelling units on a lot, shall be marked with double lines with minimum 4-inch-wide stripes and a minimum 8-inch separation separating stalls.
2. Spaces for handicapped (ADA) parking and for compact cars shall be identified.

H. Lighting. Except for a single family dwelling, security lighting shall be provided in all parking areas accessible to public entry after dark, subject to the following criteria:

1. Energy-efficient, full-cutoff pole fixtures shall be utilized to provide adequate light levels for safety at parking lots. Use of unhoused, bare bulbs shall be prohibited.
2. Building-mounted lighting fixtures shall not project above the fascia or roof line. Recessed wall mounts are encouraged.
3. Surface parking lot lighting fixtures shall not be on poles over 20 feet in height.
4. High-efficiency technology such as LED lighting with advanced controls shall be utilized to minimize energy consumption of parking lot lighting.
5. All luminaires shall be directed, shielded, or oriented to prevent light trespass or glare onto adjacent properties, rights-of-way and/or driveway areas.
6. All required lighting shall be permanently maintained as a condition of the use.

Chapter 19.440 Development Standards—Utilities And Mechanical Equipment

19.440.010 Undergrounding of Utilities.

- A.** In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.440.020.
- B.** The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.440.020 Visual Screening of Mechanical Equipment.

- A.** All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:
 - 1. Vents less than two (2) feet in height.
 - 2. Window-mounted air conditioning units on multi-family dwellings;
 - 3. Free-standing or roof-mounted solar equipment.
 - 4. Outdoor lighting standards and fixtures.
- B. Design/Materials.**
 - 1. Screening must be architecturally consistent and/or integrated with the facility in terms of design, screening materials, and colors. Effective screening does not call attention to itself, but quietly complements the building.
 - 2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
 - 3. All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building “notch outs” and screened from public view.
 - 4. Mechanical equipment shall be either placed on the ground and screened with landscape or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.
 - 5. All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.
 - 6. Trees and shrubs shall be placed a minimum of 5 feet away from water meter, gas meter, or sewer laterals; a minimum of 10 feet away from utility poles; and a minimum of 3 feet away from fire hydrants and fire department sprinkler and standpipe connections, unless another dimension is approved by the local Authority Having Jurisdictions.
 - 7. **Roof-Mounted Equipment.** Building parapets or other architectural elements in the building’s architectural style shall screen roof-mounted equipment.
 - a. New buildings shall be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
 - b. For existing buildings with no parapet less than two (2) feet in height, mechanical equipment shall be surrounded on all sides by an opaque screen wall as tall as the highest

point of the equipment. The wall shall be architecturally consistent with the building and match the existing building with paint, finish, and trim cap detail.

8. Wall and Ground-Mounted Equipment.

- a. Equipment is not allowed between front or side street facades and the street.
- b. All screening devices shall be as high as the highest point of the equipment being screened.
- c. Equipment and screening shall be in compliance with the setbacks of the zone.
- d. Screening shall be architecturally compatible and include matching paint, finish, and trim cap of the building.
- e. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

C. Treatment of Above-grade Transformers; Meters; Gas Manifolds, etc. It is the intent to encourage the placement of such equipment in underground vaults. If placed above grade for a multi-family dwelling, such equipment shall be located in a side yard out of direct view from the street. If placed above grade for other than a multi-family dwelling, such equipment shall be located and screened from public view by an architectural screen and landscaping.

D. Maintenance. All screening devices shall be permanently maintained.

19.440.030 Communications Antennae Placement in Residential Zones.

A. Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.

B. Communication antennae shall not be supported by wooden towers.

19.440.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

A. Receive-only Antennae.

1. Any receive-only antenna may be mounted in the rear yard, interior side yard, or on the roof of any residential structure, subject to all conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection **E** of this section.

B. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding 20 square feet, shall be screened. All such screening shall be on three sides and shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.

C. Location.

1. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

D. Height.

1. No receive-only antenna shall exceed 10 feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.
2. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

3. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a "see-through" mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

E. Receive-only Antenna Permit Application.

1. Where a permit is required, or application therefore is authorized, under any provision of Section 19.440.030 or this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:
 - a. Name, address, and telephone number of the applicant,
 - b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning division may require,
 - c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed,
 - d. If required herein, a description of the screening proposed to be utilized by the applicant,
 - e. A sketch or other drawing, satisfactory to the Director, showing:
 - i. Location of physical features on the subject property,
 - ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon,
 - iii. The specific location where the antenna, and screening if required, are proposed to be installed,
 - iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
 - v. The design of the antenna and proposed support structure,
 - f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein,
 - g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
 - h. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.
 - i. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

19.440.050 EV Charging Stations

- A. Pursuant to Government Code Sections 65850.7 and 65850.71, any EV charging stations installed within any RM zone, is subject to the provisions of the streamlined permitting process pursuant to Chapter 15.71 of the City of Buena Park Municipal Code. In addition, EV charging stations in RM zones shall meet the requirements set forth in the Building Division's Electric Vehicle Charging System Guidelines for Residential Buildings. In addition, the EV charging station installation and equipment shall be consistent with the rules and regulations in CALGreen Building Standards Code and CBC Chapter 11A and 11B as applicable.

Chapter 19.444 Development Standards—Environmental Effect

19.444.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Residential Acoustical Design.

1. For all dwelling and group quarters, the development shall be designed to achieve:
 - a. Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five decibels;
 - b. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred square feet per unit, with access to such area available to the residents of each unit.
2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan. For all new residential developments, an acoustical analysis shall be submitted to the City as follows:
 - a. For any residential development within a sixty decibel CNEL contour, an analysis by a professional architect, engineer, or building designer shall demonstrate that the required noise levels will be achieved.
 - b. For any residential development within a sixty-five-decibels CNEL contour, or within either the moderate noise impact area or the significant noise impact area of the Fullerton Municipal Airport as shown in the noise element of the Buena Park General Plan, an analysis by a professional mechanical or acoustical engineer shall demonstrate that the required noise levels will be achieved. Prior to issuing a certificate of occupancy, the Building Official may require tests by a qualified acoustical technician to confirm that the noise reduction achieved is sufficient to meet the requirements of this section.

B. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a sound rating number (SRN) no greater than 60 decibels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

19.444.020 Compliance with Airport Environs Land Use Plan for Orange County.

Applicants proposing buildings or structures that penetrate the Notification Surface for FMA or JFTB Los Alamitos shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration and provide a copy of the FAA determination to the City and Airport Land Use Commission (ALUC).

19.444.030 Lighting.

- #### **A.**
- Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.

- B.** Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.
- C.** The use of unshaded clear bulbs in exterior lighting is prohibited.

19.444.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All Federal, State, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.448 Special Requirements for Certain Uses

19.448.010 Mobilehome Parks.

- A. **Purposes.** The purposes of this section and other provisions of this Division regulating mobilehome parks are to:
1. Protect the quality of mobilehome living;
 2. Control abandonments of mobilehome parks and conversions of mobilehome parks to condominium-type ownership in order to avoid a shortage of affordable housing, avoid involuntary displacement of residents, and to mitigate relocation problems for displaced residents;
 3. Protect the areas surrounding mobilehome parks from adverse effects.
- B. **Location and Use Approval.** A mobilehome park on a site which is held in undivided ownership is automatically permitted in the RMH Zone, subject to the provisions of this Division, Title 15, and other applicable laws. A mobilehome park on a site held in divided ownership, including planned unit development, condominium, or stock cooperative forms of ownership, is permitted in the RMH Zone subject to a conditional use permit being granted and approval of a subdivision map.
- C. **Permitted Facilities and Activities.**
1. All living quarters in a mobilehome park shall be mobilehomes approved under state or federal regulations, except one site-built dwelling unit for a manager or caretaker is permitted. Recreation vehicles shall not be occupied as living quarters within a mobilehome park.
 2. The following accessory uses are permitted:
 - a. Recreational facilities for the use of residents and guests only;
 - b. Laundry for the use of residents only;
 - c. Home occupations, subject to the provisions of Section 19.448.060;
 - d. Office, maintenance, service, and utility facilities pertaining only to the operation of the mobilehome park;
 - e. Storage buildings and open storage areas for the use of residents only. Open storage areas shall be screened in accordance with Section 19.424.020.
- D. **Density.** The maximum density of a mobilehome park shall be 12 dwelling units per net acre in the total site (as provided in Section 19.408.010).
- E. **Site Requirement.** The minimum net site area for a mobilehome park shall be 200,000 square feet (as provided in Section 19.408.050).
- F. **Development Standards.**
1. **Mobilehome Site Size.** The average size of mobilehome sites within each mobilehome park shall be not less than 2,400 square feet. No mobilehome site shall have an area less than 1,600 square feet.
 2. **Foundations.** Permanent foundations for mobilehomes shall not be provided except foundations may be constructed in the case of a stock cooperative or condominium-type ownership where the mobilehome owner also has an ownership interest in the mobilehome site.
 3. **Buildings.** No building shall be attached to or supported by a mobilehome.
 4. **Height.** No building or structure shall exceed 2 stories or 30 feet in height, whichever is less.
 5. **Open Area.** The ground coverage of each mobilehome site shall not exceed 60 percent.
 6. **Setbacks.**

- a. Abutting any surrounding streets, a mobilehome park shall have front and side yard setbacks of at least twenty feet.
 - b. Any common structures or facilities not over fifteen feet high shall be set back at least five feet from any property line abutting property in a residential zone.
 - c. Any common structures or facilities over fifteen feet high shall be set back at least ten feet from any property line abutting property in a residential zone.
 - d. On each mobilehome site, the mobilehome and any other structures or facilities shall be set back at least five feet from the boundaries of the site.
 - e. No encroachments shall be permitted in any of the required setback areas except as follows:
 - (i) Landscaping, in any setback area;
 - (ii) Fences not over three and one-half feet high, in any setback area;
 - (iii) Fences three and one-half to seven feet high, in any setback area other than a required setback area abutting a street;
 - (iv) Screened common storage areas, in perimeter setback areas other than a required setback area abutting a street and other than a required setback area on a mobilehome site.
7. **Trash Areas.** Trash storage facilities in compliance with the requirements of Section 19.424.010 shall be located within one hundred feet of each mobilehome.
8. **Storage.** All storage shall be within accessory storage buildings or screened enclosures which comply with the provisions of Section 19.424.020, whether such storage is located on individual mobilehome sites or as a common facility for residents.
9. **Fences.** An ornamental masonry wall at least 6 feet high and not more than 7 feet high shall completely enclose all mobilehome park facilities except for entrance drives and walks and perimeter setback areas along street frontages.
10. **Landscaping.** All ground areas not covered by permitted facilities shall be landscaped.
11. **Access and Circulation.** A paved roadway at least thirty feet wide shall extend from a public street to each mobilehome site. Roadway improvements shall comply with the paving standards of Section 19.436.080 and any additional such standards adopted for mobilehome parks pursuant to Section 19.124.050.
12. **Parking.** Parking areas shall be provided as required by Chapter 19.436. Parking shall not be permitted within the minimum thirty-foot width of each roadway.
13. **Community Facilities.** Common usable open area shall be provided as required by Section 19.420.040. Suitable recreational facilities shall be provided for the use of residents such as swimming and therapeutic pools, clubhouses, tennis courts, shuffleboard courts, and landscaped park areas.
14. **Signs.** In lieu of the permit-exempt identification sign permitted by subsection D of Section 19.904.080, Division 9, one identification sign is permitted at each park entrance. Each such sign shall have a total sign face area of not more than 24 square feet. The total sign face area of all such signs shall not exceed one square foot for each dwelling unit in the park. In addition, a directory sign not exceeding 24 square feet in total face area, showing names, addresses, and locations of residents, may be located inside each entrance. Directional signs, not exceeding 4 square feet in total sign face area each and not more than 4 feet high, may be placed as necessary.
15. **Utilities.** Individual utility metering shall be provided for all mobilehome sites.

16. **Site Plan Review.** All development in a mobilehome park shall conform to a site plan approved pursuant to Section 19.128.040.

G. **Ownership and Management.** In connection with any approval of a conditional use permit and/or subdivision map for divided ownership of any mobilehome park, conditions shall be imposed requiring documents governing the ownership and management of the park which meet the same criteria as set forth for condominium documents under subsection 8 of Section 19.448.030.

H. **Conversion or Abandonment.** In the event all or part of a mobilehome park located in the RMH Zone is proposed to be vacated, converted to another use, or converted to a planned unit development, condominium, or stock cooperative form of ownership, the following shall be required:

1. The mobilehome park owner shall give notice to all residents of the park and to the City Council at least one hundred eighty days in advance of such proposed abandonment or conversion.
2. During such one-hundred-eighty-day period, the owner shall hold open an offer of sale of the park to any association formed by and open to membership of all park residents for the purpose of acquiring ownership of the park.
3. If abandonment of mobilehome use in all or part of the park is proposed, such abandonment shall not take place until a change of zone has been initiated by the owner and acted upon by the City Council. (See California Government Code Section 65863.7)
4. If conversion to a new ownership form is proposed, a conditional use permit and subdivision map approval procedure shall be initiated by the current owner. In case of approval, the conditions of such approval shall require that residents be given the first right of refusal on the purchase of ownership rights in their respective mobilehome sites.

19.448.020 Multifamily Development on RM-20 Lots with Non-Conforming Lot Width and/or Lot Area.

A. **Purpose.** The purpose of this section is to provide for multi-family residential development on existing lots in the RM-20 zone which are non-conforming in lot width and/or area, and to provide certain specific minimum development standards that will reduce the intensity of multi-family development on the smaller lots, encourage lot consolidation to achieve conforming lot width and area whenever possible, and promote shared driveways whenever possible to maximize the availability of on-street parking in the RM-20 zone.

B. **Definition.** For the purpose of this section, a non-conforming lot is defined as any existing lot in the RM-20 zone which has a lot width less than 100 feet and/or a lot area less than 12,500 square feet.

C. **Density.** The maximum density for any non-conforming lot shall be determined by computing the maximum number of dwelling units otherwise permitted under Sections 19.408.010, 19.408.020, and 19.408.030; and reducing that number in accordance with the following factors:

1. One percent reduction for each foot of lot width less than 100 feet.
2. One percent reduction for each 200 square feet of lot area less than 12,500 square feet.
3. Fractional results shall be governed by Section 19.408.040.

D. **Site Plan Review Required.** A Site Plan shall be submitted for any multi-family residential project on a non-conforming lot in the RM-20 Zone which shall meet the criteria set forth in this section. The plan shall be filed in the manner and form prescribed in Section 19.128.040

1. Intent. The intent of the Site Plan Review is to allow for the development of non-conforming lots while ensuring that any potential areas that may exist for common use with adjacent lots, such as shared open space, site access or reciprocal parking, are identified for future use.

2. The information on the Site Plan shall include, but is not limited to, the following for the subject lot and all adjacent lots:
 - a. Applicable existing and/or conceptual building locations and orientation;
 - b. Overall circulation, both vehicular and pedestrian;
 - c. Points of ingress and egress to public and private streets;
 - d. Parking lot locations and configurations;
 - e. Areas for potential or future common use on adjacent lots, such as shared open space, site access or reciprocal parking, shall be identified.
3. **Review Criteria.** The master plan shall be reviewed in accordance with Section 19.128.040 (Site Plan Review).

E. Development Standards. Under the provisions of this section, any residential development of more than one dwelling unit on a non-conforming lot in the RM-20 zone shall comply with all development standards of Division 4, with the following exceptions:

1. **Height of Structures.**
 - a. For any building or structure located within 50 feet of an RS zone, the maximum height shall not exceed 2 stories or 30 feet, whichever is less.
 - b. For any building or structure located 50 feet or more from an RS zone, the maximum height shall not exceed 3 stories or 40 feet, whichever is less.
2. **Common Usable Open Area.** Open area on a lot shall include at least 300 square feet of common usable open area per unit. For any development where the livable area of dwelling units abut the landscaped front yard, the required common usable open area for that development may be reduced by a maximum 5 percent pursuant to a site plan review process. All other standards for common usable open area shall be in accordance with Section 19.420.020.
3. **Driveway Width.** The driveway width requirements of Table 19.436.040 shall apply for non-conforming lots, except that, for more than three dwelling units on a non-conforming lot, the driveway width may be further reduced to a minimum 12 foot width with a conditional use permit approval pursuant to Section 19.128.020.

19.448.030 Residential Condominiums, Townhomes, Stock Cooperatives, and Community Apartments.

A. **Applicability.** This section applies to all multifamily residential developments utilizing a condominium, Townhome, stock cooperative, or community apartment form of ownership (referred to hereafter in this section as condominiums), whether initially developed in that form or converted from an existing form of ownership and development.

B. Findings and Purposes.

1. It is found that residential condominiums differ from rental units in many respects, including the need for design, construction, and maintenance controls, and that it is necessary that standards for both the development of and conversion to condominiums be applied for the benefit of the public health, safety, and welfare.
2. The purposes of this section are to establish standards for the design, construction, management, operation, and maintenance of residential condominium developments; and to control conversions of rental units to condominiums in order to avoid shortages of rental housing, to avoid involuntary displacement of residents, and to mitigate relocation problems of displaced residents.

- C. **Location.** Residential condominium developments regulated by this section are permitted in the RM Zones (not including the RMH Zone) subject to a conditional use permit granted pursuant to Section 19.128.020 and the requirements of the state Subdivision Map Act.
- D. **General Requirements.** Residential condominium developments shall be subject to all requirements applicable to multifamily residential uses in the zone in which the condominiums are located.
- E. **Special Requirements.**
1. **Storage.** For each condominium unit, there shall be a separate enclosed storage space of at least two hundred cubic feet. Such space shall have access other than from the interior of the dwelling unit and shall be weatherproof and lockable.
 2. **Utilities.** Each condominium unit shall have separate utility service systems including water, gas, and electrical service. All services shall be individually metered to each unit. Units shall be served by individual sewer laterals that do not cross other individually owned space unless located in dedicated easements. Main sewer lines shall be in easements. Each unit shall have plumbing stacks separate from any other unit.
 3. **Garages.** The minimum garage floor area for each unit shall be four hundred square feet. The minimum garage door width for each unit shall be one sixteen-foot door or two eight-foot doors.
 4. **Internal Circulation.** In residential rental apartment and condominium developments with multiple buildings, parking areas shall be accessed through a network of internal streets. In townhouse developments, internal circulation shall be via one (1) or more internal streets connecting to alleys where garages are located.
 5. **Attached Units Limits.** For townhouses that face onto a street, the maximum number of attached units per building shall be eight (8).
 6. **Roof Form.** No more than four (4) side-by-side townhouse units may be covered by one (1) unarticulated roof. Variation may be accomplished by changing the direction of slope, and by including elements such as dormers.
 7. **Affordable Units.** A developer of a residential condominium development project shall restrict a minimum of 25 percent of units to very low- and low-income residents or pay a fee in-lieu of providing the required minimum of affordable units.
 8. Ownership, management, operation, and maintenance responsibilities shall be governed by documents required under the California Civil Code, Title 6, Chapter 1 (Sections 1350 through 1360) and which provide for:
 - a. Right of access to common areas for City and other governmental representatives on official business;
 - b. A continuing owners' association with management responsibility, each unit with equal vote, the authority to levy assessments on an equitable basis, and a duty to give advance notice to the City of any changes affecting city requirements;
 - c. A means of re-assembly of the project into a single ownership and/or partition into more than one project.
 9. Conversions of existing developments to residential condominium projects shall be permitted only when approval is granted pursuant to Section 19.128.020. No such conversion shall become effective until all existing structures are brought into compliance with current building and housing regulations including the City's building, plumbing, mechanical, electrical, and fire prevention codes.

19.448.040 Single-Family Cluster Housing.

- A. Single-family cluster housing is permitted in the RM-10 and RM-20 zones. A single-family cluster development may be approved pursuant to the requirements set forth in Section 19.348.020.

19.448.050 Cottage Cluster Developments.

- A. Cottage cluster developments are permitted in the RM-10 and RM-20 zones. A cottage cluster development may be approved pursuant to the RS-8 requirements set forth in Section 19.348.110.**

19.448.060 Home Occupations.

- A. Purpose.** The purpose of this section is to eliminate the detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.

- B. Uses Permitted.** No home occupation shall be conducted which, in order to be successfully operated, would necessitate exceeding the limitations set forth in this section or any other provision of this Division.

C. Limitations.

1. Any sales activity shall be conducted only by mail, telephone, or internet.
2. The space occupied by home occupations shall be limited to no more than one room in a dwelling unit. Garages and accessory buildings shall not be used for a home occupation.
3. There shall be no interior or exterior remodeling or change in appearance of a dwelling to accommodate a home occupation.
4. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
5. There shall be no indoor or outdoor storage of materials or equipment pertaining to a home occupation.
6. Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.
7. Employment in a home occupation shall be limited to the occupants of the dwelling unit.
8. There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.
9. No vehicular or pedestrian traffic shall be generated by the home occupation with the exception of one-on-one tutoring or musical instrument training (non-amplified, no percussion) for children 18 years of age or younger shall be permitted.
10. A home occupation shall not place any added burden or demand on utility services or community facilities.
11. A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, vibrations, odors, lighting, or signs.

19.448.070 Yard Sales.

- A. Purposes.** The purposes of this section are to control the nature and frequency of yard sales in residential areas in order to maintain the noncommercial character of such areas and to prevent excessive traffic congestion and noise in such areas.

- B. Location, Frequency, and Time.** In any residential zone, on any 1 lot in residential use, a yard sale may be conducted on not more than 2 consecutive days in any 6-month period. Sales shall be conducted only between 8:00 a.m. and sunset.

- C. Limitations.** Items displayed, offered, or sold at a yard sale shall be only household items which have been in regular use or storage for 6 months or more on the same premises.

19.448.080 Animal Keeping.

A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.

B. Animals Allowed. No animal shall be kept or maintained within the RM zones except as follows:

1. **Household Pets.** Not more than 3 dogs and 3 cats per household plus any unweaned litter from such pets not over 6 months old, and parrots, canaries and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than 3 nonvenomous reptiles not over 6 feet long, any nonpoisonous toad, nonvenomous lizard or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.
2. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster.

C. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land, or premises under his or her control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.
2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.
3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.
4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal control regulations.

19.448.090 Emergency Shelters.

A. Emergency shelter shall have the definition prescribed in California Health and Safety Code Section 50801.

B. Required to be incidental to a religious assembly use.

C. The maximum number of beds/persons permitted to be served nightly shall be based on the individual capacity of the building and overall facility and shall not be less than 50 square feet per person served. Shelters are limited to 30 occupants per site as a principal permitted use, consistent with Cal. Gov't Code Section 65583(4)(A).

D. Maximum stay at the facility shall not exceed 180 days in a 365-day period.

E. Facility location shall be within a ½ mile radius from an OCTA bus stop, as measured from the property line.

F. The proximity to other emergency shelters shall be a minimum distance of 300 feet.

G. A minimum of 1 staff member per 15 beds shall be awake and on duty when the facility is in operation.

- H. A minimum of one (1) parking stall for every eight (8) beds and one (1) covered and secure bicycle parking space for every four (4) beds. Parking requirements may be waived if the emergency shelter is located within ½ mile of a High Quality Transit Corridor (HQTC), although one (1) space per employee is recommended.
- a. Exceptions. An Emergency Shelter may propose fewer parking spaces if the Emergency Shelter can demonstrate by a parking study that the proposed parking will satisfy the anticipated parking demand for the project to the satisfaction of the Public Works Department. In any case, the required parking for an Emergency Shelter shall not be more than that which is required for similar residential or commercial uses within the zone.
- I. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of Section 19.536.070(G).
- J. On-site client waiting and intake areas shall be located internally in the building where feasible. If not feasible, a waiting area shall be provided which contains a minimum of 10 square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by minimum 6-foot tall visually screening mature landscaping or a minimum 6-foot-tall decorative masonry wall, and shall provide consideration for shade/rain provisions.
- K. The emergency shelter manager shall be responsible for ensuring that any food service or on-site meal preparation areas comply with all applicable requirements of the county health department.
- L. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view. Any outdoor storage areas provided shall be screened from public view by minimum 6-foot tall visually screening mature landscaping or a minimum 6-foot-tall decorative masonry wall.
- M. A private storage area or closet shall be provided with each on-site bed. At no time shall any client of an emergency shelter be allowed to keep on-site any alcoholic beverages or store any type of illegal substances, drugs, and/or firearms of any kind. The manager of the emergency shelter shall conduct routine inspections of each on-site client's personal space to verify compliance with this section.
- N. Facility improvements shall additionally provide:
1. A minimum of 1 toilet for every 10 persons;
 2. A minimum of 1 shower for every 8 persons;
 3. A minimum of 1 hand-washing station for every 10 persons; and
 4. Private shower and toilet facility for each area designated for use by individual families.
- O. An operational plan shall be provided for the review and approval of the Community and Economic Development Director. Plans may be required to address additional specific needs as identified by the Director. The approved operational plan shall remain active throughout the life of the facility and updated as necessary. At a minimum, the plan shall contain provisions addressing the topical areas outlined below:
1. Security and safety – addressing both on- and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility;
 2. Loitering control – with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site;
 3. Management of outdoor areas – including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses;
 4. Staff training – with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income and have a process to address the following topics: client

intake, confidentiality, health and safety training, mental health, and substance abuse treatment and referrals;

5. Communication and outreach with objectives to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public;
6. Screening of clients for admittance eligibility – with objectives to provide first service to Buena Park residents;
7. Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report on this activity to the City; and
8. Litter control – with an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility.

P. The facility may provide the following services in a designated area separate from sleeping areas and restrooms:

1. A recreation area either inside the shelter or in an outdoor area visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence;
2. A counseling center for job placement, educational, health care, legal, or mental health services;
3. Laundry facilities to serve the number of clients at the shelter;
4. Kitchen for the preparation of meals and dining area;
5. Client storage area (i.e., for the overnight storage of bicycles and personal items); or
6. Similar services geared to homeless clients.

19.448.100 Floor Area Ratio for Multi-Family and Mixed-Use Developments (SB 478)

Senate Bill (SB) 478, Housing Opportunity Act, adds to Government Code Section 65913.11 that local governments are prohibited from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units. SB 478 also prohibits local agencies from imposing lot coverage requirements that would physically preclude a housing development project from achieving these floor area ratios; and denying a housing development project located on an existing legal parcel solely on the basis that the lot area of the proposed lot does not meet the local agency's requirements for minimum lot size. These restrictions only apply to housing development projects that are located in multifamily residential zones or mixed-use zones. This section adopts the Housing Opportunity Act by reference. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in State Law shall apply. In the event of a conflict between these provisions and the provisions of State Law, whichever is stricter shall prevail.

19.448.110 Group Homes.

Group Homes, including Sober Living Homes, as those terms are defined in Title 5, Chapter 5.70 of the Buena Park Municipal Code shall be subject to permitting and review process specified in Chapter 5.70.

19.448.120 Accessory Dwelling Units and Junior Accessory Dwelling Units.

Refer to Section 19.348.010 for specific regulations on Accessory Dwelling Units and Junior Accessory Dwelling Units in RM zones.

Division 7 –Mixed-Use Zones

Chapter 19.704 **Purpose and Description of Mixed-Use Zones**

Chapter 19.708 Intensity of Use and Site Requirements

Chapter 19.712 **Uses**

Chapter 19.716 Development Standards– Building Form

Chapter 19.720 Development Standards—Yards and Open Space

Chapter 19.724 Development Standards—Outdoor Improvements

Chapter 19.732 Development Standards—Landscaping

Chapter 19.736 Development Standards—Vehicular Provisions

Chapter 19.740 Development Standards—Utilities and Mechanical Equipment

Chapter 19.744 Development Standards—Environmental Effect

Chapter 19.748 Special Requirements for Certain Uses

Chapter 19.752 Amusement Resort (AR) Zone

Chapter 19.704 Purpose and Description of Mixed-Use Zones

19.704.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives regarding mixed-use development. The purpose of this Division is to implement those General Plan goals and objectives that relate to mixed-use land uses.

19.704.020 Description of Zones.

The following mixed-use zones, with their general purpose as indicated, have been created to implement the goals and objectives of the General Plan for the mixed-use land use designation.

- A. GMU, General Mixed-Use.** To provide a mix of compatible higher-density residential and neighborhood commercial uses along major arterials. The mix of uses can be integrated vertically (i.e., commercial on the ground floor with residential and/or office uses above) or horizontally (residential next to commercial and office uses). Single-use projects (i.e., a project that is entirely residential or entirely non-residential) are not permitted in GMU zones. A minimum of two (2) uses are required for GMU zones.
- B. CBPMU, Central Buena Park Mixed-Use.** To provide a mix of compatible higher-density residential and/or office uses above existing commercial, and office uses in a pedestrian-friendly environment. The mix of uses shall be integrated vertically (i.e., commercial on the ground floor with residential and/or office uses above). Single-use projects (i.e., a project that is entirely residential or entirely nonresidential) are not permitted in CBPMU zones. A minimum of two (2) uses are required for CBPMU zones.
- C. EMU, Entertainment Mixed-Use.** To provide a mix of compatible higher-density residential, entertainment, and commercial uses that support entertainment and tourism within the City. The mix of uses can be integrated vertically (i.e., commercial or entertainment uses on the ground floor with residential uses above) or horizontally (residential next to commercial and entertainment uses). Single-use projects (i.e., a project that is entirely residential or entirely nonresidential) are not permitted in EMU zones. A minimum of two (2) uses are required for EMU zones.
- D. COMU, Commercial Office Mixed-Use.** To provide a mix of compatible higher-intensity commercial and office uses within existing commercial and industrial areas in the City. The mix of uses can be integrated vertically (i.e., commercial uses on the ground floor with office uses above) or horizontally (commercial uses next to office uses). Single-use projects (i.e., a project that is entirely commercial or entirely office) are not permitted in COMU zones. A minimum of two (2) uses are required for COMU zones.

E. Housing Incentive Overlay (HIO) Zones. The HIO Zones includes six (6) Overlays that serve to implement the Housing Element's goal of providing new housing that addresses affordable housing needs by establishing objective design criteria for designated housing opportunity sites. The Housing Incentive Overlays include Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, Housing Opportunities Overlay, Religious Congregational and Fraternal Overlay, and Hotel/Motel Conversion Overlay.

1. The Mixed-Use Housing Incentive Overlays focus on mixed-use, walkable and vibrant environments and range in function and intensity from primarily residential areas with a mix of lower intensity building types (MUO45, Mixed-Use Overlay-45), to moderate intensity neighborhoods (MUO60, Mixed-Use Overlay-60), to higher intensity neighborhoods (MUO100, Mixed-Use Overlay-100). The "45", "60", and "100" in the name of the Overlay refers to the allowable density within the Overlay Zone.
2. The Housing Opportunities Overlay (HOO) provides for higher density affordable multi-family housing.
3. The Religious Congregational and Fraternal Overlay (RCFO) allows faith-based and fraternal organizations to build affordable housing on its sites.
4. The Hotel/Motel Conversion Overlay (HMCO) allows for the conversion of underperforming hotels/motels into permanent supportive housing.

19.704.030 Housing Incentive Overlay (HIO) Classification.

Properties located in areas shown on the Zoning Map with the symbol "MUO45", "MUO60", "MUO100", "RCFO", or "HMCO" may be used for mixed-use higher-density housing as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Objective Design Standards apply to such properties. Refer to the adopted Housing Incentive Overlay (HIO) Objective Design and Development Standards for applicable standards.

19.704.040 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Chapter 19.708 Intensity of Use and Site Requirements

19.708.010 Density and Intensity.

- A. Residential.** The base land use density refers to the maximum number of units per acre permitted under the corresponding zoning district. Additional density may be achievable in the form of a density bonus. Before any density bonus is applied, the number of dwelling units permitted in a mixed-use residential development shall not exceed the base density specified below.
- B. Non-residential.** The maximum floor area ratio refers to the highest ratio of building floor area to the net area of the lot on which the building is located.

<u>Zone</u>	<u>Base Residential Density (dwelling units per net acre) ⁽¹⁾</u>	<u>Floor Area Ratio (FAR) (for non-residential uses) ⁽³⁾</u>
GMU	32.0	1.0
CBPMU	45.0	1.0
EMU	80.0	3.0
COMU ⁽²⁾	=	0.5

⁽¹⁾ For standards on density bonus, refer to Section 19.708.020 for Affordable Housing Bonus.

⁽²⁾ Residential development is not allowed.

⁽³⁾ Parking Structures are excluded from FAR calculations for Mixed-Use development.

19.708.020 Affordable Housing Bonus.

State Density Bonus Law (Government Code Sections [65915-65918](#)) provides that local governments shall grant density bonuses and regulatory concessions and incentives to developers of housing, childcare facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower-income households, very low-income households, moderate-income households or qualifying residents. This section adopts the State Density Bonus Law by reference. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in State Density Bonus Law shall apply. In the event of a conflict between these provisions and the provisions of State Density Bonus Law, whichever is stricter shall prevail.

19.708.030 Fractional Results.

In determining the maximum number of dwelling units permitted on a site, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

19.708.040 Site Dimensions.

The minimum size and dimensions of lots created in the various mixed-use zones shall be as shown in Table 19.708.040, except that certain specific uses of property require site areas and dimensions greater than the minimum site requirements for the zone. See Chapter 19.748, Special Requirements for Certain Uses.

<u>Table 19.708.040</u> <u>SITE DIMENSIONS</u>				
<u>Zone</u>	<u>Minimum Lot Area</u> <u>(square feet)</u>	<u>Minimum Street</u> <u>Frontage (feet)</u>	<u>Minimum Lot Width</u> <u>(feet) ⁽²⁾</u>	<u>Minimum Lot</u> <u>Depth (feet)</u>
GMU	15,000	50	50	==
CBPMU	15,000	50	70	==
EMU	20,000	50	100	==
COMU ⁽¹⁾	10,000	50	50	==
⁽¹⁾ No minimum requirements apply for individual lots within an integrated development in the mixed-use zones.				
⁽²⁾ Parcels adjacent to major or secondary highway, freeways, drainage channels, or railroad rights-of-way shall require an additional 10 feet.				

Chapter 19.712 Uses.

19.712.010 Uses Permitted.

- A. Land, buildings and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.712.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

<u>Symbol</u>	<u>Meaning</u>
<u>P</u>	<u>Automatically permitted use.</u>
<u>I</u>	<u>Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.</u>
<u>C</u>	<u>Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.</u>
<u>Ci</u>	<u>Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.</u>
<u>Pc</u>	<u>Automatically permitted use, except such use is subject to a conditional use permit when located within 330 feet of a residential zone.</u>
<u>IC</u>	<u>Incidental or conditional use—automatically permitted as an incidental use, when the primary use is automatically permitted, or eligible for consideration as a primary use under the conditional use procedure.</u>
<u>T</u>	<u>Temporary use—permitted if approved in accordance with Title 19, Division 10.</u>

<u>Table 19.712.010</u>					
<u>USES PERMITTED – MIXED-USE ZONES</u>					
<u>Uses</u>	<u>GMU</u>	<u>CBPMU</u>	<u>EMU</u>	<u>COMU</u>	<u>Additional Requirements</u>
<u>Residential Uses (upper floors only)</u>					
<u>Multi-Family Dwellings:</u>					
Multi-Family Apartments	<u>P</u>	<u>P</u>	<u>P</u>		
Transitional/Supportive Housing	<u>P</u>	<u>P</u>	<u>P</u>		See Chapter 5.70
Condominium, Stock Cooperative, Community Apartments	<u>P</u>	<u>P</u>	<u>P</u>		See Section 19.448.030
Live/Work Unit	<u>P</u>	<u>P</u>	<u>P</u>		See Section 19.748.030
Low-Barrier Navigation Centers	<u>P</u>	<u>P</u>	<u>P</u>		
Short-Term Rentals	<u>I</u>	<u>I</u>	<u>I</u>		See Section 19.348.080
<u>Group Quarters: (upper floors only)</u>					
Convent, rectory, dormitory, fraternity or sorority house, etc.	<u>C</u>	<u>C</u>	<u>Ci</u>	<u>Ci</u>	
<u>Community Residential Care: (upper floors only)</u>					
Small Group Care Home	<u>P</u>	<u>P</u>	<u>P</u>		See Chapter 5.70
Other Community Residential Care Facility	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Residential Accessory Uses:</u>					See Table 19.412.010 for a list of uses permitted as Residential Accessory Uses.
<u>Public Service Uses</u>					
<u>Community Day Care: (1st and 2nd floors only)</u>					

<u>Child Day Care Center</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>See Table 19.412.010 for Special Requirements.</u>
<u>Adult Day Care Center.</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>See Table 19.412.010 for Special Requirements.</u>
<u>Health Facilities</u>					
<u>Long-Term Care (Intermediate Care Or Skilled Nursing).</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Hospital.</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Medical or dental laboratory.</u>	<u>P</u>	<u>P</u>	<u>I</u>	<u>I</u>	
<u>Medical or dental clinic</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1st and 2nd floors only</u>
<u>Pharmacy.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1st and 2nd floors only</u>
<u>Optician.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1st and 2nd floors only</u>
<u>Public Assembly (See also Recreation.)</u>					
<u>Church ⁽¹⁾</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>Churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan. See Note (1).</u>
<u>Emergency shelter.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 19.448.090</u>
<u>Club, lodge, meeting hall, community center (largest meeting room limited to 150 seats or 1000 sq. ft.)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Note (1).</u>
<u>Exhibit hall (no swap meets).</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Auditorium.</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>See Note (1).</u>
<u>Theater, indoor.</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Education (1st and 2nd floors only)</u>					
<u>Educational institution</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Note (1).</u>
<u>Library, reading room.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Museum.</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Tutoring.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Business college, vocational school (no industrial machinery or equipment), physical training school.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Trade School</u>	<u>C</u>				
<u>Recreation</u>					
<u>Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Recreation area (play area, swimming pool, racquetball courts, etc.), as an accessory use (public or private use, indoor or outdoor) to a permitted commercial use.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Private Recreation Facility.</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Community recreation center.</u>	<u>I</u>	<u>I</u>	<u>C</u>		
<u>Theme recreational park.</u>			<u>C</u>		
<u>Tennis courts or club, indoor only.</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>1st and 2nd floors only</u>
<u>With outdoor courts.</u>	<u>C</u>	<u>C</u>			
<u>Racquetball, pickle ball handball, swimming, gym, athletic club, indoor only.</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>1st and 2nd floors only</u>
<u>With outdoor courts.</u>	<u>C</u>	<u>C</u>			
<u>Natural Resource Development</u>					
<u>Arboretum/Botanical Garden.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

<u>Utilities and Communications</u>					See Division 12 of Zoning Ordinance.
Aviation navigational aids.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Public utility facilities or structures, including electrical substations and cellular telephone facilities.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Transportation</u>					
Surface Parking lot.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Parking structure.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Park and Ride	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Commercial Uses</u>					<u>Commercial uses are not allowed above the 2nd floor.</u>
Any permitted commercial use with drive-in, drive-through, or walkup window service.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	See Section 19.552.070.
<u>Office</u>					
Bank, financial institution.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	1 st and 2 nd floors only. See Note (2).
Business, administrative, professional.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	1 st and 2 nd floors only, except for the COMU Zone. See Note (2).
<u>Studios, etc.</u>					
Martial arts, dance or drama studio, art or music conservatory.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	1 st and 2 nd floors only
Music studio, recording studio.	<u>C</u>		<u>C</u>	<u>C</u>	
Radio, television studio.	<u>P</u>		<u>P</u>		
Art studio, art gallery, interior decorating, costume design, arts and crafts, photography studio.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Sale of art or publications related to permitted use.	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	
<u>Personal Services</u>					
Barber shop, beauty salon.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Automated banking service kiosk.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Retail dry cleaning.	<u>P</u>				1 st and 2 nd floors only. See Section 19.552.020.
Health spa or salon.	<u>P</u>	<u>P</u>	<u>P</u>		
Massage establishment.	<u>C</u>	<u>C</u>		<u>C</u>	See Section 19.552.130.
Tanning salon.	<u>P</u>				
<u>Tourist Services</u>					
Travel and ticket agency.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Vertical Mixed-Use Only. 1 st floor only.
Hotel/Motel	<u>C</u>	<u>C</u>	<u>C</u>		See Sections 19.104.080 and 19.552.110.
<u>Commercial Recreation</u>					
Entertainment	<u>C</u>		<u>C</u>		
Skating Rink	<u>C</u>		<u>C</u>		
Skateboard Park	<u>C</u>				
Dancehall or other establishment with public dancing.	<u>Ci</u>	<u>Ci</u>	<u>Ci</u>		
Game machine arcade.	<u>C</u>	<u>C</u>	<u>C</u>		See Section 19.552.040.
Batting cages.	<u>C</u>		<u>C</u>		
Billiard parlor, poolroom.	<u>C</u>		<u>C</u>		
Bowling alley.	<u>C</u>		<u>C</u>		
<u>Retail Sales</u>					See Table 19.512.010 for a list of permitted Retail Sales services.
<u>Food Sales and Service</u>					

<u>Restaurant, with no entertainment, no liquor, no drive-in, no drive-through, no walk-up service window.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1st and 2nd floors only</u>
<u>With entertainment.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Chapter 5.24 for definition.</u>
<u>With on-sale liquor.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 19.552.030.</u>
<u>With drive-in, drive-through, or walk-up service window.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>1st floor only. See Section 19.552.070.</u>
<u>Cocktail lounge, bar.</u>	<u>Ci</u>	<u>Ci</u>	<u>Ci</u>		<u>1st floor only</u>
<u>Liquor, off-sale.</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>1st floor only</u>
<u>Supermarket, grocery, fruits, and vegetables, dairy products, meat.</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>1st and 2nd floors only</u>
<u>Confectionary, ice cream, deli, bakery (baking for on-premises sales only).</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>I</u>	
<u>Banquet facility, catering facility.</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Vehicle Sales and Rentals (1st floor only)</u>					
<u>Automobile rental agency.</u>	<u>P</u>				
<u>Vehicle sales, leasing and rental agency (office use only).</u>	<u>P</u>			<u>C</u>	
<u>Retail sales of auto parts or accessories, not including tires.</u>	<u>P</u>				
<u>Vehicle Service (1st floor only)</u>					
<u>Mechanical carwash.</u>	<u>C</u>	<u>C</u>			<u>See Section 19.552.060.</u>
<u>Automobile service station.</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>See Section 19.552.050.</u>
<u>Quick tune-up/oil change/lube shop.</u>	<u>C</u>	<u>C</u>			
<u>Printing Services</u>					<u>See Table 19.512.010 for a list of permitted Printing services.</u>
<u>Other Commercial Uses</u>					
<u>Watch repair, camera repair, radio, stereo, television, personal computers, other small appliance repair.</u>	<u>P</u>	<u>P</u>			<u>1st and 2nd floors only</u>
<u>Rental of light equipment (up to single unit trucks).</u>	<u>C</u>				
<u>Small animal grooming (no boarding).</u>	<u>P</u>	<u>P</u>			<u>1st and 2nd floors only</u>
<u>Veterinary clinic with or without overnight boarding.</u>	<u>C</u>	<u>C</u>			<u>1st and 2nd floors only</u>
<u>Temporary Uses</u>					
<u>Temporary uses, as provided in Title 19, Division 10.</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	
<u>On-site construction facilities.</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>See Note (3).</u>
<u>On-site real estate sales office.</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>See Note (4).</u>
<p><u>(1) Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.</u></p> <p><u>(2) In an integrated center within the mixed-use zones, a conditional use permit is required to establish an administrative or professional business office use in excess of 5,000 square feet gross floor area or to establish any office use which will cause the center's gross floor area devoted to offices to exceed 20 percent.</u></p> <p><u>(3) Offices, storage, activities, and facilities directly pertaining to construction on the same site provided construction is not suspended for a permitted use for more than 30 consecutive days.</u></p> <p><u>(4) Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.</u></p>					

Chapter 19.716 Development Standards– Building Form

19.716.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.712.010 and 19.724.020, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.716.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws.

19.716.030 Height of Structures.

- A. The maximum height of any building or structure shall be shown in Table 19.716.030.

<u>Table 19.716.030</u> <u>HEIGHT LIMITS – MIXED-USE ZONES</u>		
<u>Zones</u>	<u>Maximum Height</u>	
	<u>Within 50 feet of any Single Family (RS) residential zone</u>	<u>More than 50 feet from any Single Family (RS) residential zone</u>
<u>GMU and CBPMU</u>	<u>4 stories or 45 feet, whichever is less</u>	<u>5 stories or 55 feet, except that a greater height may be authorized by a conditional use permit.</u>
<u>COMU</u>	<u>2 stories or 30 feet, whichever is less</u>	<u>4 stories or 45 feet, except that a greater height may be authorized by a conditional use permit.</u>
<u>EMU</u>	<u>4 stories or 45 feet, whichever is less</u>	<u>The height shall not be more than 65 feet plus 1 foot for each foot of horizontal distance in excess of 50 feet from the nearest residential zone or street property line, except that a greater height may be authorized under a conditional use permit.</u>

- B. **Building Height:** Building height is measured to the top of the deck floor of the highest occupied level. This measurement excludes rooftop open space, parapets, trellises, and equipment or utility-related structures, which may extend above the measured height but are not considered part of the overall building height.
- C. **Ground Floor Height.** For residential buildings with ground-floor commercial uses, the floor-to-floor height of the ground floor shall be at least fifteen (15) feet to ensure the appropriate scale of the base of the building in relation to the upper floors. For ground floor residential uses, floor to floor height of the ground floor shall be at least ten (10) feet.

19.716.040 Building Form

- A. Roof forms and roof lines shall be broken into a series of smaller building components when viewed from the street. Long, linear, unbroken roof lines shall not exceed 75 feet.
- B. Building walls along the street frontage shall include architectural details (e.g., brackets, rafter tails, or dentils) at the cornice or roof eave. Architectural design features such as window treatments, awnings, moldings,

projecting eaves, dormers, and balconies, shall be continued or repeated upon all elevations of a building facing a primary or secondary street, or a common open space.

- C. Buildings shall be oriented towards public (and private) streets to positively define street edges. Buildings adjacent to both public streets and public open space amenities, such as parks, shall be designed with a dual orientation.
- D. Except for parking structure entrances, structured parking shall not be visible from the primary streets.
- E. Buildings shall be arranged to provide functional common outdoors spaces (such as courtyards, paseos, or parks) for the use of residents.
- F. Mixed-use building orientation shall comply with all the standards mentioned above and the following standards.
1. Commercial/Office Units. Commercial/Office unit entrances shall face the street, a parking area, or an interior common space.
 2. Entrances to residential units shall be physically separated from the entrances to commercial uses and clearly marked with a physical feature. In a vertical mixed-use project, where residential units and commercial spaces occupy different floors or levels, an example of a physical feature to separate entrances is the use of floor designations and dedicated lobby or entrance areas. In a horizontal mixed-use project where residential and commercial uses coexist on the same level or within close proximity, a distinct entry canopy may be provided to assist occupants and visitors easily identify and navigate to their intended destinations.

- G. At least 50% of the total ground floor building frontage of any new or reconstructed building facing the public street shall have the following: windows with clear glass (tinted windows are permitted provided they are not 100% opaque), recessed entries, residential stoops, recesses for outdoor dining areas, landscaping, or enhanced window/entry elements such as awnings or canopies. To calculate the percentage of ground-floor frontage, use the length of the building frontage along the public street multiplied by the first-floor height from floor to ceiling.

H. **Building Step backs and façade articulation.**

For buildings exceeding three (3) stories in height must provide a minimum horizontal step back of six (6) feet for all stories above the 3rd level on all street-facing elevations (including front and side yard façades and alley) and any elevation adjacent to a single-family residential zone or use. The step back shall be measured horizontally from the exterior building wall or façade. The step back may vary between sections of the elevation. The overall average stepback shall be a minimum of 6 feet for each floor above the third story. For example, 50% of the building elevation on the fourth floor and above may have an

8-foot step back, while the other 50% may feature a 4-foot step back, resulting in an overall average step back of 6 feet. Parking structures shall be exempt from the horizontal step back requirement.

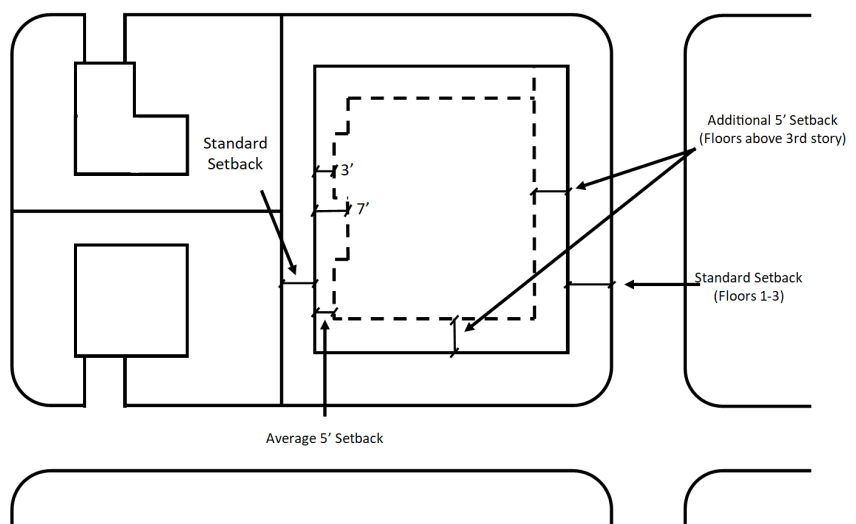


Figure A – Average Building Stepbacks.

- D. **Antennae.** Notwithstanding the restrictions of Section 19.716.030, radio antennae permitted under FCC regulations, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae, which are incidental or accessory uses, are permitted to a height of sixty (60) feet unless permitted higher by a conditional use permit.
 2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four (24) inches in diameter, may be used but may not be more than twenty-five (25) feet higher than the highest point of the building to which they are attached, unless permitted higher by the issuance of a conditional use permit.
 3. Dish antennae exceeding twenty-four (24) inches in diameter may be roof-mounted, provided that they are screened from public view or approved by a conditional use permit.
 4. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.
- E. **Flagpoles.** Flag poles shall be permitted within front, side, or rear yards provided they are setback a minimum of five (5) feet from the property line and shall be limited to no more than thirty (30) feet in height subject to the issuance of a building permit.
- F. **Other Structures.** Any free-standing structure, not specifically referenced in this Title shall be limited to no more than eight (8) feet in height and may not be located within the front, side, or rear yard setback area with the exception of art sculptures or water features, subject to review and approval by the Community and Economic Development Director and applicable building codes. Light poles shall not exceed sixteen (16) feet in height from grade and shall be placed within surface parking lots, pedestrian pathways, near building entrances, trash enclosures, alleys, and automated teller machines (ATMs).
- G. **Accessory Structures.** See Section 19.716.070 for height limits for Non-Habitable Accessory Structures and Section 19.348.010 for height limits for Accessory Dwellings.

19.716.050 Space between Buildings.

- A. The minimum distance between buildings located on the same lot shall be provided in Table 19.716.050. The minimum distance is measured from the exterior faces of nearest exterior walls between buildings. Where residential uses are located on the ground floor, the requirements for Section 19.416.050 shall apply.

<u>Table 19.716.050</u> <u>SPACE BETWEEN BUILDINGS</u>		
<u>Height of Buildings</u>	<u>Min. Distance Between Two (2) Or More Main Buildings</u>	<u>Min. Distance Between Main Buildings and Accessory Structures</u>
<u>Less than 45 feet in height</u>	<u>10 feet</u>	<u>6 feet</u>
<u>45 feet in height or greater</u>	<u>15 feet</u>	<u>6 feet</u>

- B. Mixed-use developments with two (2) or more buildings shall be designed around a common open space, public open space (e.g., a linear park/paseo), or community amenities such as swimming pools or other recreational facilities with a horizontal distance of no less than fifteen (15) feet. Pedestrian walkways shall be provided and connect open space areas to a public right-of-way and/or building entrance.
- C. **Permitted Building Projections, Ground Floor Commercial Uses.** Projecting elements on the ground floor (e.g. canopies, awnings, architectural features, etc.) shall be located a minimum of eight (8) feet above the finished floor and may project no more than four (4) feet from the façade into the setback.
- D. **Projections Permitted Between Buildings on the Same Lot.** The following projections are permitted within the required space between buildings, provided they project no more than three (3) feet from the façade into the setback.
1. **Building features.**
 - a. Cantilevered eaves, awnings, and shading devices.
 - b. Architectural features such as sills, cornices, buttresses, Juliet balconies, bay windows, etc.
 - c. Chimneys not exceeding eight (8) feet in width.
 2. Uncovered, cantilevered balconies, with a minimum ten (10) foot separation in all horizontal directions from any balcony or wall in the opposing structure.

3. Uncovered stairways and walkways.

19.716.060 Residential Building Floor Area.

For mixed-use projects with a residential component, the minimum residential building floor area requirements in Section 19.416.060 shall apply.

19.716.070 Non-Habitable Accessory Structures.

- A. Non-habitable accessory structures may include storage areas, attached or detached garages, utility and pump houses, restroom facilities, vertical circulation access ways, open air structures such as cabanas, gazebos, trellis and other similar structures.
- B. Any non-habitable accessory structures shall not exceed 600 square feet in floor area and shall not exceed one (1) story or fifteen (15) feet in height, whichever is less. Non-habitable accessory structures shall be located within the side yard or rear yard setback and shall not be visible from the street.

19.716.080 Building Materials.

- A. **Façade Materials.** Primary, Secondary and Accent materials are allowed or prohibited as specified in Table 19.716.080, which may be updated periodically by the Community and Economic Development Director as new or amended materials become available. Community and Economic Development Director approval is required for materials not identified in Table 19.716.080 below.
- B. **Primary Building Materials.** The primary building materials listed in Table 19.716.080 are permitted to make up approximately 50% to 75% of the building design. The primary building materials include the appropriate wall surface materials and visible roofing materials. The primary building materials cover the primary/front façade, secondary/corner side façade, side façade, and rear façade of the entire building.
- C. **Accent/Secondary Materials.** The accent/secondary building materials listed in Table 19.716.080 are permitted to make up approximately 25% to 50% of the building design. This includes exterior windows, decorative window treatments and balconies, decorative entries, etc.
- D. **Variation Between Buildings.** For projects with six (6) buildings or more, the colors and materials of exterior walls, doors, and accents such as window trim shall vary and a minimum of two (2) distinct color schemes shall be provided for every six (6) buildings in a project.
- E. **Consistency Between Elevations.** The materials, colors, and styles of windows, doors, roofs, decks, balconies, exterior staircases, porches, and any façade treatment shall be used on more than one (1) elevation of a building.
- F. **Material Transition.** Changes in material shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
- G. **Chimneys.** Chimneys shall either be painted the same color as the exterior wall or constructed with the same materials present on other accents or elements of the facade.
- H. Accessory structures including attached and detached ADUs, trash enclosures, storage rooms shall be constructed of the same materials, colors, roof type as the primary structure.
- I. Building materials and colors shall be in compliance with the Architectural Styles provided in Section 19.716.090. If an affordable housing mixed-use development is proposed, refer to the Architectural Styles Objective Design Standards for a list of applicable building materials and colors.

Table 19.716.080
MIXED-USE MATERIALS LIST

<u>Material</u>	<u>Maximum Usage % of Façade Area⁽²⁾⁽³⁾</u>
<u>Permitted as Primary (or Secondary) Building Materials</u>	
Brick (full dimensional)	75%
Stone/masonry	75%
Stucco/Cement Plaster	75%
Glass (transparent, spandrel)	75%
Finished wood, engineered wood	75%
Fiber reinforced cement siding and panels	75%
Asphalt shingles, standing seam metal, terracotta clay barrel tiles, or slate roofing materials	75%
Vinyl siding	50%
Exterior Insulation Finishing System (EIFS)	50%
<u>Permitted as Accent/Secondary Materials</u>	
Vegetated wall panels or trellises	50%
Concrete blocks with integral color (ground, polished, or glazed finishes)	35%
Concrete blocks with integral color (split face finish)	35%
Ceramic tile	35%
Standing seam metal	35%
Brick (veneer/thin brick)	35%
Wrought Iron	15%
Three-Dimensional Glass	5%
<u>Roof Materials</u>	
Asphalt shingles	100%
Clay tiles	100%
Slate tiles	100%
Concrete tile	100%
<u>Prohibited Building Materials⁽¹⁾</u>	
Corrugated sheet metal	Not Permitted
Galvanized metal	Not Permitted
Interlocking metal	Not Permitted
T-111 Plywood	Not Permitted
⁽¹⁾ No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area. ⁽²⁾ The following structures shall be exempt from the provisions of this section: <ul style="list-style-type: none"> • Storage sheds as an accessory structure to a multi-family dwelling which do not require building permits; • Storage containers as a permitted temporary use which do not require building permits. ⁽³⁾ The Community and Economic Development Director is authorized to allow deviations of up to 10%.	

19.716.090 Architectural Styles.

The Architectural Styles for new development apply to all new construction pursuant to this Division, except those areas within the boundary of an existing Specific Plan. The Architectural Styles Objective Design Standards identifies six (6) preferred architectural styles, as indicated below. Architectural design elements and materials shall be consistent throughout the project, recognizing that a building is three-dimensional and must be well-designed on all sides. Detailing, choice of materials, and window and door choices shall reinforce the overall project design. Alternative styles may be submitted to review by the Community and Economic Development Department, although discretionary approval may be required by the Planning Commission.

- A. Spanish Colonial Revival.** The Spanish Colonial Revival architectural style draws inspiration from Spanish, Mediterranean, and early Californian influences, and it originated during the late 19th and early 20th centuries. Typically, buildings with this style exhibit an asymmetrical design. They are characterized by low-pitched roofs with minimal or no overhang, adorned with serpentine roof tiles. This style often incorporates wood framing and

is covered with light-colored stucco siding. The use of arches is prevalent, particularly above doors, porch entries, and main windows.

- B. Craftsman.** The Craftsman architectural style originated in the early 20th century as part of the Arts and Crafts movement. Notable design features include exposed rafters and beams beneath the eaves, decorative brackets and fasteners, full or partial-width porches, and prominent columns or piers. While the Craftsman style emphasizes a horizontal emphasis, vertical architectural elements are often incorporated to highlight corners and entrances. Traditional Craftsman homes typically showcased exterior cladding made of wood shingles or clapboard siding, along with details such as extended lintels and decorative lighting with geometric patterns.
- C. Farmhouse.** The Farmhouse architectural style is an expression of rural residential designs and materials, with the Contemporary Farmhouse style specifically reflecting the agricultural history and commercial structures found in Southern California. This style incorporates playful elements, such as shed roofs, vibrant color blocking, and contemporary interpretations of traditional farm structures like barns and silos. The roofs of Farmhouse-style buildings are typically medium to high-pitched, and the overall detailing is kept simple.
- D. Tuscan.** The Tuscan architectural style blends modern and classic elements, incorporating both Spanish Revival and Italian influences. This style draws inspiration from Mediterranean variants found in California, showcasing rustic elements. Key characteristics include the use of stone and stucco, light earthy tones, and red tiled roofs. Classical elements like columns, arches, and decorative ironwork add visual interest and complexity. Squared towers and projections reflect classic Italianate influences. Porches and porticoes are commonly featured, as well as vertically oriented recessed windows.
- E. Modern.** The Modern architectural style draws inspiration from utilitarian design principles, featuring block forms, contrasting colors, and eclectic combinations of materials in contemporary compositions. This style embodies a minimalist and clean aesthetic. It utilizes simple rectangular shapes and forms, integrating them within horizontal and vertical planes to create dynamic lines. Flat roofs are commonly used to reinforce the rectangular shapes while also providing opportunities for outdoor deck areas. Accents in the Modern style are understated and unpretentious, often taking the form of trellis elements.
- F. American Traditional.** The American Traditional architectural style is a fusion of various traditional American styles such as Cottage, Cape Cod, and Farmhouse. It is characterized by simplicity and classic design elements, including rectangular forms, spacious front porches, decorative shutters, dormers, and wood siding. This style represents a traditional interpretation of rural farmhouses. The color palette used in American Traditional homes is typically subtle, with shades of white or gray for the main body of the house, while light or dark shutters provide contrasting accents.

Chapter 19.720 Development Standards—Yards and Open Space

19.720.010 Setbacks.

The following minimum setback requirements apply to mixed-use zones as provided below.

<u>Minimum Building Setbacks</u> ⁽¹⁾⁽²⁾⁽³⁾	<u>GMU</u>	<u>CBPMU</u>	<u>EMU</u>	<u>COMU</u>
Front Yard Setback	10 feet	15 feet	20 feet	20 feet
Side Yard Setback (street)	-	-	-	-
Main Building	10 feet	15 feet	20 feet	20 feet
Non-Habitable Accessory Building	15 feet	15 feet	15 feet	15 feet
Side Yard Setback (interior)	-	-	-	-
Main Building	8 feet	10 feet	15 feet	20 feet
Non-Habitable Accessory Building	5 feet	5 feet	10 feet	10 feet
Rear Yard Setback	-	-	-	-
Main Building	8 feet	10 feet	15 feet	10 feet
Non-Habitable Accessory Building	5 feet	5 feet	10 feet	10 feet
Setbacks for Parking (Front, Side, and Rear Yards)	10 feet	10 feet	10 feet	10 feet
⁽³⁾ All portions of the proposed building above the first story shall maintain a minimum setback of 12 feet from any overhead power lines.				

19.720.020 Yard Encroachments.

The following encroachments are permitted within each of the minimum required setbacks, unless stated otherwise herein.

A. Residential Encroachments.

1. **Eaves, roof projections, awnings, and similar architectural features** may project into required yards a maximum distance of three (3) feet, provided such appendages are supported only at, or behind, the building setback line.
2. **Chimneys, bay windows, fire escapes, exterior stairs and landings, and similar architectural features** may project into required yards a maximum distance of two (2) feet, provided such features shall be at least three (3) feet from a property line.
3. **Balconies** may project into required yards, private alleys, and access drive aisles, provided such features shall be at least three (3) feet from a property line and minimum ten (10) feet vertical clearance is provided.
4. **Decks, platforms, uncovered porches, and landing places** that do not exceed a height of 3 feet above grade may project into any front or corner side yard a maximum distance of six (6) feet and project into any rear or interior side yard up to five (5) feet from the property line.
5. **Minor structures and equipment.** Minor accessory structures with less than 120 square feet of floor area, and not exceeding eight (8) feet in height, may be located within any interior side or rear setback area, but not within any front or corner side yard setback area except where screened from public view. Examples include, but are not limited to, storage sheds, trash enclosures, doghouses, play equipment, and playhouses.
6. **Pool accessories.** including but not limited to slides, grottos and pool equipment shall not be located within five (5) feet of the side or rear property line.

B. Nonresidential Encroachments.

1. **Eaves, roof projections, awnings, and similar architectural features** when located at least eight (8) feet above grade may project into required yards a maximum distance of three (3) feet, provided that such features shall be at least five (5) feet from a property line.
2. **Fireplace, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar features** may project into the required yard a maximum distance of two (2) feet, provided that

such features shall not occupy more than 25 square feet of each required yard and shall be at least five (5) feet from a property line.

19.720.030 Required Open Space.

All developments within the mixed-use zones shall meet the minimum open space requirements.

<u>Zone ⁽¹⁾</u>	<u>Common Open Space (per unit)</u>	<u>Private Open Space (per unit)</u>	<u>Recreational Amenities</u>
<u>GMU</u>	<u>200 sq. ft. ⁽²⁾</u>	<u>50 sq. ft./upper floors</u> <u>100 sq. ft./ground floor</u>	<u>For projects with 25 or more dwelling units, provide one recreational amenity (see section 19.720.030) for every 30 dwelling units or fraction thereof.</u>
<u>CBPMU</u>	<u>200 sq. ft. ⁽²⁾</u>	<u>60 sq. ft./upper floors</u> <u>100 sq. ft./ground floor</u>	
<u>EMU</u>	<u>150 sq. ft. ⁽²⁾</u>	<u>50 sq. ft.</u>	
<u>COMU</u>	<u>N/A ⁽¹⁾</u>	<u>N/A ⁽¹⁾</u>	<u>N/A</u>

⁽¹⁾ Regardless of the zone, mixed-use developments that do not provide residential units shall provide a minimum of one (1) square foot of usable open space for every 50 square feet of gross floor area of commercial space. This requirement shall not apply to mixed-use development 10,000 square feet or less.

⁽²⁾ Requirement applies to developments with 200 units or less. For developments with 200 units or more shall provide a minimum of 100 square feet of common open space per unit.

* Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space.

19.720.040 Common Usable Open Space.

- A. In projects with fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet.
- B. In projects with 10 or more units, where the required common area is less than 3,000 square feet, the common outdoor space shall be concentrated in one area. The common recreation area shall be at least 25 feet in width.
- C. Where the required common area is 3,000 square feet or more, the space may be divided among multiple areas, provided that at least one common area is a minimum of 2,000 square feet with a minimum width of 25 feet. All other areas shall be at least 1,000 square feet with a minimum width of 10 feet.
- D. Residential units shall be within a 1/4 mile (1,320 feet) walking distance of common open space.
- E. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
- F. Common open space areas shall not be directly adjacent to arterial streets, service areas, or commercial development to ensure that they are sheltered from the noise and traffic of streets and incompatible uses. If located adjacent to an arterial street, service area or commercial development, a minimum of 10-foot-wide, dense landscaping shall be provided as screening.
- G. An area of usable common open space shall not exceed an average grade of 10%. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.
- H. All common open spaces shall include seating area(s) and lights. Site furniture shall use graffiti-resistant materials and/or coatings.
- I. Multifamily developments exceeding 150 units shall have at least two common open space areas and shall incorporate activities for different age groups (e.g. tot lot and Barbeque area).
- J. Rooftop structures such as gazebos, and trellises are permissible and shall not be included within the total building height calculation if they do not cover more than 20% of the roof area and are no more than 12 feet in height measured from the base of the structure.

19.720.050 Recreational Amenities

- A. The required front yard area shall not be counted toward the common usable open space requirement.
- B. Except for 100% deed restricted senior housing, projects shall include at least one children's play area with a minimum size of 150 square feet.
- C. Developments that include 30 or more dwelling units shall include at least one play area for children (unless age restricted to senior citizens or the development is located within 300 feet of a public park). Such play areas shall:
 - 1. Have a minimum dimension of 20 feet in any direction and a minimum area of 600 square feet.
 - 2. Contain play equipment, including equipment designed for children aged five years and younger.
 - 3. Be visible from multiple dwelling units within the project.
 - 4. Be protected from adjacent streets or parking lots with a fence or other barrier at least 4 feet in height.
 - 5. Be accessible from all on-site dwellings by pedestrian paths and separated from vehicular areas, unless otherwise approved by the Planning, Building, and Public Works Director.
 - 6. A play area for children under age five shall be provided within direct visibility of common spaces.
- D. One common recreational amenity shall be provided for every 30 units. Facilities that serve more people could be counted as two (2) amenities, as indicated below. The following listed amenities satisfy the recreational requirements:
 - 1. Clubhouse at a minimum of 750 square feet (counts as two)
 - 2. Swimming pool at a minimum of 15x30 feet or equal surface area (counts as two)
 - 3. Tennis, basketball, racquetball court or pickle-ball court
 - 4. Weightlifting facility/Indoor fitness center at a minimum of 800 square feet. Indoor fitness centers 2,000 square feet or greater (counts as two).
 - 5. Outdoor fitness stations with at least three (3) fitness stations either grouped together or provided along a trail or walkway with a minimum of 50 yards distance between each fitness station.
 - 6. Children's playground at a minimum of 600 square feet
 - 7. Sauna or jacuzzi
 - 8. Day care facility (counts as two)
 - 9. Picnic areas/stations with tables and chairs or BBQ grills with picnic stations
 - 10. Outdoor chess/checkers boards
 - 11. Community garden with a maximum of 20,000 square feet and a perimeter fence at least four (4) feet in height.
 - 12. Plaza at a minimum 2,000 square feet with a street located on at least one (1) side of the Plaza and shall provide a minimum of 10% of landscaping.
 - 13. Other recreational amenities deemed adequate by the Community and Economic Development Director

19.720.060 Private Open Space.

- A. Private open space located on the ground level (e.g., yards, decks, patios) shall have a horizontal dimension of not less than 10 feet in any direction. Private open space located above ground level (e.g., porches, balconies) shall have a minimum depth of not less than 6 feet and a total area of not less than 50 sq ft. .
- B. Private usable open space shall be accessible to only one (1) dwelling unit by a doorway or doorways to a habitable room or hallway of the unit.
- C. Above ground-level space shall have at least one (1) exterior side open and unobstructed for at least 8 feet above floor level, except for incidental railings or balustrades.
- D. Ground level private open spaces shall be contiguous to the units they serve and screened to a minimum height of 4 feet by use of plant materials, solid walls, or building surface.

19.724.070 Rooftop Decks.

- A. Any rooftop uses intended for active or passive recreation shall require a site plan review, permits, and inspections for occupants and structural safety based on how the building roof is to be used. However, passive

recreational uses, such as seating areas or simple walkways, may be permitted without a site plan review, provided they do not involve permanent structures or significant modifications.

1. The rooftop deck shall be located on the third or higher story.
2. The rooftop deck shall be accessible to all residents of dwelling units on the parcel, but not to commercial tenants of a residential mixed-use development.
3. Minimum dimensions of a rooftop deck are 15 feet in any direction.
4. Permanent fixtures associated with the usable open space, such as trellises; shade structures; furniture; and furnishings such as planters, lighting, and heaters may exceed the height limit by up to 12 feet.
5. At least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening, stormwater planters, or other landscaping. All required landscaped areas should be equipped with automatic irrigation systems and be properly drained.
6. Rooftop equipment if visible from a public right of way, shall be screened by a parapet or enclosure.
7. Rooftops not meant to be usable for recreational purposes are exempt from the landscaping requirement but must still be treated to minimize aesthetic impacts when visible from off-site locations. Where rooftops are visible from off-site, they should be treated to minimize aesthetic impacts.

19.720.080 Pedestrian Access to Dwellings.

- A. A clear pedestrian walkway with a minimum 6-foot width shall be provided connecting parking areas to main entrances of buildings and the public sidewalk. The walkway shall be clearly marked with special paving, concrete stamping, or coloring.
- B. Pedestrian connections shall be incorporated to connect between residential and commercial elements within the same project.
- C. Walkways shall not be sited directly against a building façade but buffered with a minimum 3-foot-wide landscaped planting area to provide privacy of nearby residences or private open space.
- D. A sidewalk shall be provided on at least one side of all internal streets providing a safe pedestrian connection.
- E. All development types shall provide internal pedestrian connections throughout the project site. Internal pedestrian connections is a system of pedestrian walkways that connects to all buildings on a site, to on-site and street parking areas, on-site open space areas, and pedestrian amenities.
- F. Where pedestrian circulation crosses vehicular routes, a change in grade materials, textures, or colors shall be provided to emphasize the conflict point and improve its visibility and safety.
- G. Pedestrian linkages to nearby neighborhoods, schools, parks, commercial projects, and parking areas shall be provided.

19.720.090 Future Rights-of-Way.

- A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty (40) feet.
- B. In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided in subsection C of this section. All other required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.
- C. **Permitted Encroachments.** The following encroachments are permitted within the future rights-of-way area:
 1. Utility-owned pole lines within approved easements.
 2. Access walkways and driveways.

3. Uncovered parking—to the same extent as permitted in adjoining front, side, or rear yard.
4. Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage)—to the same extent as permitted in adjoining side or rear yard.
5. Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.)—to the same extent as permitted in adjoining side or rear yard.
6. Real estate signs.
7. Fences, walls, hedges, and berms—to the same extent as permitted in adjoining front, side, or rear yard.
8. Landscaping, other than hedges.

19.720.100 Right-of-Way Improvements.

- A. The purpose of this section is to establish requirements for right-of-way improvements for all MU zoned parcels within the City of Buena Park on which property improvements are made. "Right-of-way improvements" shall include curbs, gutters, sidewalks, driveway approaches, handicapped (ADA) ramps, water lines and appurtenances, sewer lines and appurtenances, storm drainage facilities, property dedications of right-of-way, streetlights, pavement markings, signs, and street trees.
- B. **Required Improvements.** All projects shall be required to provide the following right-of-way improvements as are deemed necessary and applicable by the Director of Public Works:
1. **Sidewalk and Parkway.** Construction or repair of a sidewalk and parkway adjoining the site. The sidewalk shall have a minimum clear width of five (5) feet with a parkway, or six (6) feet if the sidewalk adjoins the curb, or shall be the minimum width of the adjoining properties along that side of the street.
 2. **Curb and Gutter.** Construction or repair of curbs and gutters adjoining the site. All unused curb cuts shall be replaced with a full-height curb and gutter.
 3. **Street Trees.** As required by Subsection 18.24.190 of the Municipal Code.
 4. **Bicycle Trail.** As required by Subsection 18.64.020. Construction of bicycle trail as required by the "Fourth District Bikeways Strategy" adopted by the Orange County Transportation Authority.
- C. **Encroachment Permit Required.** Except as otherwise provided in this Section, it is unlawful for any person to encroach or make or cause to be made any encroachment in the public right-of-way or on property subject to a public utility easement, or other easement available for use by public utilities, without first obtaining an encroachment permit from the Public Works Department.
1. Encroachment permits for right-of-way improvements shall be obtained prior to the issuance of a building permit and prior to any work being done within the right-of-way.
 2. Street improvement plans for all work in the public right-of-way shall be prepared by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.
- D. **Parkways.** A parkway (i.e., sidewalk strip, parking strip, or tree buffer) is a portion of the street right-of-way lying between the curb and sidewalk.
1. Any objects placed in the parkway (e.g. rocks, benches, etc.) shall not present a hazard or public nuisance and shall not block a clear line of sight across the parkway.
- E. **Objective Design Standards:**
1. **General:**
 - i. Commercial uses and development standards are subject to the provisions of Division 5 of Title 19 of the BPMC, unless stated otherwise herein.
 - ii. Projects developed within the Mixed-Use Zones shall comply with the most recent Orange County Fire Authority Guidelines for access, water and Architectural Guidelines.
 2. **Project Design:**
 - i. Grading, storm drain, street, sewer, water, and erosion control plans shall be prepared by a Registered Engineer, at a minimum scale of 1" = 40', and on 24" by 36" sheets. Any proposed

improvements shall be designed and constructed per City Standards. Any existing improvements in the public right-of-way, adjacent to project parcel frontage, that are not in compliance with the Americans with Disabilities Act (ADA) shall be removed and reconstructed or added to meet the ADA requirements and must comply with City Standards.

- a) Projects within the flood zone of the Federal Emergency Management Agency shall be developed per Division II of Title 18 of the City Code.
 - b) Street dedications including corner cutoff dedications to the City for the project frontage will be required per the Master Street Plan.
 - c) Existing overhead utilities and poles along the project frontage shall be undergrounded or an in-lieu fee may be paid per the City's latest fee schedule. All new utilities to the project site shall be undergrounded.
 - d) New streetlights along the project frontage shall be required every 150-feet unless already existing. Streetlights mounted on wooden poles shall be replaced with marblelite poles.
 - e) Trees and ground cover with an irrigation system shall be required within the parkway landscaping area along the project frontage. The species of tree to be planted will be determined by the City of Buena Park's Urban Forest Management Plan. The property owner shall be responsible for the maintenance of this landscaping area per Chapter 19.1112.070 of the Buena Park Municipal Code.
 - f) Driveway approaches, sidewalks, curb, and gutter along the project frontage that are lifted, fractured or failing shall be removed and replaced per City standards.
 - g) All vehicular access to the site shall be provided in locations approved by the Traffic Division. An emergency access within the project parcel shall be approved by the Orange County Fire Authority and an approved copy of the plan shall be submitted to the Engineering Division with the submittal of the grading plan.
 - h) Traffic Impact fees shall be in accordance with City Resolution 9726 and the latest City Fee Schedule. Sewer, water, and stormwater impact fees shall be per the latest City Fee Schedule.
 - i) A site distance analysis, prepared by a registered engineer, shall be submitted for approval for any structures that are substantial in size, such as monument signs, that are proposed adjacent to existing or proposed driveway.
 - j) Provide an engineering study for any proposed sewer and water connections to the City system. The study shall be prepared by a registered civil engineer for approval by the City Engineer. Any infrastructure upgrades necessary to meet the fire code or the domestic water capacity shall be mitigated by the developer. Easements shall be dedicated as needed to accommodate a new public water or sewer system. The proposed utility connections shall be made to the City water and sewer systems in accordance with the City Code, standards and applicable Federal, State and County regulations.
 - k) A double check detector assembly is required for domestic and fire service connections, and a reduced pressure principle device (RPPD) is required for irrigation service connection per City standards, and devices shall be supplied and installed by contractor. Contractors shall supply and install City approved water meters in the public right-of-way.
 - l) A hydrology and/or hydraulics study, prepared by a registered engineer, shall be submitted for approval when drainage is altered and/or there is a net increase of the stormwater for the proposed project. The storm drain system shall be designed and constructed for a minimum of a 25-year flood per the County of Orange standards. It shall be privately owned and maintained.
 - m) Easement shall be granted to the City when public water and sewer systems are installed within private land.
 - n) All existing public facilities in conflict with new improvements shall be relocated at no cost to the City. The property owner shall dedicate or cause to be dedicated all easements needed to accommodate the relocation, modification or installation of facilities to be maintained by the City or any public utility company.
- ii. Tract maps and parcel maps shall be prepared in accordance with the State Subdivision Map Act and Division I of Title 18 of the City Code. All improvements required to be completed by the applicant shall be in accordance with the City standards and specifications. All maps shall be concurrently reviewed by the City and the Orange County Survey Department. The applicant

shall forward all plan check comments received from the Orange County Survey Department to the City for each plan check.

3. Permit Issuance:

- i. All fees, deposits, and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction. The fee amounts are specified in the City Fee Schedule.
- ii. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall obtain a City Business License and submit required insurance certificates.
- iii. A Transportation Hauling permit shall be obtained to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximums specified in the California Vehicle Code (CVC) and the Caltrans Transportation Permit Manual.
- iv. Prior to issuance of a grading permit, applicant shall record an approved WQMP that includes the Master Covenant & Agreement and an Operational Maintenance Plan with the Orange County Recorder's office. Two hard copies of the WQMP in 3-ring binders shall be provided to the City.
- v. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for a period of one (1) year, for all public facilities and improvements.
- vi. Prior to the grant of occupancy by the City or commencement for the approved use, all improvements required by the Public Works Department shall be completed.

4. Construction:

- i. A traffic control plan, prepared by a registered engineer, shall be submitted for approval for all utility connections, street improvements, and any other work performed in the public right-of-way that require a lane closure. A traffic control plan, prepared by a registered engineer, shall also be submitted for work on private property that results in lane closures.
- ii. When more than one trench cut is made to install utility lines, then the street shall be either slurry sealed or grind and capped with AC to the nearest lane line of a trench cut from property line to property line. The method of replacing the pavement in kind or better shall be decided based on existing pavement condition.
- iii. An Engineered Grading and Utility Certification shall be certified by the project engineer. Each phase of construction, fill and soil compaction, rough grading including pad elevations, final grading, utilities, and Water Quality Management Plan shall be certified by the project engineer and submitted to the City.
- iv. Applicant shall abandon any existing private water wells per the City and Orange County Health Department requirements.
- v. Prior to issuance of occupancy, applicant shall demonstrate all structural BMPs have been constructed in conformance with the approved WQMP.
- vi. Any work on State Highway, Beach Boulevard from the I-5 Freeway to north City limit, shall require a Caltrans permit.
- vii. The applicant/contractor shall be responsible for protecting all existing horizontal and vertical survey controls. Any survey controls disturbed during construction shall be reset per Orange County Surveyor Standards after construction.
- viii. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.

Chapter 19.724 Development Standards—Outdoor Improvements

19.724.010 Trash Storage Facilities.

- A. All trash storage facilities for residential uses shall meet the standards in Section 19.424.010 and Section 19.524.010 for commercial uses.

19.724.020 Outdoor Storage and Display.

- A. **Outdoor Storage.** Outdoor storage of materials, equipment or other items is permitted, subject to all other limitations of this ordinance and other laws. Outdoor storage shall not be located in any required parking area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six (6) foot-high fence is not permitted.
- B. **Outdoor Display.** Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.448.070.

19.724.030 Firepits, Detached Fireplaces, and Fountains.

- A. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum setback of five (5) feet from the side yard and rear yard property line. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum of ten (10) feet from any dwelling or accessory structure on a lot.
- B. Detached firepits and fireplaces are permitted within the side yard and rear yard setback. Detached firepits and fireplaces located within the side and rear yard areas shall not be greater than eight (8) feet in width. Residential detached fireplace/chimneys shall have a maximum height of eight (8) feet within the side yard and ten (10) feet within the rear yard, or the minimum height required by the CA Building Code or other state regulation. Any outdoor firepit or detached fireplace shall maintain a minimum setback of five (5) feet from any side or rear yard property line.
- C. Fountains may be located within the front and/or rear yard setback. Fountains located within the front yard setback shall be at least six (6) feet from the property line and shall not exceed seven (7) feet in height. Fountains located within the rear yard setback shall be at least five (5) feet from the property line and shall not exceed ten (10) feet in height.

19.724.040 Patio Covers, Gazebos, and Cabanas.

- A. The construction of patio covers, gazebos, and cabanas shall comply with the following standards:
1. These structures may be erected within the required side yard or rear yard provided that the clear space between the structure and the property line shall not be less than four (4) feet on the side and ten (10) feet in the rear.
 2. If located within a required side yard or rear yard setback, the height of the structure shall not exceed ten (10) feet from finished grade.
 3. None of these structures shall be enclosed by solid materials including transparent or opaque.
 4. Patio covers on upper-floor balconies are permitted but must comply with all setback and height requirements. These covers cannot be added or enclosed later by residents without prior approval from the Community and Economic Development Director.

19.724.050 Swimming Pools and Spas.

Pools and Spas enclosures shall be compliant with CBC Chapter 31 Section 3109, the California Residential Code (CRC) Appendix V, The California Health and Safety Code (HCS) Article 2.5 (Sections 115920-115929)- "The Swimming Pool Safety Act" and this Code.

Chapter 19.728 Development Standards—Fences, Walls, Hedges, and Berms

19.728.010 General Requirements.

- A. No fence shall be constructed within the mixed-use zones until the plans and design for such fence have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.
- B. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.
- C. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.
- D. **Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.
- E. As defined in Section 19.104.080, the term "fence" as used in this Division means fence, freestanding wall, hedge, or berm unless otherwise specifically stated.

19.728.020 Fence Height and Location.

- A. **General.** A solid wall, fence, hedge, or berm no more than two (2) feet in height may be permitted anywhere on a lot. A non-view obscuring fence, such as wrought iron, may be permitted as follows:
 - 1. A maximum of 4.5-foot high fence may be permitted anywhere on a lot.
 - 2. A maximum of a 6-foot high decorative fence may be permitted along any street frontage at a distance equal to or greater than the required parking setback for the Mixed-Use Zone (Section 19.720.010 Setbacks). This provision shall not supersede the requirements in Chapter 19.732.
- B. **Interior Lots.** On interior lots, a fence, wall, or hedge not exceeding 8 feet above the adjacent natural grade may be located anywhere on the lot behind the required front yard setback line.
- C. **Corner Lots.** On corner lots, a fence, wall, or hedge not exceeding 8 feet in height above the adjacent natural grade may be located anywhere on the lot behind the required front yard setback line and behind the required corner side yard setback line.
- D. **Retaining Wall below Natural Grade.** Where a retaining wall protects a cut below the natural grade and is located on the line separating lots or parcels, the retaining wall may be topped by a wall, fence, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
- E. **Retaining Wall Containing Fill.** Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a wall, fence, or hedge, provided that in any event, a protective fence or wall not more than 3 feet in height may be erected at the top of the retaining wall. Any portion of a fence above the maximum height shall be an open-work fence. An openwork fence means a fence in which the component solid portions are evenly distributed and constitute not more than 60 percent of total surface area of the face of the fence.
- F. **Open Space.** No wall, fence, or hedge exceeding 2 feet in height may be located in open space required between buildings when the buildings are situated front to front, front to rear, or front to end.
- G. **Freeway Right-of-Way Adjacent.** A wall or fence not exceeding 8 feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way, provided that:

1. The wall or fence does not extend into any front yard.
2. A wall or fence exceeding 6 feet in height shall be subject to discretionary approval, which shall consider the effect of such wall or fence on other property in the vicinity.
3. Walls used for sound attenuation purposes along arterial roadways shall be attractive and subject to discretionary approval.

H. **Adjacent Residential Zones.** Any other provision of this Chapter notwithstanding, a wall, fence, or hedge that is provided along a common property line separating property used for commercial purposes from a single-family zoned property or any PUD established exclusively for residential use, and that is permitted or required to maintain a height of 6 feet, may be extended to a height not to exceed 8 feet.

I. **Railroad or Flood Control Channel Adjacent.** When commercial property has a common property line with a single-family zoned property or any PUD established exclusively for residential use, and that is a right-of-way for a railroad or flood control channel, City Council may waive the requirement for a zone separation wall or fence.

J. **Setback Area.** Notwithstanding the above requirements, no fence, wall, or hedge shall be permitted within any required street-fronting setback area for any commercial or residential/commercial mixed-use development, with the exception of any fence or wall required for any outdoor dining area.

19.728.030 Fence Materials and Design.

A. All fences in every mixed-use zone, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished.
2. Be suitably finished on both sides.
3. Utilize colors and materials that are compatible with the property and neighborhood.
4. All fences shall be maintained in good repair and appearance.

B. Perimeter walls shall incorporate various textures, staggered setbacks, and variations in height in conjunction with landscaping to provide visual interest and to soften the appearance of perimeter walls. Perimeter walls shall incorporate wall inserts and/or decorative columns or pilasters to provide visual relief. The maximum unbroken length of a perimeter wall shall be 50 feet.

C. All non-transparent perimeter walls and/or fences shall be architecturally treated on both sides and shall incorporate landscaping whenever possible.

D. Wall design and selection of materials shall consider maintenance issues, especially graffiti removal and long-term maintenance.

E. Wall caps are to be incorporated as a horizontal design element at the top of walls and should not exceed 4 inches vertically.

F. Visually penetrable materials (e.g., wrought iron or tubular steel) shall be used in areas of high activity (i.e., pools, playgrounds) and areas adjacent to street frontage.

G. Screen walls, sound walls, and retaining walls shall be used to mitigate noise generators and provide privacy for residents.

H. Sight-obscuring screening shall be provided for all garbage and trash collection areas, approved outdoor storage, and parking lots abutting a single-family residential development. Such screening shall be 6 feet in height.

I. **Chain Link and Wire Fencing.** Except within the COMU zone and as permitted within this section, there shall be no use of chain link or wire fencing in a location between a street and any buildings on a property or which otherwise faces a street property line within public view.

1. Chain link fencing may be used within such areas for approved temporary uses and for the purpose of temporarily securing vacant or vacated properties and construction sites.

2. For site screening purposes, a chain link gate with screening slats may be used across driveways within such areas.
 3. For temporary site screening purposes for a period of 3 years or less, a chain link fence with screening slats may be used around soil remediation equipment.
- J. Vision Clearance Area. Any fence within the required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as defined under section 19.728.020, shall not be a view-obscuring fence.
- K. Any masonry wall shall be of a minimum 6-inch-wide block construction. In addition, the wall shall be of ornamental masonry in earthtone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

19.728.040 Double Fences.

- A. Any parallel fences constructed with less than 3 feet separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter and debris.
- B. In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.
- C. Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be completed at such time.

19.728.050 Security Gate Standards.

A. General Requirements.

1. **Definition.** For the purpose of this Section, security gates shall be defined as any gate, door, or other barrier that limits or restricts public access to or from a property. This definition does not include any barrier securing a pool area, an individual garage, private patio, yard, or living area, or such storage room, recreation rooms, or similar areas not intended for general public access.
 2. Proposed residential developments in the mixed-use zones shall indicate during the site plan process prospective plans for future security gates and fencing installation.
 3. Security gates shall conform to all other provisions of this Chapter, except where such provisions may conflict with the requirements of this Section.
- B. **Pedestrian Access.** For any security gate that restricts pedestrian access to dwelling units of any residential development in the mixed-use zones, an intercom or telephone system shall be provided at the gate for each dwelling unit with restricted access as a condition of approval of the security gate.
- C. **Vehicular Access.** For any security gate that restricts vehicular access onto any multifamily residential development in the mixed-use zones, the following requirements shall apply:
1. All vehicular security gates shall be constructed of material that is not view-obscuring.
 2. All vehicular security gates shall be automatically operated by remote control devices. Furthermore, such vehicular gates shall not be permitted to swing in or out.
 3. **Pedestrian Access.** A separate pedestrian walkway leading from the public sidewalk into a development shall be provided for any development with a security gate across a vehicular access driveway.

4. **Gate Width.** Vehicular entry gates shall open a minimum 20 feet to completely clear the minimum driveway width. Additional width may be required by the City for access or circulation purposes.
 5. **Gate Setback.**
 - a. For any development located on a street with a traffic count of 2,000 cars or fewer per day, a security gate across a vehicular driveway shall be set back from the street property line a minimum of 15 feet, except that, for an existing development, the setback may be reduced to a minimum 12 feet if it is deemed necessary.
 - b. For any development located on a street with a traffic count of more than 2000 cars per day, a security gate across a vehicular driveway shall be set back from the street property line a minimum of 40 feet.
 6. **Vehicular Turnaround.** A turnaround area outside of the gate shall be required for any development of 2 or more units which is located on a street with a traffic count of more than 2000 cars per day or for any development of more than 20 dwelling units.
 7. **Trash Pickup.** A means of entry, to be approved by the City-franchised trash disposal service, shall be provided which automatically opens the vehicular gate(s) for trash pickup. Furthermore, all 3 cubic yard trash bins shall remain within City-approved trash storage facilities for removal by the franchise service at the location of the trash storage area.
- D. **Emergency Response Access.** Prior to the issuance of any permits, fence plans with security gates shall be reviewed and approved by the City Fire and Police Departments as to any required compliance with the following standards.
1. To facilitate access by Fire Department personnel, a key switch box, or other approved device, shall be provided for all pedestrian and vehicular security gates.
 2. To facilitate access by City law enforcement officers, a keypad, or other approved device, shall be provided for all pedestrian and vehicular security gates. Furthermore, vehicular gates must provide egress for law enforcement vehicles.

Chapter 19.732 Development Standards—Landscaping

19.732.010 Where Required.

- A. **Minimum Landscaped Area.** 15 percent of the total net developable site area shall be landscaped. Required setbacks shall be included as part of the calculation of the minimum landscaped area.
- B. **Landscaping Required in Setbacks.** A minimum of 50 percent of the surface area of the required setbacks shall be landscaped in all mixed-use zones, with the exception of the required front and corner side yard setbacks in the EMU and COMU zones. In the EMU zones, a maximum of 60 percent and a minimum of 20 percent of the surface area of the required setbacks shall be landscaped. In the COMU zone, a minimum of 15 percent of the surface area of the required setbacks shall be landscaped. Any non-landscaped area within a required setback shall be paved per the requirements in Subsection C.
- C. **Paved Areas in Setbacks.** Areas not landscaped shall be paved with high-quality materials such as pavers, stone or cobblestone, patterned or scored colored concrete, or similar durable materials. Plain and colored concrete and plain asphalt are prohibited.
- D. **Ground Cover.** All landscaped areas shall be covered with turf, non-deciduous groundcover, or other types of plantings. All plant spacing shall be as indicated on the landscape plans. Substitute landscaping such as crushed rock, redwood chips, pebbles, and stone may not be used in lieu of live plant materials, although limited use may be approved by the Community and Economic Development Director during the site plan review process.
- E. **Vision Clearance at Street Intersections Paving and Landscaping.** The area comprising an open and unobstructed triangular area for vision clearance shall be paved and landscaped in accordance with Chapter 19.732 and other applicable landscaping standards required for mixed-use zones, except that no trees, shrubs, fences, or other physical obstructions higher than 3 feet above existing grade shall be permitted.
- F. Landscaping designs shall include one (1) or more of the following planting design concepts:

1. Specimen trees (48-inch box or more) in informal groupings or rows at major focal points.
2. Use of planting to create shadow and patterns against walls.
3. Use of planting to soften building lines and emphasize the positive features of the sit.
4. Use of flowering vines on walls, arbors, or trellises.
5. Trees to create canopy and shade, especially in parking areas and passive open space areas.
6. Berms, plantings, and walls to screen parking lots, trash enclosures, storage areas, utility boxes, etc.

G. Plant materials shall be placed so that they do not interfere with the lighting of the premises or restrict access to emergency apparatus such as re-hydrants or re-alarm boxes. Trees or large shrubs shall not be planted under overhead lines or over underground utilities if their growth might interfere with such public utilities. Trees and large shrubs shall be placed as follows:

1. A minimum of 8 feet between the center of trees and the edge of a driveway, a water meter, gas meter, and sewer laterals.
2. A minimum of 20 feet between the center of trees and the beginning of curb returns at intersections to keep trees out of the line-of-sight triangle at intersections.
3. A minimum of 15 feet between the center of trees and large shrubs to utility poles and streetlights.
4. A minimum of 8 feet between the center of trees or large shrubs and re hydrants and re department sprinkler and standpipe connections.

H. Each project developed within mixed-use zones shall comply with the most recently adopted Orange County Fire Authority Guidelines for access, water, and Architectural Guidelines.

I. Parking Lot Landscaping Improvements.

1. **Landscaped Buffers Along Streets.** Within the required setback areas for parking (See Section 19.720.010), one of the following, or a combination thereof, shall be provided except at driveway and walkway openings and as required for vision clearance by Section 19.736.020:
 - i. Ornamental masonry wall or hedge, 2 feet high, at the perimeter of the parking area facing a street.
 - ii. Landscaped berm, 10 feet wide and 2 feet high.
2. **Landscaped Buffers Along Alleys.** Except for driveways and walkways, a landscaped planter shall be provided along all parking areas adjacent to an alley pursuant to Section 19.536.070E.2
3. **Interior Landscaping.**
 - i. Mixed-Use Zones. Within the parking area of any parking lot with 10 or more parking spaces, landscaping with trees and some combination of shrubs, vines, and ground cover shall be provided pursuant to Section 19.536.070E.3. Such landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view.

J. Landscape Buffer Adjacent to RS Zones. Other than a single-family use, any parking area in the mixed-use zones located adjacent to a RS zone shall be provided with a landscape buffer consisting of trees and some combination of shrubs, vines and ground cover pursuant to Section 19.436.080E.4.

K. Landscape Buffer Adjacent to Residential Structures. Where required under Section 19.436.080E.1, a landscaped buffer shall be provided between a residential structure and an adjacent parking area, loading area, driveway, or other area provided for vehicular circulation. Such landscaped area may include walkways, uncovered porches, and exterior stairways and balconies, provided at least 60 percent of the total required buffer area is occupied by plant materials.

L. Pedestrian-Oriented Plazas. A minimum of 25 percent of the pedestrian-oriented plaza shall be landscaped with live plant materials. Pedestrian-oriented plazas shall feature landscape amenities including but not limited to landscape planters, low hedges, and shade-providing trees, water features, or unique features that enhance the appearance, desirability, and usability of the plaza.

M. Artificial Plants Prohibited. Artificial plants, with the exception of artificial turf, are prohibited.

N. Artificial Turf. Artificial turf requires an Artificial Turf permit approval prior to installation. Artificial turf, where permitted, shall comply with the following criteria:

1. Artificial turf shall not be located in front yards, corner side yards, or portions of side yards visible from a public right of way.
2. Artificial turf shall have a minimum eight-year no fade warranty.
3. Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements.
4. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.
5. The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf is prohibited.
6. A minimum of 15% of the overall area to be turfed shall include living plant material (i.e., flower beds, tree wells, etc.) within the overall landscape design.
7. Artificial turf shall be separated from flowerbeds by a concrete mow strip, bender board, or other barrier acceptable to the city in order to prevent intrusion of living plant material into the artificial turf.

O. Trees.

1. **Tree Location.** No trees shall be planted under any eave, balcony, or overhang.
2. **Root Barriers Required.** Trees in landscape planters measuring 10 feet or less in width or depth shall be provided with tree root barriers.
3. **Tree Staking.** All trees shall be double-staked.
4. **Visibility.** All trees whether singularly placed or placed on clusters shall not inhibit standard visibility parameters.
5. **Required Site Trees.** One tree shall be provided for every 1,000 square feet of site area. Trees shall conform to the matrix of plant materials established by the Urban Forestry Master Plan. Minimum tree size at planting shall be 24-inch box.
6. **Street Trees.** Street trees shall be provided per City standards.

- P. Drought-Tolerant Species.** A minimum of 75 percent of non-turf landscaped areas shall be planted with native or drought-tolerant planting materials, as widely recognized within the horticultural industry or as recommended by a California-licensed Landscape Architect, to bring interest and beauty to the landscape, support biodiversity, and reduce the need for pesticides and excessive irrigation. Landscape selection shall be in compliance with the City's Water Efficient Landscape Ordinance.

19.732.020 Plan Approval Required.

- A.** A landscape and irrigation plan for any newly established landscape area shall be submitted for Landscape Plan review and approval.
- B.** The landscape and irrigation plan shall clearly identify the following criteria:
1. Property lines and property address.
 2. Streets, driveways, walkways, recreational areas, and other paved areas.
 3. Pools, water features, fences, and retaining walls.
 4. Existing and proposed buildings and structures.
 5. Landscaping materials, trees, shrubs, vines, ground cover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.
 6. An approximate calculation of the total landscape area.
- C.** A landscape and irrigation plan with new landscaped areas of 500 square feet or more, or 2,500 square feet of rehabilitated landscape area shall be prepared and/or certified by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field.
- D.** Minimum acceptable plant sizes shall be as follows:
1. Trees shall be a minimum 24-inch box size.
 2. Shrubs and vines shall not be less than 5-gallon size, and a minimum of 15-gallon minimum size, where required for screening. The minimum planter width for shrubs is 3 feet.

3. Groundcover be not be less than 1-gallon size.
 4. Street trees be planted at one (1) tree per 25 linear feet of frontage.
- E. Landscape and irrigation plans shall be approved prior to the issuance of permits for such work or prior to the issuance of any permits (i.e. building permits) for any associated work approved by an action of the Community and Economic Development Director.

19.732.030 Landscape and Maintenance.

- A. All landscaping shall be permanently maintained in a clean, healthy, and attractive condition. This includes pruning, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the appropriate watering of all landscaping.
- B. **Curbs Required.** All landscape planters shall be separated from all parking and loading spaces, parking aisles, and driveways with a minimum 6-inch-high concrete curb unless a reduced curb is required as part of the Water Quality Management Plan (WQMP). In addition, for any such landscape area adjacent to a public sidewalk, in which the grade of the planter is higher than the sidewalk and which is planted with ground cover other than a hydroseeded or sodded lawn, a minimum 6-inch-high concrete curb shall be provided alongside the public sidewalk to preclude soil erosion across such sidewalk.

19.732.040 Irrigation System and Maintenance.

- A. All required landscaping shall be provided with a permanent underground irrigation system. The irrigation system shall consist of piped water lines terminating in an appropriate number of sprinklers or other outlets to insure complete coverage of water for plants within the landscaped areas.
- B. Sprinkler heads and risers shall be protected from car bumpers. "Pop-up" heads shall be used near curbs and sidewalks. The landscape irrigation system shall be designed to prevent run-off and overspray.
- C. Any permanent, underground irrigation system, whether required or not, shall comply with the following criteria:
1. Permits are required prior to installation of any permanent, underground irrigation system.
 - i. **Off-Site Work.** Irrigation systems exclusively in City rights-of-way require permits issued by the Construction Services Division of Public Works. Any system within City rights-of-way shall meet the minimum requirements outlined under Engineering Standard No. ISP-1.
 - ii. **On-Site Work.** on-site and combination on-site and off-site installations shall comply with the Water Efficient Landscape Ordinance. Permit fees shall be in accordance with the applicable sections of the City Code.
 2. **Backflow Prevention Devices.** All irrigation systems shall be protected by an approved type and size of backflow prevention devices, as required by the Public Works Department, to be painted green and screened by landscaping with a 3-foot-wide clearance.
 3. After installation, the system shall be flushed thoroughly to remove dirt and debris prior to installation of the sprinkler heads.
 4. Irrigation systems shall be maintained in good working order.
- D. In addition to the requirements of subsection B of this section, any required permanent underground irrigation system for a development with 500 square feet or more in landscape area shall comply with the following criteria:
1. Each irrigation system shall be equipped with an automatic controller with a mechanical or solid-state timer capable of operating valve stations to set days and length of time.
 2. Each irrigation system shall be equipped with a rain sensing override device which automatically shuts off the irrigation system when it rains.
 3. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigation during times of high wind or high temperature.
 4. For larger developments, the following criteria may be required when considered appropriate under a department policy of either the Planning Division or Public Works Department.
 - iii. A soil moisture sensing device may be required where appropriate to measure soil moisture and maintain efficient irrigation schedules.

- iv. A separate landscape water meter may be required.

Chapter 19.736 Development Standards—Vehicular Provisions

19.736.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

- A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
- B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.

19.736.020 Vision Clearance.

- A. Vision clearance areas shall be provided as follows:
 - 1. On any corner lot: a triangular area at the street intersection measuring 15 feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);
 - 2. At the intersection of an alley with a street, or at the intersection of two (2) alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring 15 feet along each street or alley property line from the point of intersection of the property lines;
 - 3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring 15 feet along the street property line and 15 feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.
- B. Within a required vision clearance area there shall be no fence, tree, shrub, or other obstruction to sight between two (2) feet and seven (7) feet above the established street grade. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.

19.736.030 Driveway Standards.

- A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.
- B. Every garage, carport, parking area, loading area, drive-in or drive-through service area, or other off-street vehicular waiting or maneuvering area shall be connected to one or more public streets or alleys by one or more driveways meeting the standards set forth in this section.
- C. Driveway Width.
 - 1. In the various zones, the width of any driveway shall be within the limits shown in Table 19.736.030.
 - 2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.
- D. Driveway Length. Within the mixed-use zones, the minimum length of a driveway extending from a street to a parking area shall be 25 feet. A parking aisle providing access into a parking space shall not overlap the minimum required driveway length. In addition, the City Engineer may require a greater driveway length for

larger parking lots, based on the amount of vehicular traffic generated with the existing and/or proposed land use, and the volume and speed of traffic on the adjacent street.

- E. Driveway Height Clearance.** Within the required driveway width, there shall be no obstruction from the driveway surface to a height of 8 feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of 14 feet.

<u>Table 19.736.030</u> <u>DRIVEWAY WIDTHS</u>		
<u>All Zones ⁽¹⁾</u>	<u>Minimum Driveway Width</u>	<u>Maximum Driveway Width</u>
<u>One-Way</u>	<u>13 feet</u>	<u>35 feet</u>
<u>Two-Way</u>	<u>25 feet</u>	<u>35 feet</u>
<u>(1) The minimum and maximum driveway widths shall be subject to Section 19.436.040 for horizontal residential mixed-use developments with separate entry driveways. Horizontal residential mixed-use developments with a shared entrance shall be subject to the minimum and maximum development standards provided in Table 19.736.030.</u>		

- F. Driveway Curvature.** The minimum turning radius for any curve in a driveway shall be 25 feet measured to the outside edge of the driveway. The minimum turning radius for parking aisles shall be 25 feet.

G. Driveway Circulation Pattern.

1. Driveways and on-site circulation shall be arranged so that vehicles are not required to back into a street.
2. Outer turning radius of all drive aisles shall be 20 feet minimum.
3. In all zones, in order to preclude backing from a parking space into an alley, there shall be no direct entry from an alley to a parking space.

- H. Corner Lots.** Corner lots shall include two (2) driveways on each street frontage (primary street and secondary/side street).

19.736.040 Parking Spaces Required.

- A.** In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for each use shall be as shown in Table 19.736.040, entitled Parking Spaces Required. Additional or a reduction in requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.736.040, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.
- B.** The floor area of any space used for parking, loading, or vehicular circulation shall not be included in the gross floor area use to calculate a parking requirement.
- C.** Where there is more than one (1) activity or use on a lot, the total parking space requirement shall be the sum of requirements for the separate components unless a conditional use permit is granted by the City for shared parking. An application for shared parking facilities may be considered for uses with significantly different peak hours of operation which must meet the following requirements:
1. A parking study prepared by a traffic engineer shall be submitted by the applicant demonstrating that there will not exist substantial conflict in the peak hours of parking demand for the uses for which joint use is proposed.
 2. The number of parking spaces credited from one use to another under a shared parking agreement shall not create a situation where either use does not maintain the minimum number of spaces deemed necessary during peak hours of operation.

3. Parking spaces designated for joint use shall be located within a reasonable proximity to the use served as determined by the permit issued.
 4. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the number of spaces designated for joint use.
- D. Where an off-street parking district has been established, the parking space requirement for each property within the district shall be reduced by the share of the total spaces provided by the district which is proportional to the share of the district assessment borne by the same property.
- E. Any fractional space requirement resulting from the calculation of required parking spaces shall be disregarded if less than 0.50 space and shall be counted as one required space if 0.50 or greater.

<u>Table 19.736.040</u>	
<u>PARKING SPACES REQUIRED</u>	
<u>Use</u>	<u>Parking Spaces Required</u>
<u>Residential Uses</u>	
<u>Multi-Family Uses – Stand Alone Use</u>	<u>See Table 19.436.050 for parking spaces required for multi-family uses.</u>
<u>Multi-Family Uses – Part of a Mixed-Use Development</u>	
<u>Developments with 49 or less residential units:</u>	<u>Within a parking structure or enclosed garage/carport:</u>
<u>Studio</u>	<u>1.0 spaces per dwelling unit</u>
<u>1 sleeping room</u>	<u>1.25 spaces per dwelling unit</u>
<u>2 sleeping rooms</u>	<u>2.2 spaces per dwelling unit</u>
<u>3 or more sleeping rooms</u>	<u>2.95 spaces per dwelling unit</u>
<u>Developments with 50 units or more:</u>	<u>Within a parking structure or enclosed garage/carport:</u>
<u>Studio</u>	<u>1.0 spaces per dwelling</u>
<u>1 sleeping room</u>	<u>1.25 spaces per dwelling</u>
<u>2 sleeping rooms</u>	<u>2.13 spaces per dwelling unit</u>
<u>3 or more sleeping rooms</u>	<u>3.0 spaces per dwelling unit</u>
<u>Public Service Uses</u>	
<u>See Table 19.536.040 for parking spaces required for Public Service Uses.</u>	
<u>Commercial Uses</u>	
<u>See Table 19.536.040 for parking spaces required for Commercial Uses.</u>	
<u><i>In addition to the total number of required parking spaces, an additional 10% of the total required spaces must be reserved and designated for guest parking. Guest parking spaces shall be clearly marked and easily accessible.</i></u>	

19.736.050 Parking Location.

- A. Required residential parking shall be located on the same lot as the activities or uses served, except as follows:
1. Required parking may be located on a lot adjacent to the lot served subject to a recorded covenant as provided in subsection B of this section.
 2. Any required parking provided by means of an off-street parking district is not subject to a specific location requirement.
- B. Where required parking is not on the same lot as the activity or use served, a covenant running with the land shall be recorded by the owner of the parking lot guaranteeing to the City that the required parking will be maintained for the use or activity served.

19.736.060 Parking Dimensions and Layout.

- A. Except as further provided in this section, the layout of parking areas shall meet the standards shown in Table 19.736.060, entitled Parking Layout Standards.
- B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space.
- C. Each parking space and aisle shall have a clear height of at least six and one-half feet. For all nonresidential parking areas, at least 20 percent of the spaces provided, together with their associated parking aisles, shall have a clear height of at least seven feet.
- D. Required parking spaces shall meet the requirements for standard car parking as shown in Table 19.736.060, entitled Parking Layout Standards; except, for any parking area of ten or more spaces, not more than 30 percent of the required spaces may be for compact car parking. With justification for certain uses, a conditional use permit may be considered to permit the percentage of compact spaces to exceed 30 percent.
- E. Any parking area shall provide internal circulation for access to all spaces without causing vehicles to back into or reenter a street.
- F. Waiting (queuing) spaces shall not overlap parking aisles or driveways.

Table 19.736.060
PARKING LAYOUT STANDARDS

<u>Type of Space</u>	<u>Stall</u>		<u>Drive Aisle Width (in feet)</u>							
	<u>Width in feet</u>	<u>Length in feet</u>	<u>One-Way</u>				<u>Two-Way</u>			
			<u>30°</u>	<u>45°</u>	<u>60°</u>	<u>90°</u>	<u>30°</u>	<u>45°</u>	<u>60°</u>	<u>90°</u>
<u>Standard Car Parking:</u>	=	=	=	=	=	=	=	=	=	=
<u>Angle Parking:</u>	<u>9⁽²⁾</u>	<u>18</u>	<u>15</u>	<u>19</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>25</u>
<u>Parallel Parking</u>	<u>8</u>	<u>22</u>	=	=	=	=	=	=	=	=
<u>Compact Car Parking</u>	=	=	=	=	=	=	=	=	=	=
<u>Angle Parking:</u>	<u>8⁽²⁾</u>	<u>16</u>	<u>13</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>25</u>
<u>Parallel Parking</u>	<u>7</u>	<u>20</u>	=	=	=	=	=	=	=	=
<u>Tandem Car Parking⁽¹⁾</u>	<u>9</u>	<u>36</u>								
<u>Waiting (Queuing) Spaces</u>	<u>9</u>	<u>20</u>								
<u>Passenger Loading:</u>										
<u>Parallel to curb</u>	<u>8</u>	<u>23</u>								
<u>At angle to curb</u>	<u>9.5</u>	<u>19</u>								

⁽¹⁾ Tandem parking stalls are permitted in parking garages and private parking lots provided at least one (1) parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible and at least one (1) standard stall per dwelling unit shall be provided.

⁽²⁾ With ninety-degree angle parking, an end stall shall be provided with a 2' wide planter adjacent to a wall or structure.

19.736.070 Parking Improvements.

A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.

B. **Drainage.** All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.

C. **Paving.**

1. All areas for the movement, parking, loading, repair, or storage of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.
2. All paving shall meet one of the following minimum standards:
 - i. Portland cement concrete, three and five-eighths inches thick;
 - ii. Asphalt, one and one-half inches thick on a 4-inch aggregate base;
 - iii. Other pavement determined by the Director to be equivalent to one of the above standards in useful life, serviceability, and appearance.

D. **Wheelstops.** In all angle parking stalls (including ninety-degree parking) facing the perimeter of a parking area, individual concrete wheelstops or a six-inch high poured-in-place concrete curb shall be provided, located two feet inside the front boundary of the stalls.

A. **Surface Parking.**

1. Parking lots shall be placed to the side or rear of buildings. There shall be no vehicular parking between residential fronts and the public right-of-way.
2. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways. Pedestrian walkways shall be not less than 6 feet wide.
3. Access drives shall be at least 200 feet apart and at least 100 feet from side property lines and street intersections unless an approved shared drive is provided or the driveway location does not create a traffic hazard to adjacent property.
4. Parking lot landscaping shall be located to discourage pedestrians from having to cross any landscaped areas to reach building entrances from parked cars.
5. Maximum number of driveways:
 - i. One driveway for lot frontage up to 150 feet.
 - ii. Two driveways for lot frontage 150 feet to 299 feet.
 - iii. One driveway for each additional 300 feet.

B. **Residential Garage.** If garage parking is provided, the following standards shall apply:

1. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.
2. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - i. Garage door windows or architectural detailing consistent with the primary dwelling.
 - ii. Arbor or other similar projecting feature above the garage doors.
 - iii. Landscaping occupying 50 percent or more of driveway area serving the garage (e.g., "ribbon" driveway with landscaping between two parallel strips of pavement for vehicle tires)
3. Each garage space shall be equipped with an automatic door opener and a roll-up sectional or similar garage door that does not extend onto the apron. On multifamily dwellings, a security gate on a multi-space garage is permitted.
4. For attached private garage, the design shall include adequate space for waste/solid storage and a water heater unit.

C. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement for a residential unit in accordance with the following:

1. No more than two vehicles shall be placed one behind the other.
2. Both spaces shall be assigned to a single dwelling unit.

3. The tandem parking bay shall be a minimum 39 feet by 9 feet in interior dimensions.
4. Tandem parking to meet required parking for multiunit development shall not exceed 50 percent of the total provided number of spaces.
5. Tandem parking shall not be used to satisfy the parking requirement for guest parking.
6. The minimum vertical clearance shall be 8 feet.

D. Guest Parking. Parking for visitors and/or employees shall be accommodated onsite in garages, parking areas, or along internal streets to minimize spillover to adjacent residential neighborhoods.

E. Bicycle Parking. Bicycle spaces shall be distributed throughout the site. Bicycles may be parked anywhere on a lot, in compliance with pedestrian and vehicular access standards.

F. Developments near Public Transit. A major transit stop includes a rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

G. Shared Parking for Underutilized Parking Spaces. Shared parking may be permitted for developments where at least 20% of parking spaces are vacant during the proposed shared parking hours. A signed agreement between entities proposing shared parking and an explanation demonstrating how the shared parking improves efficiency or reduces parking demand shall be provided.

E. Landscaping.

1. **Landscaped Buffers Along Streets.** Every parking area adjacent to a street shall be set back from the property line as required by Section [19.520.020](#). Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter [19.532](#).

2. **Landscaped Buffers Along Alleys.** Except for driveways and walkways, a minimum 4-foot-wide landscaped planter shall be provided along all parking areas adjacent to an alley.

3. **Interior Landscaping.**

i. All Mixed-Use Zones. Within the parking area of any parking lot with 10 or more parking spaces, an area equal to at least 7 percent of the total parking and driveway area shall be landscaped with trees and some combination of shrubs, vines and ground cover.

ii. All interior parking area landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view.

iii. All portions of a parking area not improved for parking aisles and stalls and more than 5 feet by 5 feet in size shall be landscaped. Any portion of the parking area not landscaped shall be paved.

iv. Curbs Required. At all boundaries between landscaped areas and paving, a 6-inch-high concrete curb shall be provided unless reduced curb is required as part of the Water Quality Management Plan (WQMP).

4. **Landscaped Buffers Along Residentially Zoned Properties.** Every parking area adjacent to residentially zoned property shall be set back from the property line as required by Section [19.532.010](#). Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter [19.532](#).

F. Marking of Parking Spaces. All parking areas serving nonresidential uses shall be marked as follows:

1. Double lines separating stalls, with minimum 4-inch-wide stripes and a minimum 8 inch separation;
2. Spaces for handicapped parking and for compact cars shall be so identified;
3. In accordance with any additional standards for marking of parking areas which may be adopted pursuant to Section [19.124.050](#).

G. Lighting. Security lighting for non-residential uses shall be provided in all parking areas accessible to public entry after dark, subject to the following criteria:

1. All artificial lighting shall be so designated to provide safety and security to the property users, as well as the enhancement of the general appearance of the development. Use of unhoused, bare bulbs shall be avoided.
2. Security lighting for non-residential uses in the commercial zones shall provide the following requirements:
 - i. The equivalent of one foot candle minimum of illumination shall be provided throughout the parking area.
 - ii. All security lighting shall be on a time clock or photo sensor system.
3. Building-mounted lighting fixtures shall not project above the fascia or roof line. Recessed wall mounts are encouraged.
4. Pole mounted luminaires shall not exceed the height of the buildings on the site, unless otherwise approved by the Director.
5. All luminaires shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights-of-way.
6. All required lighting shall be permanently maintained as a condition of the use.

19.736.080 Parking Structure.

In addition to other requirements of this Division, a parking structure shall be subject to the following requirements.

- A. For any portion of a parking structure within 50-feet of a residential zone, openings, other than for pedestrian or vehicular access shall be visually screened on any wall which faces the residential zone. Furthermore, any ramp and the top level parking surface shall have a minimum of 5-foot high perimeter solid wall as measured from the floor of the parking surface.
- B. For the purpose of screen parking vehicles from public view on all other levels, there shall be a minimum of 48-inch high perimeter architectural screen or wall as measured from the finished floor, for all parking areas within the structure.
 1. A parapet may count as an architectural screen if it meets the height requirement and effectively blocks the view of parked vehicles.
 2. Examples of acceptable architectural screens include solid walls, perforated metal panels, decorative masonry, louvered screens, or vegetation walls, provided they are designed to complement the overall architectural style of the building and sufficiently obscure parked vehicles from public view.
- C. The use of materials and the architectural design for the parking structure shall be compatible with the other structures on the property.
- D. Suitable trees of a size and height relative to the scale and height of the structure shall be planted near and around the parking structure.
- E. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This can be accomplished through the use of textured concrete, planters or trellises, or other architectural treatments.
 1. Any driveway providing access to a parking structure shall have a minimum width of 25 feet.
 2. Parked vehicles at each level in the structure shall be shielded from view of adjoining streets.
 3. If a toll or fee booth is in the driveway area, the driveways on either side of the booth shall have a minimum width of 14 feet and minimum depth of 40 feet from the property line to the booth to ensure vehicles can queue without obstructing traffic.
 4. The maximum length of a parking aisle without being intersected by another parking aisle or driveway shall be 300 feet.
 5. All ramps shall be provided with transition zones at the top and bottom of the ramp. Ramps with a grade of 10 percent or less shall have a transition zone at least 8 feet in length. Ramps with a grade of greater

- than 10 percent shall have transition zones at least 12 feet in length. The grade of a transition zone shall not exceed one-half the grade of the ramp it serves.
6. Minimum lighting requirement at entrances and exits is 20 foot-candles. Minimum lighting requirement of parking areas is 1.0 foot-candles.
 7. The minimum distance of entry/exit from a corner intersection is 150 feet.
 8. Large illuminated signs with architectural features, such as an arch or canopy, shall be used at the entrance to emphasize the facility entry and attract patrons.
 9. Drive aisles shall be designed with a minimum turning radius of 25 feet to accommodate safe maneuvering of vehicles.

19.736.090 Loading Areas.

Loading areas for nonresidential uses shall provide off-street loading spaces subject to Section 19.536.100.

19.736.100 Transportation Demand Management Requirements for Specified New Development

- A. This Section is intended to meet the requirements of the California Government Code, Section 65089 (b) (3) which requires development of a trip reduction and travel demand element to the CMP, and California Government Code, Section 65089.3(a) (2) which requires adoption and implementation of Trip Reduction and Travel Demand Ordinance.
- B. New commercial, office, industrial, and mixed use developments employing 100 persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve 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 in association with new development.
 2. Promote and encourage the use of alternative transportation modes such as ridesharing, car pools, vanpools, public bus, and rail transit, bicycles, and walking as well as those facilities that support such modes.
 3. Achieve related reductions in vehicle trips, traffic congestion, and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for project review and permit processing.
 4. Promote coordinated implementation of strategies on a county-wide basis to reduce transportation demand.
 5. Achieve the most efficient use of local resources through coordinated and consistent regional and local TDM programs.
- C. For applicable new mixed-use development projects estimated to employ 100 persons or more, shall meet the standards and requirements set forth in Chapter 19.540.

Chapter 19.740 Development Standards—Utilities and Mechanical Equipment

19.740.010 Undergrounding of Utilities.

- A. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.740.020.
- B. The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.740.020 Visual Screening of Mechanical Equipment.

- A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:
 - 1. Vents less than two (2) feet in height.
 - 2. Window-mounted air conditioning units on multi-family dwellings;
 - 3. Free-standing or roof-mounted solar equipment.
 - 4. Outdoor lighting standards and fixtures.
- B. All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building “notch outs” and screened from public view.
- C. If the mechanical equipment cannot be placed in the back, it shall be either placed on the ground and screened with landscape or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.
- D. All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.
- E. Trees and shrubs shall be placed a minimum of 5 feet away from water meter, gas meter, or sewer laterals; a minimum of 10 feet away from utility poles; and a minimum of 3 feet away from fire hydrants and fire department sprinkler and standpipe connections, unless another dimension is approved by the local Authority Having Jurisdiction (AHJ).
- F. **Design/Materials.**
 - 1. Screening must be architecturally consistent and/or integrated with the facility in terms of design, screening materials, and colors.
 - 2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
 - 3. **Roof-Mounted Equipment.** Building parapets or other architectural elements in the building's architectural style shall screen roof-mounted equipment.
 - a. New buildings shall be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
 - b. For existing buildings with no parapet less than two (2) feet in height, mechanical equipment shall be surrounded on all sides by an opaque screen wall as tall as the highest point of the equipment. The wall shall be architecturally consistent with the building and match the existing building with paint, finish, and trim cap detail.

4. Wall-and Ground-Mounted Equipment.

- a. Equipment is not allowed between front or side street facades and the street.
- b. All screen devices shall be as high as the highest point of the equipment being screened.
- c. Equipment and screening shall be in compliance with the setbacks of the zone.
- d. Screening shall be architecturally compatible and include matching paint, finish, and trim cap of the building.
- e. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

G. Treatment of Above-grade Transformers; Meters; Gas Manifolds, etc. It is the intent to encourage the placement of such equipment in underground vaults. If placed above grade for a multi-family dwelling, such equipment shall be located in a side yard out of direct view from the street. If placed above grade for other than a multi-family dwelling, such equipment shall be located and screened from public view by an architectural screen and landscaping.

H. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.740.030 Communications Antennae Placement in Mixed-Use Zones.

- A. Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.
- B. Communication antennae shall not be supported by wooden towers.

19.740.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Mixed-Use Zones.

A. Receive-only Antennae.

1. Any receive-only antenna may be mounted in the rear yard, interior side yard, or on the roof of any mixed-use structure, subject to all conditions hereinafter provided.

B. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding 20 square feet, shall be screened. All such screening shall be on three sides and shall be sufficiently high so as to screen 90 percent or more of the antenna from public view.

C. Location.

1. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

D. Height.

1. No receive-only antenna shall exceed 10 feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.
2. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-only Antenna Permit Application.

1. Where a permit is required, or application therefore is authorized, under any provision of Section 19.740.030 or this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:
 - a. Name, address, and telephone number of the applicant.
 - b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning division may require.

- c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed.
- d. If required herein, a description of the screening proposed to be utilized by the applicant.
- e. A sketch or other drawing, satisfactory to the Director, showing:
 - i. Location of physical features on the subject property.
 - ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon.
 - iii. The specific location where the antenna, and screening if required, are proposed to be installed.
 - iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
 - v. The design of the antenna and proposed support structure.
- f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein.
- g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
- h. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.
- i. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.744 Development Standards—Environmental Effect

19.744.10 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Residential Acoustical Design.

1. For all dwelling and group quarters, the development shall be designed to achieve:
 - a. Within each main building, a community noise equivalent level (CNEL) not exceeding 45 decibels;
 - b. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred square feet per unit, with access to such area available to the residents of each unit.
2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan. For all new residential developments, an acoustical analysis shall be submitted to the City as follows:
 - a. For any residential development within a 60 decibel CNEL contour, an analysis by a professional architect, engineer, or building designer shall demonstrate that the required noise levels will be achieved.
 - b. For any residential development within a 65-decibels CNEL contour, or within either the moderate noise impact area or the significant noise impact area of the Fullerton Municipal Airport as shown in the noise element of the Buena Park General Plan, an analysis by a professional mechanical or acoustical engineer shall demonstrate that the required noise levels will be achieved. Prior to issuing a certificate of occupancy, the Building Official may require tests by a qualified acoustical technician to confirm that the noise reduction achieved is sufficient to meet the requirements of this section.

B. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units, shall have a sound rating number (SRN) no greater than 60 decibels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

C. Public Address Systems. In all commercial and industrial zones, any public address systems, loudspeakers, and other sound-producing equipment shall be designed, installed, and operated in a manner which is not disturbing to the surrounding area.

19.744.020 Compliance with Airport Environs Land Use Plan for Orange County.

Applicants proposing buildings or structures that penetrate the Notification Surface for FMA or JFTB Los Alamitos shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration and provide a copy of the FAA determination to the City and ALUC.

19.744.030 Lighting.

A. Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.

- B. Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.
- C. Building lighting within the mixed-use zones, for the purpose of enhancing or accentuating the architectural elements of a building and which may include the use of exposed neon and unshaded bulbs, may be authorized with a site plan review per Section 19.128.040. The review shall determine the appropriateness of the lighting to the building design. In addition to the other requirements of this section, there shall be no blinking, twinkling, scintillation, cyclic variation, motion, or the appearance of motion in the illumination.
- D. Lighting shall be placed so as to minimize its impact on adjacent buildings and properties, especially residential uses. Any lighting source, including illuminated signs, shall be positioned so that light does not shine directly into residential windows.

19.744.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.748 Special Requirements for Certain Uses

19.748.010 Accessory Dwelling Units and Junior Accessory Dwelling Units.

Refer to Section 19.348.010 for specific regulations on Accessory Dwelling Units and Junior Accessory Dwelling Units in mixed-use zones.

19.748.020 Mixed-Use Zones— Community Events.

Refer to Chapter 19.1004 Temporary Uses and Special Permits. Community events in mixed-use zones are required to obtain a temporary use permit subject to the provisions provided in Chapter 19.1004.

19.748.030 Live/Work Units.

Standards for live/work units and artists' lofts/studios, including the adaptive reuse of existing nonresidential buildings to accommodate work-live uses, are as follows:

A. Limitations on Use. The non-residential component of a live/work development shall be a use allowed within any applicable zone by Section 19.712.010, subject to the following additional limitations:

1. **Prohibited Uses.** A live/work unit shall not be allowed to include any of the following activities:
 - i. Auto Repair – General, Auto Repair including paint or body work, Auto Maintenance – Minor, or any similar use.
 - ii. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 - iii. Any other activity or use, as determined by the responsible review authority to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
2. **Changes in Use.** After approval, a live/work unit shall not be converted to entirely residential use. The covenants, conditions, and restrictions of any live/work project or unit in any Mixed-Use zone shall include the requirement that the live/work use shall not be converted to exclusive residential use.
3. **Fire Department Review.** The Fire Department shall review all live/work applications and have the authority to make recommendations regarding permitted nonresidential uses based on fire code and general public health and safety recommendations.

B. Design Standards.

1. **Floor Area Requirement.** A live/work unit shall have a minimum floor area of at least 750 square feet. The maximum size of the residential portion of the live/work unit shall be no more than 40 percent of the unit to ensure that the residential portion remains accessory to the primary commercial use. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. **Separation and Access of Individual Units.** Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided via storefronts or from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
3. **Facilities to Accommodate Commercial Activities.** A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
4. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the work-live unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Division, and living and working space may be separated by interior courtyards or similar private space.

5. **Mixed Occupancy Buildings.** If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Buena Park Fire Chief or designee.
6. **Parking.** Each live/work unit shall meet off-street parking requirements as provided in Chapter 19.736.

C. Operating Requirements.

1. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one (1) member shall be the business operator.
2. **Business License Required.** At least one (1) of the residents of a live/work unit shall be required to have a business license with the City of Buena Park.
3. **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
4. **Notice to Occupants.** The owner or manager of any building containing live/work units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial uses at higher levels than would be expected in strictly residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial properties in the applicable zone.
5. **Non-Resident Employees.** Up to two (2) persons who do not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the conditional use permit. The employment of three (3) or more persons who do not reside in the live/work unit may be permitted subject to conditional use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations.

19.748.040 Outdoor Seating and Dining.

- A. **Incidental Use Only.** With the exception of permitted use outdoor dining areas as provided for in Subsection F, below, outdoor dining areas must be incidental and accessory to the permitted eating establishment/restaurant.
- B. **Design.** Outdoor dining areas shall be open on at least three (3) sides and open to the sky, with the exception that non-fixed umbrellas and awnings and canopies that accent the building are permitted. Side panels or any other accessories that enclose the outdoor dining area are prohibited.
- C. **Location.**
 1. The seating area shall not encroach into any required rear or side setback, parking and/or vehicular circulation area, required landscape areas, required paths of travel, or public rights-of-way.
 2. Within any Mixed-Use zone, outdoor dining areas may be permitted within the required front setback area, consistent with the requirements of this Division.
 3. The outdoor dining area must be located immediately adjacent to, abutting, and adjoining the establishment with which it is associated, and shall not extend beyond the building and/or storefront frontage and/or length of the tenant space of the associated primary establishment.
- D. **Maximum Allowable Square Footage.** Outdoor dining shall not exceed 1,000 square feet for any individual establishment.
- E. **Delineation of Area.** Any outdoor dining area serving a single business shall maintain a clearly marked perimeter and shall be separated from vehicular pathways and public sidewalks with low walls and/or landscape hedges a minimum of 2.5 feet in depth or 3.5 feet in height. Establishments that include the service or sale of alcoholic beverages are subject to additional requirements provided in Section 19.552.030.

19.748.050 Home Occupations

Refer to Section 19.448.060 for specific regulations on Home Occupations in mixed-use zones, which apply exclusively to non-live/work units.

19.748.060 Animal Keeping.

Refer to Section 19.348.050 for specific regulations on animal keeping in mixed-use zones.

19.748.070 Commercial Uses.

Refer to Chapter 19.552 (Special Requirements for Certain Uses) on specific regulations for commercial uses.

19.748.080 Emergency Shelters.

Refer to Section 19.448.090 on specific regulations for emergency shelters in mixed-use zones.

HOUSING INCENTIVE OVERLAYS



OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS



CITY COUNCIL ADOPTED
FEBRUARY 13, 2024

AMENDED
APRIL 10, 2025

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- Vice Mayor Connor Traut (District 5)
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- Council Member Carlos Franco (District 2)
- Council Member Lamiya Hoque (District 4)

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CHAPTER 1. INTRODUCTION

1.1 Purpose and Goals

Development and design standards regulate development intensity, style, massing, orientation, and open spaces. Objective design standards are measurable, verifiable, and quantifiable. They provide for a predictable and equitable path to development approvals to streamline and support consistent design in the community.

The City developed Objective Design and Development Standards (ODDS) to support and guide the development of housing within the City's six (6) Housing Incentive Overlays (HIO). As the state continues to experience a housing crisis, transparency and objectivity are both tools that can streamline and support the development of new housing. Additionally, the City must comply with state legislation, which requires jurisdictions to review new multi-family and mixed-use residential housing projects ministerially guided by Objective Design and Development Standards.

The goal of this document is to provide clear guidelines and standards for the design, construction, review, and approval of multi-family residential and mixed-use residential development in Buena Park. Through this document, Applicants, Developers, and City staff have a clear understanding of the City's minimum design expectations. Most of the ODDS are written as minimum standards for site and structure design but also offer recommendations and guidelines for quality and character. Projects must also comply with all applicable Building Code, Zoning Code and Fire Code requirements, and development standards.

1.2 Relationship to State and City Regulations

The following describes how the ODDS relate to and comply with State and City regulations:

General Plan. The General Plan's 2021-2029 Housing Element describes the City of Buena Park's goals of assisting in the provision of housing that meets the needs of economic segments of the community; providing suitable sites for housing development to accommodate a range of housing by type, size, location, price, and tenure; and mitigating any potential governmental constraints to housing production and affordability. A few of the Housing Element's Programs for guiding the development of affordable housing projects include providing Affordable Housing Incentives (Program 8), Adequate Sites to Accommodate the RHNA and No Net Loss (Program 11), By-Right Approval for Projects with 20% Affordable Units (Program 12), Special Needs Housing (Program 14), Streamline Entitlement and Permit Processing (Program 16), and adherence to these HIO Objective Design and Development Standards.

Zoning Ordinance. All development must comply with the regulations within the City's Zoning Ordinance. These Objective Design and Development Standards are applicable to new multifamily housing and mixed-use projects built on parcels within the City's Housing Incentive Overlays identified and described further in the City's Zoning Ordinance.

Residential Design Guidelines. Several of these Objective Design and Development Standards are adapted from the City's Residential Design Guidelines for multifamily residential development specific for lower intensity to higher intensity residential infill development.

1.2.1 Additional Documents

Development within the HIO's may be subject to additional regulations other than the ODDS detailed in this document. Because development projects throughout the City are unique by use, character, needs and geographic location, no single document or process can address all aspects of project design. Please refer to the below referenced documents for additional information and standards that may apply to specific or unique development contexts.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- General Plan
- Housing Element
- Buena Park Municipal Code
- Water Efficient Landscape Ordinance
- Parks and Recreation Master Plan
- Sewer Master Plan
- Complete Streets Master Plan

1.3 Target Audience for ODDS

Developers

This document will provide clear directions for renovation and new construction. The required checklist will serve as a tool for the property owner, the designer/developer, and staff during the review process; it will also clarify the aspects of quality design.

Property Owners

This document will give property owners a clear understanding of the design elements that are required for development projects. This document will work in conjunction with the General Plan and Zoning Ordinance and will provide a clear set of expectations and responsibilities.

City Staff

City staff will use the standards to assist applicants and their representatives with project processing. The document and checklist will serve as the basis for evaluating the quality of design in proposals.

Decision Makers

The document will provide a basis for the Planning Commission, City Council, Community and Economic Development Director, and other reviewing bodies to evaluate development project's quality of design.

1.4 How To Use This Document

This document includes the following:

Permitted Uses

There are two (2) permitted use tables in this document. 1) Mixed-Use projects and 2) Residential Only projects.

Development Standards

Development Standards have been divided into two (2) sets of standards. 1) Mixed-Use and Residential Only Projects and 2) Hotel/Motel Conversion projects.

Objective Design Standards

Objective design standards are comprised of five (5) topic areas. 1) Site Design, 2) Building Design, 3) Landscaping, 4) Lighting, and 5) Signage.

Architectural Styles

These apply based on the chosen architectural style for the proposed project. The defined architectural styles can be found as a separate document located on the Planning Division's webpage and includes both minimum design standards as well as recommended and optional design elements.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Checklist

The checklist is a separate document located on the Planning Division's webpage and provides a summary of all applicable standards based on location, project intensity, and architectural style. The checklist shall be used prior to submittal to ensure all required standards are met and understood by the Applicant.

1.5 User Guide

This user guide applies to each of the Housing Incentive Overlays, with the exception of the Hotel/Motel Conversion Overlay (HMCO). To apply the HMCO to the pre-selected site, see Section 3.2 (Development Standards) and Chapter 5 (Hotel/Motel Conversion Overlay) and Chapter 6 (Definitions).

Step 1: Identify the Housing Incentive Overlay

Determine if your site is located within an HIO (Section 2.2 HIO Map) and meets the minimum lot size requirements provided in Chapter 3. If your site does not meet the minimum lot size requirements, the site may be eligible for parcel aggregation. Contact the Planning Division for additional information.

Step 2: Review Section 1.6 Administration and Consultation with the Planning Division

It is recommended that the Applicant review Section 1.6 of this document to become familiar with the administration process. Following the review of Section 1.6, it is highly recommended that the prospective Applicant meet with Planning Staff to become familiar with the application and submittal requirements for a project prior to a formal submittal. Additionally, a pre-application process is required for all proposed projects. The pre-application allows the Applicant to receive Staff review from various departments prior to a formal submittal. Formal submittal will also include the signed checklist to be reviewed by Planning staff; approval will not be given or determined without a signed checklist.

Step 3: Review the Development Standards

Depending on which HIO your site is located on, you will review and apply the development standards provided in Chapter 3. Section 3.1 contains all of the development standards for mixed-use and multi-family developments.

Step 4: Determine the Permitted Uses

Select from the list of permitted uses provided in Section 2.3 (Permitted Uses). If your site is located within one of the three (3) Mixed-Use Overlays, you will refer to Section 2.3.1 of this document. If your site is located within a Multi-Family Overlay, you will refer to Section 2.3.2 of this document.

Step 5: Review the Objective Design Standards

The Objective Design Standards are comprised of five (5) topic areas:

1. Section 4.1 Site design
2. Section 4.2 Building design
3. Section 4.3 Landscaping
4. Section 4.4 Lighting
5. Section 4.5 Signage

Each of the standard Sections reference above begins with an intent statement, followed by specific standards applicable to that Section. The intent statements are provided to help the reader understand the overarching principles behind the standard requirements and do not serve as review criteria. The design standards provided in Chapter 4 clearly identify if the standard applies to residential only projects or mixed-use residential projects. If the standard does not specify if it applies to residential only projects or mixed-use residential projects, then the standard applies to both types of projects.

Step 6: Review the Architectural Styles Objective Design Standards (Separate Document)

The design and detailing of buildings are paramount to a quality environment, and the City is committed to authentic expressions of architectural style. Architectural design elements and materials shall be consistent throughout the project,

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recognizing that a building is three-dimensional and must be well designed on all sides. Detailing, choice of materials, and window and door choices shall reinforce the overall project design. To provide guidance on architectural styles, the objective design standards located on the Planning Division's webpage, offer a menu of the most common architectural styles found in the area, including:

- Spanish Colonial Revival
- Craftsman
- American Traditional
- Farmhouse
- Tuscan
- Modern

Within each style description, various elements related to roof forms, windows, decorative details, and other topics are listed. The Architectural Style Objective Design Standards require certain elements, while other, decorative elements may be selected from a menu of options. To encourage variety in the design, proposed projects with more than eight (8) buildings must utilize more than one architectural style. However, styles may not be mixed within a single building.

Step 7: Review the Zoning Ordinance and Complete the ODDS Checklist

All development shall comply with the standards of the Buena Park Municipal Code, Title 19, Zoning, as well as, Title 8, Health, Safety, and Welfare, Title 15, Building and Construction Safety, and Title 16, Fire Safety.

A checklist of the Objective Design Standard requirements is located on the Planning Division's webpage as a separate document. This checklist should be filled out by the Applicant and reviewed by Staff to indicate whether the Applicant's project meets the requirements for ministerial review.

1.6 Administration

1.6.1 Purpose

The purpose of this Section is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels within the City to meet current and future housing needs. The provision of affordable units within new residential developments will ensure that new affordable housing units are distributed throughout the City in order to provide economically diverse neighborhoods and avoid concentrated low-income housing. It is intended in part to implement state policy that declares that local governments have a responsibility to exercise their powers to facilitate the development of housing to adequately provide for the housing needs of all economic segments of the community, as stated in Government Code Section 65580. It is also intended to implement Program 16 of the Housing Element which calls for establishing objective design criteria to implement community design objectives while complying with State law requiring permit streamlining and housing accountability.

1.6.2 Applicability

These Objective Design and Development Standards apply to all residential and mixed-use developments within the Housing Incentive Overlays, as illustrated on [Figure 2.2-A \(HIO Map\)](#) and the Residential Site Inventory (Appendix C – Table B) of the 2021-2029 Housing Element. The Housing Incentive Overlays shall have a minimum site area of 0.5 acres and accommodate at least sixteen (16) units on the site. Projects must also comply with all applicable building permit requirements, zoning code requirements, fire code requirements, subdivision requirements, and development standards as outlined and applicable at the time of the development application submittal.

A project that includes a request for an adjustment to objective zoning standards (variance, modification, exception, waiver, or similar requests), other than modifications granted as part of a density bonus concession or incentive pursuant to State Density Bonus Law, does not comply with objective zoning standards and will require a discretionary approval subject to

HOUSING INCENTIVE OVERLAY (HIO)

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Section 19.128.020 of the Zoning Code. These Objective Design and Development Standards apply to projects that provide at the minimum percentage of affordable units as specified in Section 1.6.3(4)(b); additional concessions, waivers, or modifications beyond these standards require providing a greater percentage of affordable units in accordance with State Density Bonus Law.

1.6.3 Affordability Requirements

1. **Requirements.** All for-sale projects and rental projects shall either include the number of affordable units required under Subsection 4 or pay the in-lieu fee required under Subsection 1.6.4. No application for a rezoning, tentative map, parcel map, conditional use permit, design review, or building permit shall be approved, nor shall any such project be constructed or condominium conversion approved, without compliance with this article.
2. **Affordable Housing Agreement.** Pursuant to Government Code 65915, in accordance with this Section and as approved by the City Attorney, and recorded by the County Recorder, Applicants shall be required to enter into an Affordable Housing Agreement for a minimum period of 55 years for rental units and for a minimum period of 45 years for-sale units. The grant deed from Developer to any such proposed purchaser of an Affordable Unit shall restrict the use of the Affordable Unit to owner-occupancy and shall restrict subsequent resales of the Affordable Unit to households meeting the applicable affordability requirements, at an Affordable Sales Price, who agree to occupy the Affordable Unit as their principal place of residence. This restriction shall continue to apply until the forty-fifth (45th) anniversary of the date that the Affordable Unit is initially conveyed by Developer to an eligible purchaser.
3. **Exemptions.** Subsection (1) of this Section shall not apply to accessory dwelling units.
4. **Requirements – For Sale and Rental Projects.** The required number of affordable units in a for-sale or rental project shall depend upon the total number of dwelling units in the project and the type of affordable units being included (i.e., whether they are made affordable to moderate-income, low-income or very low-income households). The Developer of the project may choose which type of affordable units to include. A project must include at least one (1) of the following in order to develop a project at the maximum density permissible within the Overlay. Additional density pursuant to the State Density Bonus law may be permissible.
 - a. Housing is considered affordable when it requires 30 percent or less of the household's income. The 30 percent includes rent or mortgage payment, utilities, taxes, and insurance. The California Health and Safety Code §50052.5 and §50053 provide guidelines for estimating affordable housing costs for different income groups and tenure types. The affordable housing cost guidelines include the following:
 - i. Extremely Low: 0%-30% AMI
 - ii. Very Low: 31%-50% AMI
 - iii. Low: 51%-80% AMI
 - iv. Moderate: 81%-120% AMI
 - b. The Developer of a for-sale/ownership or rental project shall provide a percentage of the proposed housing units as deed-restricted affordable housing according to one (1) of the following:
 - i. **Very Low-Income Units:** At least 8% of the proposed housing units are restricted to very-low-income residents.
 - ii. **Low-Income Units:** At least 20% of housing units are restricted to low-income residents.
 - iii. **Moderate-Income Units:** At least 40% of housing units are restricted to moderate-income residents.
 - iv. **Blended Target Income Levels:** The developer may request that the project include affordable units that are targeted to a mix of income levels (moderate, low and very-low), as long as at least 20% of housing units are restricted to low-income residents. The final decision regarding the blended target income levels shall be made by the Community and Economic Development Director.

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5. **Fractional Units.** When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or above. If the result includes a fraction less than 0.5 the developer shall have the option of rounding up to the next whole number and providing the affordable unit on site or paying a fee in lieu of providing an additional affordable unit. The in-lieu fee shall be calculated in accordance with Section 1.6.4.
6. **Unit Mix.** The unit mix (i.e., the number of bedrooms per unit) of the affordable units shall be in roughly the same proportion as the unit mix of the market rate units. For example, if a project has ten (10) two (2) bedroom units and twenty (20) one (1) bedroom units and is required to include three (3) affordable units, then the affordable units must consist of one (1) two (2) bedroom unit and two (2) one (1) bedroom units. If only one (1) affordable unit is required and the other units in the project have various numbers of bedrooms, the developer may select the number of bedrooms for that unit. If affordable units cannot mathematically be exactly proportioned in accordance with the market rate units, the unit mix shall be determined by the Community and Economic Development Director.
7. **Location of Affordable Units.** All affordable units shall be built on the same site as the remainder of the project and distributed throughout the project.

1.6.4 Affordable Housing In-Lieu Fee

1. As provided in Section 1.6.3 (Affordability Requirements), a per-dwelling unit fee may be paid in-lieu of providing up to 25% of the required affordable units in either a for-sale/ownership or rental project.
2. For residential development projects constructed in phases, the in-lieu fee shall be paid prior to issuance of each building permit in the proportion that the phase contributes to the overall residential development project.
3. The City Council shall, from time to time, adopt a resolution setting forth the amount of the in-lieu fee.

1.6.5 Applications

1. **Affordable Housing Agreement Required.**
2. **Applications.** Applications for residential development projects shall include the following applications and plans for the project:
 - a. **Preliminary Application Form** pursuant to SB 330.
 - b. Housing Incentive Overlays Objective Design Standards Checklist.
 - c. Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration and provide a copy of the FAA determination to the City and ALUC, if applicable to buildings or structures that penetrate the Notification Surface for FMA or JFTB Los Alamitos.
 - d. Project Site Plan.
 - e. Project Elevation Plans.
 - f. Conceptual Landscape Plans.
 - g. Utility Plans.
 - h. Demolition Plan, if applicable.
 - i. Roof Plan.
 - j. ALTA Survey.
 - k. Title Report.
 - l. Agent Authorization Form.
 - m. Preliminary Grading Plan.
 - n. Vehicles Miles Traveled (VMT)/Traffic Analysis.
 - o. Approved Preliminary Water Quality Management Plan, if applicable
 - p. Project Phasing Plan, if applicable.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

1.6.6 Procedures

1. Applications are required to be submitted to the Planning Department for ministerial processing and must include an application packet and design plans. Only sites within the Housing Incentive Overlays [Figure 2.2-A \(Housing Incentives Overlay Map\)](#) and [Figure 2.2-B \(Zoning Map\)](#) are qualified by-right residential only or mixed-use development and can submit an application to the Planning Department for ministerial review.
2. For properties outside of the HIO boundary, a rezone of the parcel(s) to add the HIO may be permitted subject to the procedures for Zone Changes specified in Chapter 19.124 of the Buena Park Municipal Code .
3. Projects will be processed administratively by staff and reviewed for conformance with these Objective Design Standards. If determined by staff upon review of the application materials that the project conforms with all applicable objective design standards, the Applicant may proceed with submitting a building application/plans for the project.
4. If a project does not meet one (1) or more of the Objective Design Review standards, the Applicant can amend their application to comply, or when appropriate, the Community and Economic Development Director shall administratively approve no more than three (3) adjustments (e.g., when the Applicant can demonstrate that site design/layout would be improved or that there is a constraint that would make complying with a standard infeasible given site layout, etc.) from the objective design standards.
5. For deviations not deemed minor by the Community and Economic Development Director, the Applicant can request a public hearing before the Zoning Administrator for design review approval. The project will still be reviewed for conformance with the HIO Objective Design Standards by the Community and Economic Development Director while taking into consideration whether the deviation(s) from the standards is appropriate. Regarding compliance with the California Environmental Quality Act (CEQA), a project on a qualified site may be exempt from CEQA unless there are irregular circumstances that would create a new impact not already identified and mitigated as part of the Environmental analysis. Other environmental analysis shall be consistent with Section 1.7 of this Chapter.
6. A Focused EIR (FEIR) was prepared to more fully analyze potentially significant impacts to Air Quality and Green House Gas resulting from the adoption of the HIO. Once certified by the City Council, all future residential or mixed-use residential development projects within the HIO will be reviewed to determine the most appropriate CEQA analysis required. This includes either a Categorical Exemption (CE); a Negative Declaration or a Mitigated Negative Declaration; or an EIR. Residential or mixed-use residential projects proposed on HIO sites prior to completion of the FEIR, will be required to complete a stand-alone CEQA analysis specific to the project proposed.
7. In the event an Applicant amends an approved application and site plan to relocate a previously approved building on the proposed lot, the Applicant shall obtain approval from the Community and Economic Development Director. In the event an Applicant amends an approved application and site plan to relocate a previously approved building on the proposed lot and proposes a new building with parking or amenities, the Applicant shall obtain approval from the Zoning Administrator. Any new proposed building or modifications to the approved application and site plan shall not exceed 10,000 square feet of new building square footage. New proposed building(s) or modifications to the approved application exceeding 10,000 square feet of new building square footage, shall require Site Plan approval from the Planning Commission.

1.6.7 Minor Deviations to Standards

1. Minor deviations from certain development and/or design standards may be allowed for specific situations or circumstances. The Planning Division may grant an Adjustment for only the standards identified in Chapter 3 (Development Standards).
2. Minor Deviation requests shall be accompanied by a written request by the Applicant explaining the need for the deviation and identifying all existing site conditions or features that prevent compliance with the standard.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3. If the minor deviation request is for a reduction in the required number of parking spaces, the Applicant shall submit a parking demand analysis prepared by a qualified professional as determined by the Community and Economic Development Director.
4. A Minor Deviation determination may be appealed following the appeals procedure identified in Section 19.128.080 (Adjustments) of the Zoning Code.
5. For the Minor Deviation to be granted both of the following findings are required:
 - a. Site conditions prevent compliance with the standard, including the configuration of the lot, topography, existing natural features, existing buildings/structures, or utility infrastructure.
 - b. The project shall be developed with the intent of each of the objective design standards to the greatest extent possible.
6. If an application requires one or more discretionary approvals, a Minor Deviation related to the project shall be submitted, reviewed, and acted upon concurrently by the highest applicable Review Authority.
7. Refer to Chapter 3 (Development Standards) for applicable adjustments to the development standards.

1.6.8 Streamlined Approval Process

This document hereby adopts California Government Code Section 65913.4 (Housing Development Approvals) by reference. Where this document is silent or conflicts with State law, State law shall prevail.

1.7 Impact Reduction Strategies

All proposed multi-family and mixed-use housing developments within the Housing Incentive Overlays shall be subject to the following objective standard protocols for Impact Reduction Strategies as necessary to avoid a significant impact to the environment in accordance with applicable State and Federal laws. The project applicant or developer is responsible for securing the services of a qualified environmental consultant to ensure compliance with the specified criteria and demonstrating adherence to the required Impact Reduction Strategies.

1.7.1 Air Quality/Greenhouse Gas Policies

Impact Reduction Strategy – AQ1 Construction Related Impacts

Prior to issuance of grading permits, project Applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts (regional and localized) to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD's adopted thresholds of significance, the Applicants shall incorporate all feasible Impact Reduction Strategies to reduce air pollutant emissions during construction activities to below applicable significance thresholds. These identified strategies shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted and verified by the City. Impact Reduction Strategies to reduce construction-related emissions could include, but are not limited to:

- Require construction equipment that meets or exceeds CARB Certified Tier 3 or Tier 4 engine standards.
- Limit the idling time of diesel off-road construction equipment to no more than five (5) minutes.
- Require the use of "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by SCAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Alternatively, projects may utilize building materials that do not require the use of architectural coatings.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- The Construction Contractor shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site, if available rather than electrical generators powered by internal combustion engines.
- The Construction Contractor shall require the use of alternative fueled, engine retrofit technology, after-treatment products (e.g., diesel oxidation catalysts, diesel particulate filters), and/or other options as they become available, including all off-road and portable diesel-powered equipment.
- The Construction Contractor shall require that construction equipment be maintained in good operation condition to reduce emissions. The Construction Contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City verification.

Impact Reduction Strategy – AQ2 Operational Related Impacts

Prior to issuance of a grading permit, project applicants shall prepare and submit a technical assessment evaluating potential project operational air quality impacts (regional and localized) to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the SCAQMD's adopted thresholds of significance, the City shall require applicants to incorporate all feasible Impact Reduction Strategies to reduce air pollutant emissions during operational activities to below the applicable significance thresholds. The identified strategies shall be included in construction plans. Impact Reduction Strategies to reduce operational emissions could include, but are not limited to the following:

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with "cool roofs" using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems;
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.
- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. EPA Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
- Applications for residential development projects within 1,000 feet of a major sources of Toxic Air Contaminants (TAC) (e.g., warehouses, industrial areas, freeways, roadways, and rail lines with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City. The HRA shall be prepared in accordance with policies and procedures of CEQA and the SCAQMD. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM10 concentrations exceed 2.5 microgram per cubic meter (µg/m3), PM2.5 concentrations exceed 2.5 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that Impact Reduction Strategies are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:
 - Air intakes located away from high volume roadways and/or truck loading zones.
 - Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters (e.g., MERV 13 or better).

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Impact Reduction Strategy AQ - 3 MERV 13 Filters

All residential projects shall be required to install air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 13 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.1

Impact Reduction Strategy AQ - 4 Health Risk Assessment

A site-specific HRA may be required for project sites located nearer than 450 feet from the I-5 or CA-91 freeway right-of-way or for projects not requiring the installation of MERV 13 or better air filtration systems.

1.7.2 Biological Resources

Impact Reduction Strategy BIO-1 Pre-construction Nesting Bird Surveys

If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or directly adjacent to the Project Site. If active nests are located, the extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than 15 days prior to the commencement of any construction including demolition activities.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer is allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

1.7.3 Cultural Resources

Impact Reduction Strategy CUL-1 Inadvertent Archaeological Discovery

If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify the Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Impact Reduction Strategy CUL-2 Structures Greater than 50 years Old

Where development would involve the alteration or demolition of a structure greater than 50 years old, a historic evaluation by a Secretary of Interior's Standards for Architectural Historian or Historic Architect shall be provided to determine if the resource meets the definition of a Historic Resource as defined in CEQA Guidelines Section 15064.5. If the structure is determined to be a Historic Resource, any proposed alteration shall follow strategy guidelines contained in CEQA Guidelines Section 15126.4(b). Strategy standards may include, but are not limited to avoidance and preservation, conducting alterations in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (including as applicable, standards for Preservation, Rehabilitation, Restoration and Reconstruction), and documenting resources. The approach to comply with these standards shall be prepared by an Architectural Historian or Historic Architect and provided to the City. Demolition and/or significant diminution of designated historic landmarks shall be prohibited.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Impact Reduction Strategy CUL-3 Archaeological Resource Avoidance

Development shall be sited and designed to avoid adverse impacts to important archaeological resources to the maximum extent feasible. If there is no feasible alternative that can avoid impacts to important or unique archaeological resources, then the alternative that would result in the least adverse impacts to important or unique archaeological resources that would not result in additional adverse impacts to other resources shall be required.

1.7.4 Geological Resources

Impact Reduction Strategy GEO-1 Geotechnical Investigation

Prior to issuance of a Grading Permit or Building Permit, a registered geotechnical engineer shall prepare a site-specific Geotechnical Investigation, which shall be submitted to the City Building and Safety Division for review and approval. Development projects shall incorporate the applicable recommendations provided in the project specific Geotechnical Investigation and other such measure(s) the City deems necessary. The report shall recommend pavement structural section of proposed streets and parking lots. If a WQMP is required, the report shall test and analyze soil conditions for LID (Low Impact Development) requirements, and the implementation of water quality for storm water runoff, including potential infiltration alternatives, soil compaction, saturation, permeability and ground water levels per the County of Orange Technical Guidance Document.

Impact Reduction Strategy GEO-2 Inadvertent Paleontological Discovery

In the event that paleontological resources are discovered during ground disturbing activities, a qualified paleontologist shall document the discovery as appropriate, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5.

1.7.5 Hazards and Hazardous Materials

Impact Reduction Strategy HAZ-1 Phase I Environmental Site Assessment (ESA)

Prior to issuance of a Grading Permit, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site-specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may require remedial activities prior to construction. Development projects shall incorporate the applicable recommendations provided in the project specific Phase I ESA and other such measure(s) the City deems necessary.

Impact Reduction Strategy HAZ-2 Asbestos Containing Materials and Lead Based Paint

Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of ACM's and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.

1.7.6 Noise

Impact Reduction Strategy NOI-1 Construction Equipment Related Impacts

- Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards, and all stationary construction equipment shall be placed so that emitted noise is directed away from the noise-sensitive use nearest the construction activity.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receiver nearest to the construction activity.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. The contractor shall design delivery routes to minimize the exposure of sensitive land uses to delivery truck noise.

Impact Reduction Strategy NOI-2 Noise Assessment within 50 feet of Sensitive Receptor

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Prior to issuance of any construction permits, applicants for individual projects that are within 50 feet of a sensitive receptor, shall prepare and submit a study to evaluate potential operational-related stationary source noise impacts to the Planning Department. The noise report shall be prepared by an acoustical engineer using the ISO 9613-2 protocol in the CadnaA (Computer Aided Noise Abatement) computer program. If the study determines a potential exceedance of the City's thresholds (55 dBA Leq daytime, or 50 dBA Leq nighttime), measures shall be identified that ensure noise levels are reduced to below the thresholds. Identified measures shall be included on all construction and building documents and submitted for verification to the Planning Department.

Impact Reduction Strategy NOI-3 Vibration Assessment within 25 Feet of Sensitive Receptor

Prior to issuance of any construction permits, applicants for individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, within 25 feet of sensitive receptors (e.g., residences and fragile structures), shall prepare and submit to the Planning Department a study to evaluate potential construction-related vibration impacts. The vibration assessment shall be prepared by an acoustical engineer and be based on recognized vibration-induced architectural damage criterion. If the study determines a potential exceedance of the thresholds, measures shall be identified that ensure vibration levels are reduced to below the thresholds. Identified measures shall be included on all construction and building documents and submitted for verification to the Planning Department.

1.7.7 Traffic

Impact Reduction Strategy TRAF-1 Traffic Memorandum

Project Applicants shall demonstrate that the proposed project will not adversely impact vehicle traffic on streets within the vicinity of the site by submitting a report demonstrating consistency with the City's most recent Traffic Impact Analysis Guidelines for Vehicles Miles Traveled (VMT) and Level of Service (LOS) assessment. If projects are consistent with the analysis, a Traffic Impact Study may not be required. If a proposed project exceeds what was analyzed in the City's most recent traffic analysis, a site-specific Traffic Impact Analysis may be required.

1.7.8 Tribal Cultural Resources

Impact Reduction Strategy TCR-1 Tribal Consultation

Upon receipt of a project application, the City shall request consultation regarding the proposed development with any California Native American Tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, and contact the Native American Heritage Commission for assistance in identifying any California Native American Tribe. The City shall provide formal notice for each Tribe traditionally and culturally affiliated with the geographic area of the project site including the location and a description of the proposed development, and an invitation to engage in scoping consultation. The local government shall request that each tribe notify the City if it accepts the invitation to engage in consultation within 30 days, unless additional time is requested.

The local government must initiate consultation within 30 calendar days of a Tribe's acceptance of the invitation to engage in consultation. Consultation occurs between the City and the tribe(s) and must comply with the confidentiality requirements. Tribal consultation concludes either 1) upon documentation of an enforceable agreement regarding the treatment of tribal resources at the project site (Government Code §65913.4(b)(2)(D)(i)), or 2) one or more parties to the consultation, acting in good faith and after a reasonable effort, conclude that a mutual agreement cannot be achieved (Government Code §65913.4(b)(2)(D)(ii)). Tribal consultation was completed during the preparation of FEIR. However, until the FEIR is adopted, tribal consultation will be required for projects conducting separate CEQA analysis. Following the certification of the FEIR, no further tribal consultation shall be required.

1.7.9 Water Quality and Hydrology

Impact Reduction Strategy WQH-1 Water Quality Management Plan (WQMP)

Prior to issuance of grading or building permits, the applicant shall submit for approval, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control pollutant run-offs. This WQMP shall identify the structural and non-structural measures; detailing implementation of BMP's whenever they are applicable to the project. The design criteria and templates can be located on the City's website.

Impact Reduction Strategy WQH-2 Waste Discharge Identification

Prior to the issuance of grading permit for projects that will result in soil disturbance of one acre or more of land, a copy of the Notice of Intent (NOI) and assigned Waste Discharge Identification (WDID) number from the State Water Resources Control Board shall be submitted to the City. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the approved SWPPP by the State Water Resources Control Board shall be kept at the project site and be made available for the City upon request. The assigned WDID number must appear on the cover sheet of the grading plan.

1.7.10 RESERVED

1.7.11 RESERVED

CHAPTER 2. OVERLAYS AND USES

2.1 Housing Incentive Overlays Overview

The Housing Incentive Overlays (HIO) are comprised of six (6) housing Overlays. These Overlays include: **Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, Housing Opportunities Overlay, Religious Congregational and Fraternal Overlay, and Hotel/Motel Conversion Overlay.** The Mixed-Use Housing Incentive Overlays focus on mixed-use, walkable and vibrant environments and range in function and intensity from primarily residential areas with a mix of lower intensity building types (MUO45, Mixed-Use Overlay-45), to moderate intensity neighborhoods (MUO60, Mixed-Use Overlay-60), to higher intensity neighborhoods (MUO100, Mixed-Use Overlay-100). The Housing Opportunities Overlay provides for higher density multi-family housing. The Religious Congregational and Fraternal Overlay allows faith-based organizations to build housing on sites owned by religious and faith-based institutions. The Hotel/Motel Conversion Overlay allows for the conversion of identified hotels/motels into interim or permanent supportive housing for veterans, individuals or families with special needs, and those formerly homeless. The MUO45, MUO60, MUO100, HOO, and RCFO shall provide at least 16 units on the site, as stipulated in Program 11 (Adequate Sites to Accommodate RHNA and Monitoring of No Net Loss) of the 2021-2029 Housing Element. A commercial component is required along at least 50% of the building frontage of proposed development that has a frontage on a Major and Primary highway identified in the General Plan Buildout Circulation Plan (Exhibit M-9) of the City's adopted General Plan. The FEIR analyzed a total of 10,322 units. If the number of units exceeds this total, separate CEQA analysis will be required.

HOUSING INCENTIVE OVERLAY

ILLUSTRATION

Mixed-Use Overlay – 45 (MUO45)

Intent: A walkable neighborhood environment with small-to-medium footprint, moderate-intensity housing choices, supporting and within short walking distance of neighborhood-serving retail, food, and services.

Density: Minimum 16 - up to 45 dwelling units per net acre (du/ac)

Intensity: 1.5 floor area ratio (FAR)

Height: Up to 5 stories or 55 feet in height



Mixed-Use Overlay – 60 (MUO60)

Intent: A walkable neighborhood environment with a medium footprint, high-intensity housing choices, supporting and within short walking distance of neighborhood-serving retail, food, and services.

Density: Minimum 16 - up to 60 dwelling units per net acre (du/ac)

Intensity: 1.0 floor area ratio (FAR)

Height: Up to 7 stories or 75 feet in height



HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

HOUSING INCENTIVE OVERLAY

ILLUSTRATION

Mixed-Use Overlay – 100 (MUO100)

Intent: A walkable neighborhood environment with a large footprint, very high-intensity housing choices, supporting and within short walking distance of neighborhood-serving retail, food, and services.

Density: Minimum 16 - up to 100 dwelling units per net acre (du/ac)

Intensity: 1.75 floor area ratio (FAR)

Height: Up to 9 stories or 95 feet in height



Housing Opportunity Overlay (HOO)

Intent: Facilitates higher-intensity affordable multi-family housing and aims to address the need for increased affordable housing options on sites already zoned for multi-family uses.

Density: Minimum 16 - up to 50 dwelling units per net acre (du/ac)

Height: Up to 5 stories or 55 feet in height



Religious Congregational and Fraternal Sites Overlay (RCFO)

Intent: Provides low-to-moderate intensity housing choices on sites owned by faith-based institutions.

Density: Minimum 16 - up to 40 dwelling units per net acre (du/ac)

Height: Up to 5 stories or 55 feet in height



Hotel/Motel Conversion Overlay (HMCO)

Intent: Facilitate the conversion of existing transient residential structures, such as hotels and motels, into permanent multi-family housing for lower-income households by establishing a regulatory framework for review of the location, configuration, design, and compatibility of the proposed use with surrounding uses and to ensure the suitability of the site for the proposed converted use as well as a high level of livability for residents.



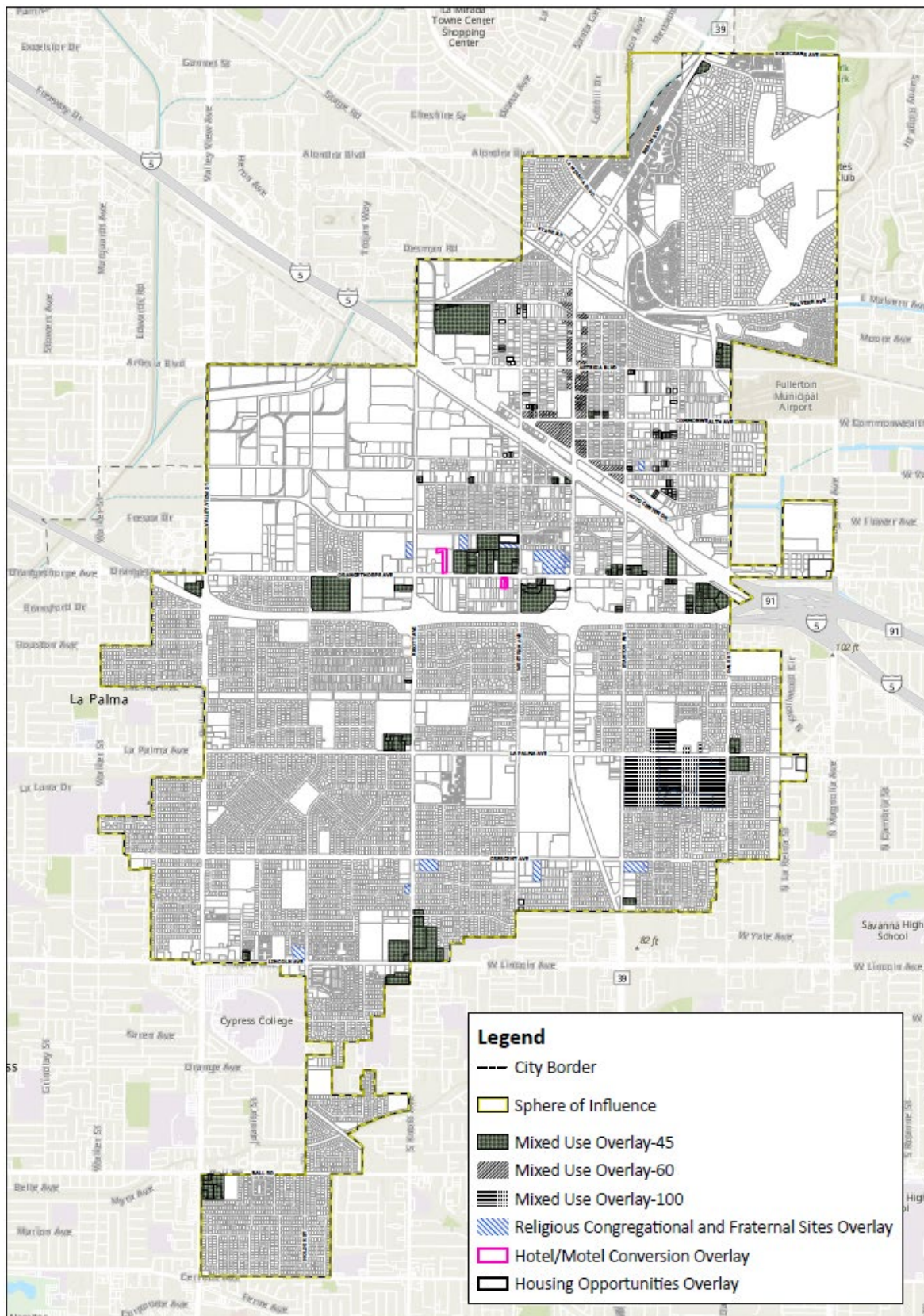
**The images provided in this Section are for illustrative purposes only.*

2.2 Housing Incentive Overlays Map

The Overlays established by this Section are mapped on [Figure 2.2-A \(Housing Incentives Overlay Map\)](#) and [Figure 2.2-B \(Zoning Map\)](#). If the Overlay no longer applies to a site, [Figure 2.2-A](#) and [Figure 2.2-B](#) shall be updated to reflect such changes.

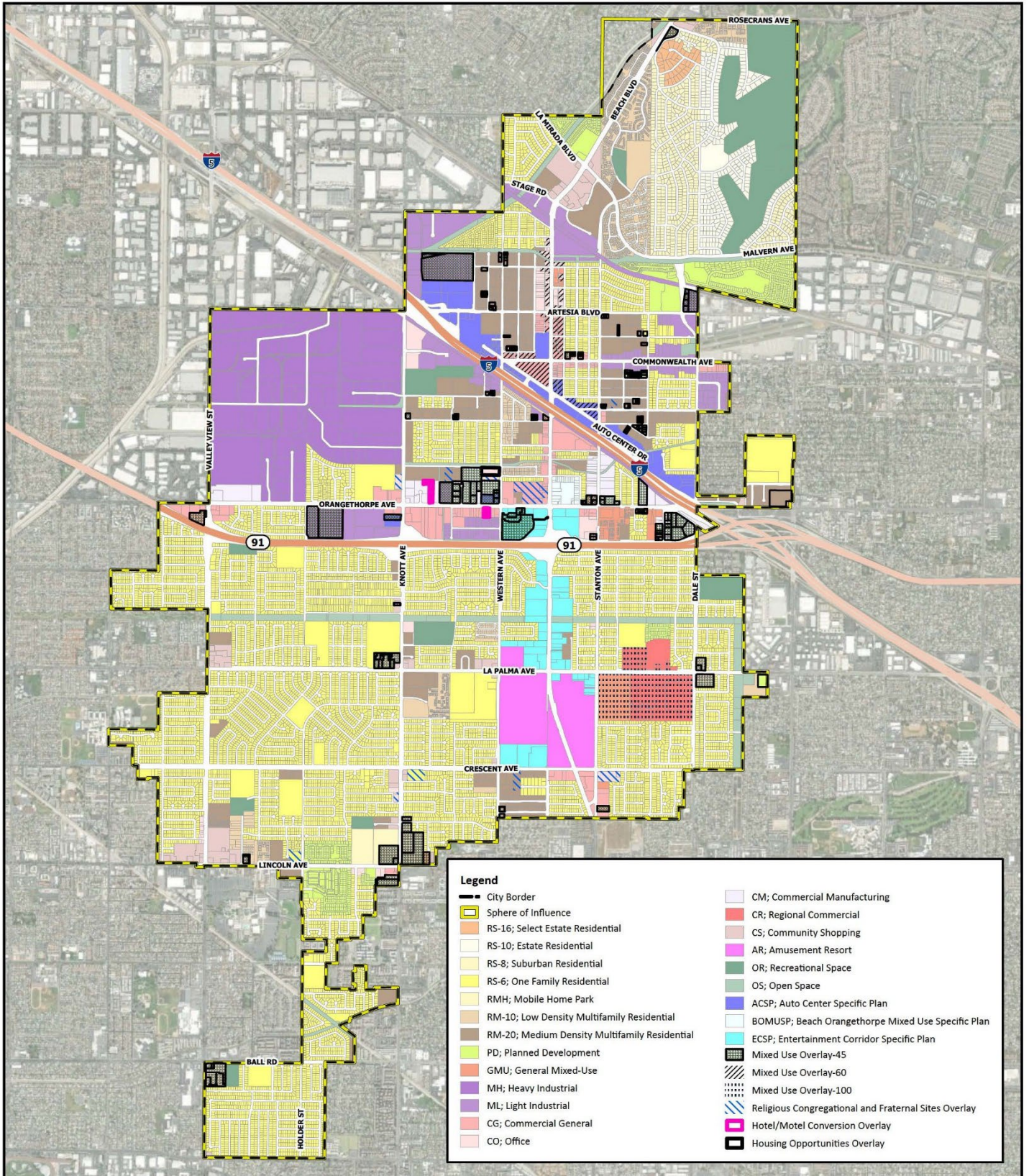
HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Figure 2.2-A. Housing Incentives Overlay (HIO) Map



HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Figure 2.2-B. Zoning Map



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

2.3 Permitted Uses

This Section contains two (2) Permitted Use Tables; 1) Mixed-Use Overlays (Mixed-Use Overlay-45, Mixed-Use Overlay-60, and Mixed-Use Overlay-100), and 2) Multi-Family Residential Overlays (Housing Opportunities Overlay and Religious Congregational and Fraternal Sites Overlay). This Section does not contain any information pertaining to the permitted uses for the Hotel/Motel Conversion Overlay (HMCO). All objective development standards and design standards are located in Chapter 5 for the HMCO.

2.3.1 Mixed-Use Overlays Permitted Uses (MUO-45, MUO-60, MUO-100)

The three (3) Mixed-Use Overlays below emphasize residential uses and only allow a limited number of compatible services, amenities and commercial uses. The Mixed-Use Overlays are intended to accommodate a variety of affordable housing types, in a primarily residential setting supported by neighborhood-serving commercial. [Table 2.3.1 \(Permitted Use Table\)](#) identifies the uses permitted; the uses that are not permitted; and the uses subject to specific standards. Uses not listed in the table below are not permitted. The listed non-residential uses are only permissible when in conjunction with residential uses.

*Note: The Zoning Administrator shall have the authority to grant Conditional Use Permits (CUP), which may be subject to appeal to the City Council. A CUP shall be denied if affirmative findings based on the criteria in Section 19.128.020, Subsection E, are not made or conditions cannot be imposed to adequately mitigate any adverse impacts of the use.

Table 2.3.1 - Permitted Use Table (Mixed-Use Overlays)

Key:	"P" Permitted Use	"C" Conditional Use Permit	"I" Incidental	"-" Not Permitted	"*" Use Specification
Use	MUO45	MUO60	MUO100	Use Standard	Specification
Residential Uses					
<i>Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household.</i>					
Dwelling, multi-family	P	P	P		
Live/Work Development	P*	P*	P*	Special use program	See Section 19.748.030
Home Day Care Facility	P*	P*	P*	In conjunction with; Permit required;	Dwelling Home Occupation Permit (See Section 19.448.040)
Supportive Housing	P*	P*	P*	Restricted affordability	100%
Transitional Housing	P	P	P		
<i>Group Living: uses characterized by residential occupancy by a group of persons who do not constitute a household.</i>					
Emergency Shelter	P*	P*	P*	Special use program	See Section 19.448.070
Group Home	P*	P*	P*	Special use program	See BPMC Chapter 5.70
Public, Institutional, and Community Uses					
<i>Community, Cultural, and Educational Facilities: uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community.</i>					
Club, Service Organization, or Community Center	I*	I*	P*	Use separation Size of facility (max.) Hours of Operation Upper story location	Residential; 100 ft. 1,000 sq. ft. 7:00AM to 10:00PM Prohibited
Community Garden	I*	I*	I*	Accessory use to; Size (max.) Location	Dwelling 20,000 square feet Setback at least 5 ft. from all property lines.
Family Day Care Center	I*	I*	P*	Persons in care (max.)	14
Indoor Fitness and Sports Facility, Large	C*	C*	C*	Size of facility (max.) Location Hours of operation	6,500 sq. ft. Ground floor only 6:00AM to 10:00PM
Indoor Fitness and Sports Facility, Small	P*	P*	P*	Size of facility (max.) Location Hours of operation	3,000 sq. ft. Ground floor only or accessory structure 6:00AM to 10:00PM
Library/Museum/Cultural Facility	C	C	C		

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Outdoor Recreation Area	P*	P*	P*	Size of facility (max.)	10,000 sq. ft.
				Upper story location	Prohibited
Public Park/Open Space	P	P	P		
Public Safety Facility	P*	P*	P*	Government owned	Required
Public Security Center	P*	P*	P*	Accessory to;	Commercial or residential use
Religious Assembly	P	P	P		
Schools, Specialized Education and Training/ Studio	C	C	C		
Tutoring Center, Small	P*	P*	P*	Accessory to;	Another allowed use.
				Size of facility (max.)	15,000 square feet
<i>Health Care: uses providing health care services, including surgical or other intensive care and treatment, various types of medical treatment, and nursing care.</i>					
Alcoholic Treatment Center	C	C	C		
Adult Day Care	P*	P*	P*	Persons in care (max.)	14
Independent Living Facility	C	C	C		
Medical or dental laboratory	P*	P*	P*	Incidental to;	Medical/dental clinic
Medical or dental clinic	P*	P*	P*	In conjunction with;	Multi-tenant building
Pharmacy	P	P	P		
Optician	P	P	P		
<i>Transportation: uses associated with parking facilities.</i>					
Carport	P*	P*	P*	Accessory to;	Dwelling
Parking Lot	P*	P*	P*	Accessory to;	Dwelling
Parking Structure	P*	P*	P*	Accessory to;	Dwelling
<i>Utilities: uses associated with infrastructure necessary for the provision of services such as water, sewer, power, or communications. Excludes off-site transmission lines, pipes, or other systems for conveying and transmitting services within utility easements.</i>					
Minor utilities	P*	P*	P*	Screening	Required
Major utilities	P*	P*	P*	Approval Required	Public Works Department
				Location	Corner lots only
Commercial Uses					
<i>Retail, Service, and Office Uses: establishments engaged in the sale, rental, and serving of goods, provision of professional services, financial institutions, routine business support, personal services, restaurants, and recreational activities for the community's enjoyment and convenience.</i>					
Alcoholic Beverage Sales	C	C	C		
Animal Grooming (No overnight boarding)	C*	C*	C*	Size of facility (min.)	1,000 sq. ft.
				Location	Ground floor only
				Hours of operation	8:00AM to 8:00PM
				Use separation	Residential; 100 ft.
				Restricted location	Not allowed within a dwelling unit.
Art Studio/Gallery	P	P	P		
Antique and Collectible Shop	P	P	P		
Barber Shops/Beauty Salons	P	P	P		
Banks and Financial Services	P	P	P		
Business Support Services	P	P	P		
Catering Services	P*	P*	P*	Size of facility (min.)	1,000 sq. ft.
Child Day Care Facility		P	P		
Consignment Store	C	C	C		
Convenience Store	P*	P*	P*	Size of facility (max.)	10,000 sq. ft.
Costume Design and Sales	P	P	P		
Drive-In and Drive-Through Sales and Service	P*	P*	P*	Special use program	19.552.070
Furniture, Furnishing, and Appliance Store	P	P	P		
Garden Center/Plant Nursery	P	P	P		
Grocery Store/Supermarket, beer and wine	P	P	P		
Grocery Store/Supermarket, Liquor Sales	P	P	P		
Health Spa or Salon	P	P	P		
Home Improvement Supply Store	P	P	P		
Café	P	P	P		

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Interior Decorating Studio	P	P	P		
Laundromat, self-service	C	C	C		
Maintenance and Repair, Small Equipment	C	C	C		
Massage Establishment	C*	C*	C*	Special use program	19.552.130
Office, Business and Professional	P	P	P		
Photography Studio	P	P	P		
Restaurant, No Liquor Sales	P	P	P		
Restaurant, Beer and Wine	C*	C*	C*	Special use program	19.552.030
Restaurant, Full Liquor Service	C*	C*	C*	Special use program	19.552.030
Retail, General	P	P	P		
Retail, Dry-Cleaning Services	C	C	C		
Specialty Food Store	P	P	P		
Tattoo Shop	P	P	P		

Notes:

- Definitions of uses not provided in Section 19.104.080 are located in Chapter 6 (Definitions) of these Objective Design and Development Standards.
- Refer to Division 5 (Commercial and Industrial Zones) for development standards for commercial uses within a Horizontal Mixed-Use Developments.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

2.3.2 Multi-Family Residential Overlays Permitted Uses (HOO and RCFO)

The two (2) Multi-Family Residential Overlays below emphasize residential uses and only allow a limited number of compatible services and amenities. The Multi-Family Residential Overlays are intended to accommodate a variety of housing types, in a primarily residential setting supported by neighborhood-serving commercial uses. [Table 2.3.2 \(Permitted Use Table\)](#) identifies the uses permitted; the uses that are not permitted; and the uses subject to specific standards. Uses not listed in the table below are not permitted.

*Note: The Zoning Administrator shall have the authority to grant Conditional Use Permits (CUP), which may be subject to appeal by City Council. A CUP may be denied if affirmative findings based on the criteria in Section 19.128.020, Subsection E, are not made or conditions cannot be imposed to adequately mitigate any adverse impacts of the use. Definitions of uses not provided in Section 19.104.080 are located in Chapter 6 (Definitions) of these ODDS.

Table 2.3.2 Permitted Use Table (Multi-Family Residential Overlays)

Key:	"P" Permitted Use		"-" Not Permitted	"*" Specific Standard
Use	HOO	RCFO	Use Standard	Specification
Residential Uses				
<i>Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household.</i>				
Dwelling, Multi-Family	P	P		
Home Day Care Facility	P*	P*	In conjunction with; Permit required;	Dwelling Home Occupation Permit
Supportive Housing	P*	P*	Restricted affordability	100%
Transitional Housing	P	P		
<i>Group Living: uses characterized by residential occupancy by a group of persons who do not constitute a household.</i>				
Emergency Shelter	P*	P*	Special use program	See Section 19.448.070
Group Home	P*	P*	Special use program	See BPMC Chapter 5.70
Religious Group Living		P*	In conjunction with;	Religious Assembly
Public, Institutional, and Community Uses				
<i>Community, Cultural, and Educational Facilities: uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community.</i>				
Club, Service Organization, or Community Center	P*	P*	Use separation	Residential; 100 ft.
			Size of facility (max.)	1,000 sq. ft.
			Hours of Operation	7:00AM to 10:00PM
			Upper story location	Prohibited
Community Garden	P*	P*	Accessory use to;	Dwelling
			Size (max.)	20,000 square feet
			Location	Setback at least 25 ft. from all property lines.
Indoor Fitness and Sports Facility, Small	P*	P*	Size of facility (max.)	3,000 sq. ft.
			Location	Ground floor only or accessory structure
			Hours of operation	6:00AM to 10:00PM
Outdoor Recreation Area	P*	P*	Size of facility (max.)	10,000 sq. ft.
			Upper story location	Prohibited
Public Park/Open Space	P	P		
Public Security Center	P*	P*	Accessory to;	Residential use
Religious Assembly		P		
<i>Transportation: uses associated with parking facilities.</i>				
Carport	P*	P*	Accessory to;	Dwelling
Parking Lot	P*	P*	Accessory to;	Dwelling
Parking Structure	P*	P*	Accessory to;	Dwelling
<i>Utilities: uses associated with infrastructure necessary for the provision of services such as water, sewer, power, or communications. Excludes off-site transmission lines, pipes, or other systems for conveying and transmitting services within utility easements.</i>				
Minor utilities	P*	P*	Screening	Required
Major utilities	P*	P*	Approval Required	Public Works Department
			Location	Corner lots only

CHAPTER 3. DEVELOPMENT STANDARDS

3.1 Development Standards for Housing Incentive Overlays

The Development Standards provided in this Section are applicable to Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, and residential development in the Housing Opportunities Overlay and the Religious Congregational and Fraternal Overlay, which are illustrated in [Sections 3.1.1 – 3.1.15](#). Table 3.1 below provides an overview of the development standards applicable to these Overlays.

Table 3.1 – HIO Development Standards Overview					
Development Standard	Mixed-Use Overlays			Multi-Family Overlays	
	MUO-45	MUO-60	MUO-100	HOO	RCFO
Density and Intensity					
Base Density	45 du/ac	60 du/ac	100 du/ac	50 du/ac	40 du/ac
Floor Area Ratio (FAR)	1.5 FAR	1.0 FAR	1.75 FAR	-	-
Minimum Site Dimensions					
Minimum Lot Size	21,780 sq. ft.	21,780 sq. ft.	21,780 sq. ft.	21,780 sq. ft.	15,000 sq. ft.
Minimum Lot Width	50 feet	50 feet	100 feet	45 feet	50 feet
Minimum Lot Depth	75 feet	75 feet	100 feet	75 feet	65 feet
Minimum Building Setbacks					
Front Yard Setback	10 feet	10 feet	15 feet	10 feet	10 feet
Side Street Setback	-	-	-	-	-
Main Building	10 feet	10 feet	15 feet	10 feet	10 feet
Accessory Building	15 feet	15 feet	20 feet	15 feet	15 feet
Side Yard Setback	-	-	-	-	-
Main Building	6 feet	6 feet	10 feet	6 feet	6 feet
Accessory Building	5 feet	5 feet	5 feet	5 feet	5 feet
Rear Yard Setback	-	-	-	-	-
Main Building	10 feet	10 feet	15 feet	10 feet	10 feet
Accessory Building	5 feet	5 feet	10 feet	5 feet	5 feet
Street Corner Setback (Arterial Streets/Outer Corner Treatments)	20 feet	20 feet	20 feet	15 feet	15 feet
Lot Coverage					
Maximum Lot Coverage	80%	80%	80%	80%	80%
Building Form					
Stories	5	7	9	5	5
To Top of Roof Diaphragm for a Flat Roof or Top of Roof Ceiling for Pitched Roof*	55 feet	75 feet	95 feet	52 feet	52 feet
Maximum Height (Overall)	58 feet	78 feet	98 feet	55 feet	55 feet
Ground Floor Height	-	-	-	-	-
Residential (min.)	9 feet	9 feet	9 feet	8 feet	8 feet
Non-Residential (min.)	15 feet	15 feet	15 feet	-	-
*Refer to Figure 3.1.7 in Section 3.1.7 (Building Form).					
Open Space					
Minimum Open Space	16 – 200 total units: 150 square feet of usable open space per unit 200 or more total units: 100 square feet of usable open space per unit				

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

A minimum of 50% as common open space and the remaining 50% as either private or common open space.

Parking

Residential Uses

Studio or 1 bedroom

	-	-	-	-	-
Vehicular Spaces	1 min. per unit	1 min. per unit	1 min. per unit	1 min. per unit	1 min. per unit
Bicycle Spaces	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit

2-bedrooms

	-	-	-	-	-
Vehicular Spaces	1.5 min. per unit	1.5 min. per unit	1.5 min. per unit	1.5 min. per unit	1.5 min. per unit
Bicycle Spaces	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit

3 bedrooms or more

	-	-	-	-	-
Vehicular Spaces	2 min. per unit	2 min. per unit	2 min. per unit	2 min. per unit	2 min. per unit
Bicycle Spaces	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit	0.5 min. per unit

Non-Residential Uses

See Buena Park Municipal Code Section 19.536.040 – Parking Spaces Required.

Parking Setbacks

Front Yard	25 feet	25 feet	25 feet	35 feet	25 feet
Side Street	15 feet	15 feet	20 feet	15 feet	15 feet
Side Yard	5 feet	5 feet	5 feet	5 feet	5 feet
Rear Yard	5 feet	5 feet	10 feet	5 feet	5 feet

Driveway

See Buena Park Municipal Code Section 19.536.030 – Driveway Standards for MUO-45, MUO-60, and MUO-100. See Buena Park Municipal Code Section 19.436.040 for HOO and RCFO.

Minimum Dwelling Unit Floor Area

Zero Bedroom Unit	450 square feet	450 square feet	450 square feet	450 square feet	450 square feet
One (1) Bedroom Unit	600 square feet	600 square feet	600 square feet	600 square feet	600 square feet
Two (2) Bedroom Unit	700 square feet	700 square feet	700 square feet	700 square feet	700 square feet
Three (3) or More Bedroom Unit	800 square feet	800 square feet	800 square feet	800 square feet	800 square feet

Building Encroachments

Architectural Features	Maximum 2.5 feet into minimum front yard, side street, side yard, and rear yard setbacks.
Unenclosed Stairways	Maximum 6 feet into minimum, side yard, and rear yard setbacks. Not allowed in front yard and side street setbacks.
Private Frontages	Maximum 5 feet into minimum front yard, side street, and rear yard setbacks. Not allowed in side yard setbacks.
Stairs/Ramps	Maximum 2 feet into minimum front yard, side street, and side yard setbacks. Maximum 5 feet into minimum rear yard setbacks.
Patio Covers	Maximum 5 feet into minimum side yard and rear yard setbacks. Not allowed in front yard or side street setbacks.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3.1.1 General

1. Where any development standard is silent pertaining to Mixed-Use Development, the development standards provided for Mixed-Use Zones of the Buena Park Municipal Code (BPMC) shall prevail.
2. Where any development standard is silent pertaining to Multi-Family Development, the development standards provided for Multi-Family Zones of the Buena Park Municipal Code (BPMC) shall prevail.
3. Commercial uses and development standards are subject to the provisions of Division 5 of Title 19 of the BPMC, unless stated otherwise herein.
4. Projects developed within the HIO shall comply with the most recent Orange County Fire Authority Guidelines for access, water and Architectural Guidelines.
5. All portions of proposed buildings above the first story shall maintain a minimum setback of twelve (12) feet from any overhead power lines.
6. Applicants proposing buildings or structures that penetrate the Notification Surface for FMA or JFTB Los Alamitos shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration and provide a copy of the FAA determination to the City and ALUC.
7. **Project Design:**
 - a. Grading, storm drain, street, sewer, water, and erosion control plans shall be prepared by a Registered Engineer, at a minimum scale of 1" = 40', and on 24" by 36" sheets. Any proposed improvements shall be designed and constructed per City Standards. Any existing improvements in the public right-of-way, adjacent to project parcel frontage, that are not in compliance with the Americans with Disabilities Act (ADA) shall be removed and reconstructed or added to meet the ADA requirements and must comply with City Standards.
 - i. Projects within the flood zone of the Federal Emergency Management Agency shall be developed per Division II of Title 18 of the City Code.
 - ii. Street dedications including corner cutoff dedications to the City for the project frontage will be required per the Master Street Plan.
 - iii. Existing overhead utilities and poles along the project frontage shall be undergrounded or an in-lieu fee may be paid per the City's latest fee schedule. All new utilities to the project site shall be undergrounded.
 - iv. New streetlights along the project frontage shall be required every 150-feet unless already existing. Streetlights mounted on wooden poles shall be replaced with marbelite poles.
 - v. Trees and ground cover with an irrigation system shall be required within the parkway landscaping area along the project frontage. The species of tree to be planted will be determined by the Urban Forest Management Plan. The property owner shall be responsible for the maintenance of this landscaping area per Chapter 19.1112.070 of the Buena Park Municipal Code.
 - vi. Driveway approaches, sidewalks, curb, and gutter along the project frontage that are lifted, fractured, or failing shall be removed and replaced per City standards.
 - vii. All vehicular access to the site shall be provided in locations approved by the Traffic Division. An emergency access within the project parcel shall be approved by the Orange County Fire Authority and an approved copy of the plan shall be submitted to the Engineering Division with the submittal of the grading plan.
 - viii. Traffic Impact fees shall be in accordance with City Resolution 9726 and the latest City Fee Schedule. Sewer, water, and stormwater impact fees shall be per the latest City Fee Schedule.
 - ix. A site distance analysis, prepared by a registered engineer, shall be submitted for approval for any structures that are substantial in size, such as monument signs, that are proposed adjacent to existing or proposed driveway.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- x. Provide an engineering study for any proposed sewer and water connections to the City system. The study shall be prepared by a registered civil engineer for approval by the City Engineer. Any infrastructure upgrades necessary to meet the fire code or the domestic water capacity shall be mitigated by the developer. Easements shall be dedicated as needed to accommodate a new public water or sewer system. The proposed utility connections shall be made to the City water and sewer systems in accordance with the City Code, standards and applicable Federal, State and County regulations.
 - xi. A double check detector assembly is required for domestic and fire service connections, and a reduced pressure principle device (RPPD) is required for irrigation service connection per City standards, and devices shall be supplied and installed by contractor. Contractors shall supply and install City approved water meters in the public right-of-way.
 - xii. A hydrology and/or hydraulics study, prepared by a registered engineer, shall be submitted for approval when drainage is altered and/or there is a net increase of the stormwater for the proposed project. The storm drain system shall be designed and constructed for a minimum of a 25-year flood per the County of Orange standards. It shall be privately owned and maintained.
 - xiii. Easement shall be granted to the City when public water and sewer systems are installed within private land.
 - xiv. All existing public facilities in conflict with new improvements shall be relocated at no cost to the City. The property owner shall dedicate or cause to be dedicated all easements needed to accommodate the relocation, modification or installation of facilities to be maintained by the City or any public utility company.
- b. Tract maps and parcel maps shall be prepared in accordance with the State Subdivision Map Act and Division I of Title 18 of the City Code. All improvements required to be completed by the applicant shall be in accordance with the City standards and specifications. All maps shall be concurrently reviewed by the City and the Orange County Survey Department. The applicant shall forward all plan check comments received from the Orange County Survey Department to the City for each plan check.

8. Permit Issuance:

- a. All fees, deposits, and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction. The fee amounts are specified in the City Fee Schedule.
- b. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall obtain a City Business License and submit the required insurance certificates.
- c. A Transportation Hauling permit shall be obtained to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximums specified in the California Vehicle Code (CVC) and the Caltrans Transportation Permit Manual.
- d. Prior to issuance of a grading permit, the applicant shall record an approved WQMP that includes the Master Covenant & Agreement and an Operational Maintenance Plan with the Orange County Recorder's office. Two hard copies of the WQMP in 3-ring binders shall be provided to the City.
- e. Prior to the final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for a period of one (1) year, for all public facilities and improvements.
- f. Prior to the grant of occupancy by the City or commencement for the approved use, all improvements required by the Public Works Department shall be completed.

9. Construction:

- a. A traffic control plan, prepared by a registered engineer, shall be submitted for approval for all utility connections, street improvements, and any other work performed in the public right-of-way that require a lane closure. A traffic control plan, prepared by a registered engineer, shall also be submitted for work on private property that results in lane closures.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- b. When more than one trench cut is made to install utility lines, then the street shall be either slurry sealed or grind and capped with AC to the nearest lane line of a trench cut from property line to property line. The method of replacing the pavement in kind or better shall be decided based on existing pavement condition.
- c. An Engineered Grading and Utility Certification shall be certified by the project engineer. Each phase of construction, fill and soil compaction, rough grading including pad elevations, final grading, utilities, and Water Quality Management Plan shall be certified by the project engineer and submitted to the City.
- d. Applicant shall abandon any existing private water wells per the City and Orange County Health Department requirements.
- e. Prior to issuance of occupancy, the applicant shall demonstrate all structural BMPs have been constructed in conformance with the approved WQMP.
- f. Any work on State Highway, Beach Boulevard from the I-5 Freeway to north City limit, shall require a Caltrans permit.
- g. The applicant/contractor shall be responsible for protecting all existing horizontal and vertical survey controls. Any survey controls disturbed during construction shall be reset per Orange County Surveyor Standards after construction.
- h. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.

3.1.2 Density and Intensity

1. The minimum number of residential units on a site within the HIO's shall be sixteen (16) du/ac.
2. Refer to Table 3.1 for the allowable base density for each Overlay. The Base Density is permissible with the provision of affordable units subject to Section 1.6.3 (Affordability Requirements) of these ODDS.
3. The Floor Area Ratio (FAR) applies to non-residential uses only, which are only permitted in the Mixed-Use Overlays.
4. Additional density pursuant to the State Density Bonus law may be permissible. Applicants should calculate the total allowable unit count by first determining the base density and then applying the density bonus as allowed by State law.

3.1.3 Minimum Site Dimensions

1. The minimum lot size for MUO-45, MUO-60, MUO-100, and HOO shall be 0.5 acres or 21,780 square feet. However, the minimum lot size for the RCFO shall be 15,000 square feet.
2. Lot line adjustment or lot mergers are allowed for projects with four (4) parcels or fewer.
3. If the minimum site dimensions cannot be achieved, lot consolidation of smaller lots into larger lots is encouraged. Up to one (1) incentive may be offered for the consolidation of existing small lots into a development project site of one (1) acre, but less than two (2) acres, and up to three (3) incentives may be offered for the consolidation of existing small lots into a development project site of over two (2) acres.
4. Table 3.1.3 identifies the administrative relief types and the required findings to support the adjustment.

Table 3.1.3 - Adjustments to Standards (Minimum Site Dimensions)

Administrative Relief Types	Required Findings to Support the Adjustment	Allowed Administrative Relief
Reduction in the minimum lot size.	<ol style="list-style-type: none"> 1. The parcel does not abut a parcel with the same Overlay. 2. The development can achieve at least 16 units on the project site. 	Up to 10% reduction in minimum lot size.
Reduction in the minimum lot width or lot depth.	<ol style="list-style-type: none"> 1. The adjustment accommodates an existing feature including, but not limited, to a tree or utility; 2. An existing or new design site can still be developed in compliance with the standards of the Overlay; and 3. The decrease to the minimum lot width or lot depth can provide at least 16 units on the project site. 	Up to 10% reduction from the lot width or depth.

HOUSING INCENTIVE OVERLAY (HIO)

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3.1.4 Minimum Building Setbacks

1. An additional five (5) foot building setback is required when the parcel is adjacent to any single-family residential zone.
2. Sites over five (5) acres in size shall provide an additional five (5) feet per setback requirement for Primary Buildings.

Table 3.1.4 - Adjustments to Standards (Minimum Building Setbacks)

Administrative Relief Types	Required Findings to Support the Adjustment	Allowed Administrative Relief
Decrease the minimum front yard, side street, side yard, rear yard, or street corner setbacks for primary buildings or non-habitable accessory structures.	<ol style="list-style-type: none"> 1. Existing building(s) on adjacent lots on the same block face are less than the required setback; and 2. The variation will allow the proposed project to blend in with the adjacent building(s). 3. The proposed project does not abut any Single-Family Zone. 4. The project design maintains pedestrian safety and walkability. 	Up to 10% reduction from the Standard

3.1.5 Lot Coverage

1. Lot Coverage refers to the total area of those portions of a lot that are covered by buildings or structures. Lot Coverage includes the footprint of all buildings and structures including the primary building, accessory structures, covered parking, covered pool equipment units, utility sheds, etc.; projecting elements such as balconies, stairways, porches, patio covers, etc.; decks or other surfaces that exceed 2.5 feet above grade; roof overhangs or eaves that exceed three (3) feet (the portion that is beyond three (3) feet); and swimming pools and spas.
2. Lot Coverage excludes roof overhangs less than three (3) feet and uncovered structures less than 2.5 feet above grade.

Table 3.1.5 - Adjustments to Standards (Lot Coverage)

Administrative Relief Types	Required Findings to Support the Adjustment	Allowed Administrative Relief
Increase the maximum lot coverage.	<ol style="list-style-type: none"> 1. The building is consistent with the intent of the Overlay and all other applicable standards of the Overlay. 2. The Overlay is a Mixed-Use Overlay. 	Up to 10% increase in lot coverage.

3.1.6 Open Space

1. Refer to Section 4.1.6 for Objective Design Standards for Open Space.
- 2.

Table 3.1.6 - Adjustments to Standards (Open Space)

Administrative Relief Types	Required Findings to Support the Adjustment	Allowed Administrative Relief
Reduction to the minimum open space requirements.	<ol style="list-style-type: none"> 1. The building is consistent with the intent of the Overlay and all other applicable standards of the Overlay. 2. The project provides over 50% of the proposed units for affordable housing to low-income households. 	Up to 20% reduction in minimum open space requirement.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3.1.7 Building Form

1. Each story in excess of three (3), shall provide a minimum horizontal building setback of six (6) feet for all stories above the 3rd level on all street-facing elevations (including front and side yard façades and alley) and any elevation adjacent to a single-family residential zone or use. Refer to Section 4.2.1 of this document.
2. The maximum building height adjacent to existing single-family residential shall not exceed four (4) stories or forty-five (45) feet (whichever is less) in total height for development located within the MUO-45, MUO-60, HOO, and RCFO.
3. The maximum building height abutting existing residential shall not exceed four (4) stories or forty-five (45) feet in total height for development located within the MUO-100.
4. Rooftop structures including elevator penthouses, stair enclosures, mechanical equipment, architectural features, solar panels and antennas shall be excluded from the overall building height requirement. For mechanical equipment and antennas, refer to Section 19.416.090 of the Zoning Code. Elevator penthouses, stair enclosures, architectural features, and solar panels shall not exceed 10 feet in height, unless indicated otherwise in the HIO ODDS. All rooftop structures shall be screened from view.
5. Refer to Figure 3.1.7 (Height Measurement Requirement).

Table 3.1.7 - Adjustments to Standards (Building Form)

Administrative Relief Types	Required Findings to Support the Adjustment	Allowed Administrative Relief
Increase in maximum height	<ol style="list-style-type: none"> 1. The project is not located within 50 feet of any existing residential zone. 2. The project provides over 50% of affordable housing to low- or moderate-income households. 3. The building is consistent with the intent of the Overlay and all other applicable standards of the Overlay. 4. The design maintains privacy for adjacent residential neighborhoods and is compatible with adjacent structures. 5. The project shall not create substantial shadows within the right-of-way, open spaces, or onto adjacent properties for more than three (3) hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time between late October and early April and four (4) hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time between early April and late October. 	Up to a 20% increase in maximum allowable height.

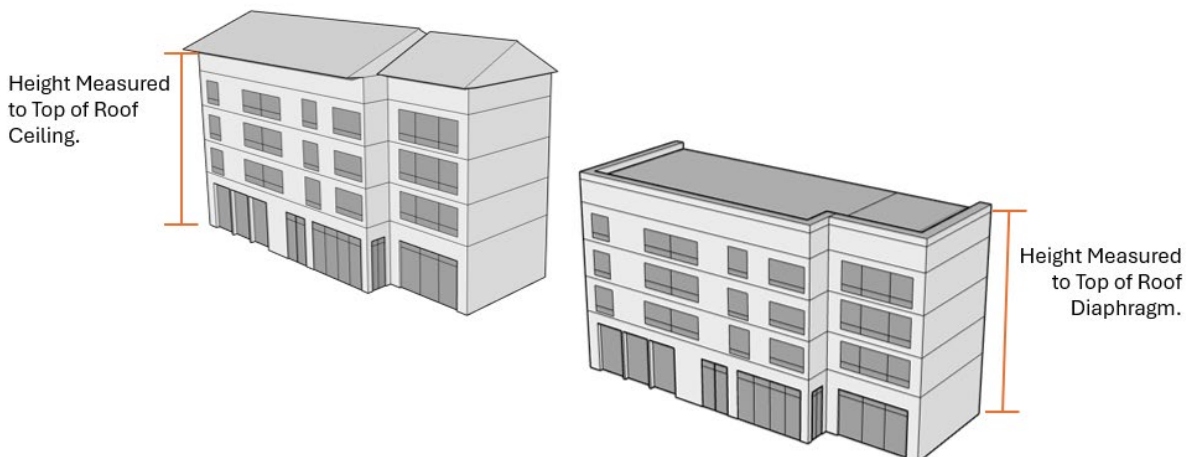


Figure 3.1.7 – Height Measurement Requirement

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3.1.8 Parking

1. For residential uses, the minimum parking requirements will not apply to sites located within one-half mile of a major transit stop pursuant to Assembly Bill (AB) 2097. A major transit stop includes a rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
2. Bicycle spaces shall not exceed 100 spaces per development, regardless of development size and location. Such spaces shall be distributed throughout the site. Bicycles may be parked anywhere on a lot, in compliance with pedestrian and vehicular access standards. The development must include the shortest walking and biking connection to a public sidewalk. Additionally, a designated track for convenient bicycle transportation along common stairs leading to the level where bike racks are located shall be provided. Refer to Figure 3.1.8.
3. Pursuant to Government Code Section 65913.6, through the construction of a Religious Facility with Affordable Housing, up to 50% of the required number of spaces for the existing, or proposed, religious facility can be eliminated, or reduced in the case of a plan for a new development. The remaining parking spaces can be shared between the Religious Facility and the proposed housing. The reduction in parking spaces would not reduce the minimum parking standards for the housing component to less than one (1) space per unit unless within proximity to public transit or a car share vehicle.
4. Parking spaces may be grouped with those on adjacent lots and may be detached from project sites within the same block, in compliance with parking setbacks and access standards.
5. Driveways may be shared between adjacent lots but shall not exceed maximum allowed width.
6. Projects that provide additional affordable units pursuant to Density Bonus Law, those units may provide one (1) onsite parking space for 0-1 bedroom units, 1.5 onsite parking spaces for 2-3 bedroom units, and 2.5 onsite parking spaces for 4 bedrooms or more. Where a conflict exists between these parking ratios and the Density Bonus Law, the State Density Bonus Law shall prevail. Refer to Government Code Section 65950.

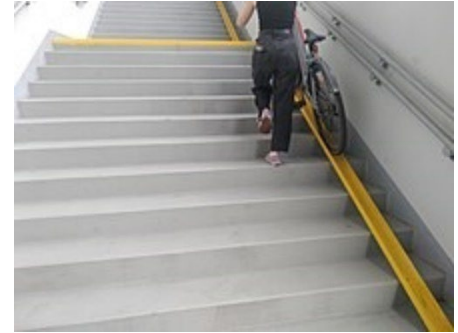


Figure 3.1.8 – Bicycle Transportation Track

Table 3.1.8 - Adjustments to Standards (Parking)

Administrative Relief Types	Required Findings to Support Adjustment	Allowed Administrative Relief
Reduced parking standards for the Commercial Component of a Mixed-Use Development	<ol style="list-style-type: none"> 1. The building is consistent with the intent of the Overlay and all other applicable standards of the Overlay. 2. The design maintains privacy for adjacent residential neighborhoods and is compatible with adjacent structures. 3. The project shall not create substantial shadows within the right-of-way, open spaces, or onto adjacent properties. 4. The reduced parking requirements does not allow spillage of vehicles into adjacent neighborhoods. 	Up to 20% reduction of the Standard.
Reduction in the required parking setback.	<ol style="list-style-type: none"> 1. The adjustment accommodates an existing feature including, but not limited to, a tree or utility. 2. If accessed from the street, the driveway complies with the ODDS. 3. The ground floor space is in compliance with the ODDS. 	Up to 10% reduction of the Standard
Reduction of the number of parking stalls.	Standard parking stalls may be reduced in lieu of compact parking stalls.	Up to 10% reduction of the Standard.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3.1.9 Minimum Dwelling Unit Floor Area

1. Zero (0) bedroom units shall not exceed 25% of the total number of units in a mixed-use residential and/or residential only development.
2. An additional 100 square feet shall be added to the minimum dwelling unit floor area for each bedroom in excess of three (3).
3. Up to 15% of the minimum gross floor area may be in private balconies, porches, and patios. Attic and basement space, where the headroom is less than 6.5 feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.

3.1.10 Building Encroachments

1. Unenclosed stairways and landing places are allowed to project into any required setback a maximum distance of six (6) feet but not closer than three (3) feet from any property line. However, no unenclosed stairway or landing shall be allowed to encroach into any required setback area where such stairway provides access above the first story of any structure.
2. Stairs that are part of a private frontage may encroach into the setback an additional three (3) feet beyond the allowed encroachment of the private frontage but not into the public ROW.

3.1.11 RESERVED.

3.1.12 RESERVED.

3.1.13 RESERVED.

3.1.14 RESERVED.

3.1.15 RESERVED.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

3.2 Development Standards for Hotel/Motel Conversion Overlay

Development regulations shall be those of the underlying zone in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. The purpose of this Section is to provide for the orderly conversion of three (3) existing hotels which have primarily non-transient occupants to residential hotels designed to provide long-term residential use for families and the work force that are affordable and to provide needed transitional housing opportunities. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multi-family housing, supportive/transitional housing, or combination thereof. The standards are established to ensure that such use shall provide a suitable living environment for the tenants of the residential hotels, be compatible with surrounding land uses and protect the public health, safety and general welfare. For additional standards, see Chapter 5.

Table 3.3 – Hotel/Motel Conversion Overlay Development Standards

Development Standard	HMCO
Minimum Lot Size	There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.
Residential Density	The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel.
Site Coverage	There shall be no maximum site coverage applicable for hotel and motel conversions.
Floor Area Ratio	The resulting floor area, as defined as 'Floor Area, Gross' in Section 19.104.080 of the Zoning Code, after conversion shall no more than 110% of the existing floor area of the hotel or motel being converted. Floor area added solely for the purpose of complying with the Building Code or life safety requirements shall not be counted for purposes of calculating the floor area ratio.
Height	Any increase in height resulting from hotel and motel conversions shall comply with the maximum height set forth in the underlying zone. The conversion of any existing hotel or motel to affordable housing pursuant to this Section shall not result in loss of legally nonconforming status with regard to building height.
Setbacks	Hotel and motel conversions shall not be subject to the setback requirements of the underlying zone. The conversion of any existing hotel or motel to affordable housing pursuant to this subsection shall not result in loss of legally nonconforming status with regard to setbacks.
General Unit Size and Building Requirements	<ul style="list-style-type: none"> The general building and occupancy standards required in connection with group homes or quarters shall be not less than the amount set forth by Division 4 (Multi-Family Zones) of the Zoning Code. The net area of a SRO unit may range from a minimum of 150 square feet to a maximum of 400 square feet. Multi-family units shall meet the general building requirements of Division 4 (Multi-Family Zones) of the Zoning Code. The minimum size of a residential unit resulting from a hotel or motel conversion shall be the same as the minimum size of a SRO.
General occupancy requirements for group homes or quarters with beds, SRO units, or multi-family units.	<ul style="list-style-type: none"> Common open spaces shall be designed to accommodate appropriate furnishings and shall be furnished for use by residents. Appropriate furnishings for indoor spaces may include lounge chairs or couches, tables with chairs, writing desks, and televisions. Outdoor furnishings may include outdoor benches, tables with chairs, barbecues, and shade coverings like arbors, patio covers, garden shelters, or trellises.

HOUSING INCENTIVE OVERLAY (HIO)

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	<ul style="list-style-type: none"> Laundry facilities must be provided within units or elsewhere on-site. If laundry facilities are provided as a shared provision, a minimum of two (2) washers and two (2) dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than 20 units at the ratio of one washer and one dryer for every 20 units or portion thereof. Each unit shall meet the standards for decent, safe, and sanitary dwelling units, as defined in Health and Safety Code and other applicable codes and regulations, and shall include all of the following: <ul style="list-style-type: none"> A kitchen, including at a minimum a sink, garbage disposal, refrigerator, stove with oven and a counter top; A separate bathroom, including at a minimum a sink, toilet, and shower A closet for storage space
Common Areas and Open Space	<p>All hotel and motels conversion shall include common areas with amenities such as seating, tables, barbecues, recreation areas or other related amenities. The size and nature of these common areas shall be approved by the reviewing authority pursuant to a Hotel Conversion Permit.</p> <ul style="list-style-type: none"> Not less than 50 square feet of usable common areas and open space area shall be provided for each SRO unit. Group homes or quarters and multi-family units shall meet the general building and occupancy standards for open space areas. Shared bathrooms, laundry rooms, or kitchens shall not be considered as open space areas.
Landscaping	<p>Minimum landscaped areas shall not be applicable to hotel and motel conversions. Additional landscaping screening shall be provided as necessary to visually buffer the proposed development from surrounding streets and properties, particularly residential properties, and may consist of any combination of landscaping, fencing, or other suitable method. The maximum height of walls and fences between the front property line and the occupancy frontage for hotel and motel conversions may be increased to six (6) feet, provided that such walls and fences are at least 50% open and are set back a minimum of three (3) feet from the front property line. The reviewing authority may approve deviations from any wall and fence requirements as part of the issuance of a Hotel Conversion Permit. A decorative masonry wall six (6) feet in height shall be constructed along any common property line between the subject property and any adjoining property containing a single-family use.</p>
Parking	<ul style="list-style-type: none"> The required parking for Hotel/Motel Conversions shall be at least one (1) parking space per residential unit. Should the existing parking at the site of the Hotel/Motel Conversion provide at least one (1) parking space per residential unit, then the Hotel/Motel Conversion shall maintain and not reduce the number of onsite parking spaces on the date of the formal submission of the Hotel/Motel Conversion application. <ul style="list-style-type: none"> Reduced parking incentives. Notwithstanding the foregoing, should the Hotel/Motel Conversion offer and provide an eligible rideshare, shuttle, and/or bus pass program to residents, then the Hotel/Motel Conversion shall provide 0.5 parking space per residential unit. The Hotel/Motel Conversion shall agree to record a covenant to ensure that the eligible rideshare, shuttle, and/or bus pass program is offered to residents for as long as the Hotel/Motel Conversion remains.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- With the exception of projects that allow only senior residents, projects that have less than one automobile parking space per unit shall provide one easily accessible space for storing and locking a bicycle per unit. For projects that provide one or more parking spaces per unit, at least one bicycle storage space for every three units shall be provided.

Signs	All hotel and motel conversions shall comply with the residential signage provisions of Division 9 (Sign Regulations) of the Zoning Code.
Lighting	All hotel and motel conversions shall comply with the provisions of Section 19.444.030 (Lighting) and Section 19.548.030 (Lighting) of the Zoning Code.

CHAPTER 4. OBJECTIVE DESIGN STANDARDS

4.1 Site Design Standards

The following standards for site design are specific to the type of development project proposed. The three (3) development types are:

1. **Residential Only.** Residential-only projects are where the entire area of the parcel has a residential use. This development type is allowed within each of the six (6) Overlays.
2. **Horizontal Mixed Use.** Horizontal mixed-use projects are where a parcel has both commercial and residential uses on the ground floor on different parts of the site. The commercial use may be a proposed building(s) or an existing commercial building(s) on the same site. This development type is only applicable to MUO45, MUO60, and MUO100.
3. **Vertical Mixed Use/Residential Podium Projects.** Vertical mixed-use projects have commercial uses on the ground floor with residential uses above. Residential podium projects have parking on the ground floor or underground. The Vertical and Horizontal development types are similar, thus their design standards are grouped together. This development type is only applicable to MUO45, MUO60, and MUO100.

*All of the Objective Design Standards apply to each development type within the HIO's unless specified herein.



Vertical mixed-use project with residences above ground floor retail.



Multi-family residential only townhouse project



Horizontal mixed-use project with multi-family apartments adjacent to two (2) story retail.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.1.1 Site Entries

Intent: Provide a welcoming entry to the project and set the stage for a high-quality residential environment.

The following General Objective Design Standards for Site Entries apply to primary entrances, secondary entrances, new shared entrances, enhanced shared entrances, separate entrances, and vertical mixed-use/residential podium primary entrances. Additional Objective Design Standards apply to new shared entrances, separate entrances, and vertical mixed-use/residential podium primary entrances.

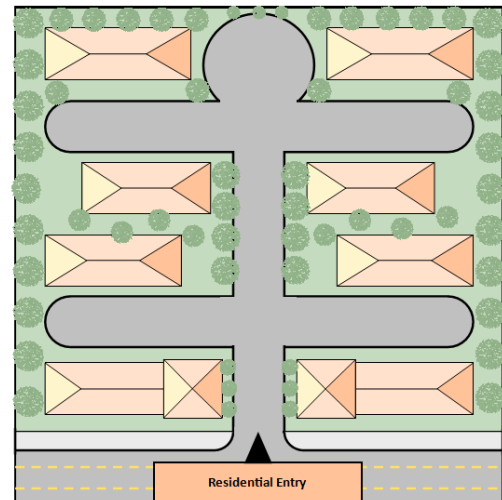
SITE ENTRY TYPES

ILLUSTRATION

Primary Entrance. Primary entrances apply to **residential only developments**. At least one (1) entry into the site shall be developed as the primary entrance from the primary street.



Residential Entry



Secondary Entrance. A secondary entrance is an additional entry, in addition to the primary entrance or shared entrance, along a secondary street or side street. Secondary entrances may be applied to **all three(3) development types**.



Secondary Entry

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

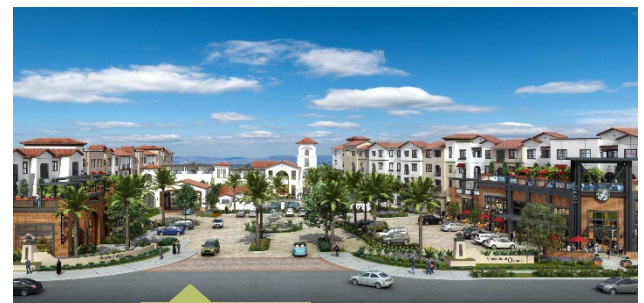
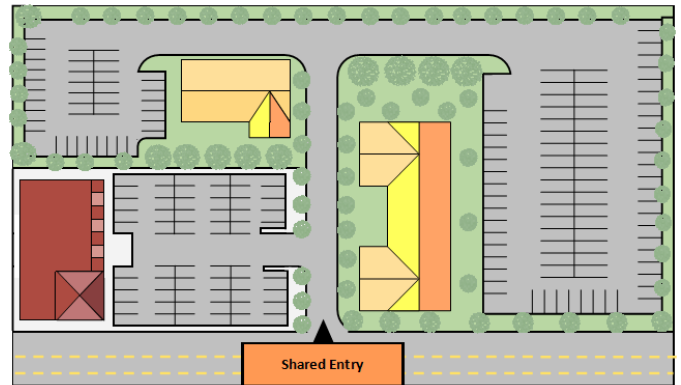
SITE ENTRY TYPES

ILLUSTRATION

Shared Entrances.

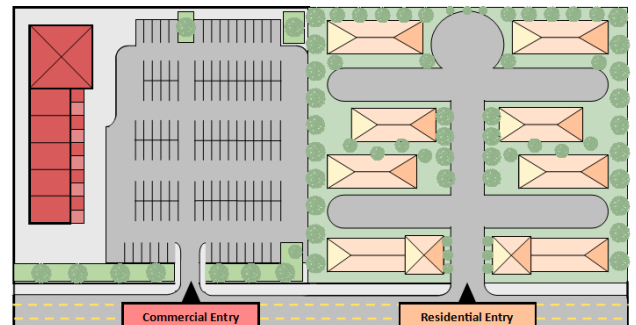
New Shared Entrances apply to **horizontal mixed-use developments** where there is a single primary entry point for commercial and residential uses, this new entry shall be developed as a shared entrance.

Enhanced Shared Entrances are for **existing commercial developments** that use an existing entry drive to access **new residential development**.



Shared Entry

Separate Entrance. Separate entrances apply to **horizontal mixed-use developments** where there is a separate primary entrance for commercial and residential uses, these entries shall be developed as a separate entrance.



Vertical Mixed-Use/Residential Podium Primary Entrance. Where a **vertical mixed-use or podium development** is proposed, the building is generally close to the street property line, and access to parking may be from a driveway directly into the building or within 30 feet of the building.



Podium Entry

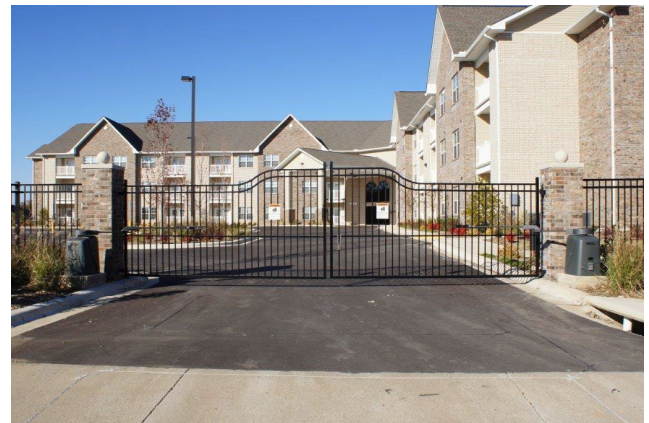
HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

General Site Entry Objective Design Standards

Standard	Description
Sidewalks	A 5-foot minimum width sidewalk shall be provided on at least one (1) side of the site entry from the street curb. A sidewalk shall be provided on at least one side of all internal streets providing a safe pedestrian connection.
Street Lighting	Street lighting on poles 15 to 25 feet high shall be provided on at least one (1) side of the site entry from the street curb to a minimum of 50 feet inside the property line.
Landscaping and Street Trees	Landscaping and street trees shall be provided on both sides of the site entry from the street curb to a minimum of 50 feet inside the property line. Street trees shall be no more than 25 feet apart. Trees shall be a minimum of 24 gallons in size with a one-inch diameter at breast height (dbh). At least one specimen tree with a 24-inch or larger box size shall be planted in the landscaped area of the front yard setback.
Security Gates	Refer to Section 19.428.060 (Security Gate Standards) of the Buena Park Municipal Code.
Bicycle Facilities	Bicycle facilities in the development shall be provided as part of the site entry. These may be Class I separated bicycle paths, Class II bicycle lanes, Class III shared vehicle/bicycle lanes, or Class IV protected bicycle lanes
Curb and Gutter	Refer to Section 18.88.020 (Curbs and Gutters) of the Buena Park Municipal Code.



Landscaping and street trees are provided along both sides of the site entry and inside the property line on both sides of the building's exterior.



Multi-family vehicular access security gate is located no more than 20 feet from the building and is not view-obscuring.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

New Shared Entrance

Standard	Description
Independent Roadway	A shared entrance shall not lead directly into a parking lot for commercial or residential development, rather it shall be an independent roadway from any commercial or residential parking lot, with clearly marked entries into the commercial and residential parking lot from the shared entrance.
Signage	Signage for commercial or residential development adjacent to the shared entrance shall be in compliance with Section 4.5 (Signage Standards) and Division 9 (Signage Regulations) of the City of Buena Park's Zoning Code.

Separate Entrance

Standard	Description
Driveway Widths and Clearances Compliance	If the separate entrance serves as a primary entry to commercial development, the Separate Entrance shall follow existing City of Buena Park's Zoning Code Section 19.536.030 (Driveway Standards) for site entries to non-residential uses.
Signage and Landscaping	If the commercial development consists of an existing commercial building(s), the existing primary entrance into commercial uses shall be upgraded with new signage and landscaping for a minimum of 50 feet inside the property line. If existing paving is cracked, broken, or damaged, it shall be removed and replaced. Refer to Division 9 (Signage Regulations) of the City of Buena Park's Zoning Code.

Vertical Mixed-Use/Residential Podium Primary Entrance

Standard	Description
ADA Compliance Standards	Driveways shall meet Americans with Disability Act (ADA) accessibility standards where they cross the public sidewalk.
Pedestrian Entries Standards	At least one (1) pedestrian entry shall lead directly from the sidewalk to the following: <ul style="list-style-type: none"> • Doors leading to each commercial space (Vertical Mixed-Use projects only). • Doors leading to an amenity space such as a courtyard, plaza, open space, or seating area. • Doors leading into ground-floor lobbies for residential units above.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.1.2 Street Frontages

Intent: Activate and create visual interest along street frontages in order to enhance the public realm.

General

Standard	Description
Landscaped Buffer Standards	All residential projects, except Vertical Mixed-Use projects, shall provide a minimum 5-foot-wide landscaping buffer between the sidewalk edge and the building edge.
Maximum Width	The maximum width of the parking area within the required front setback, including driveways, open parking, carports, and garages, but excluding underground parking and parking located behind buildings, shall not exceed 25% of the linear street frontage.
Entry Doors	At least one (1) entry door to the residential project at ground level shall face the primary frontage. An exception shall be made for buildings with a courtyard facing the street, where a door may face onto the courtyard.
Surface Parking Location	Along the Primary Frontage, surface parking shall be located behind the building, to the rear, or to the side. An exception shall be made for accessible parking.
Carports and Tuck-Under Parking	Carports and tuck-under parking shall not be visible from a primary street.
Fencing (Primary Street or Shared Entrance)	No fence, tree, shrub, or other obstruction to sight be above 7 feet in height shall be placed closer than the building wall nearest to the street. Refer to Section 19.436.030 (Vision Clearance) of the Municipal Code.
Parking Location	No more than one (1) aisle of parking (66 feet) is allowed between the secondary frontage and the street.
Fencing (Secondary Street)	Fencing may be placed along the property line at the secondary frontage if it allows transparency through the use of decorative metal (i.e., wrought-iron) and does not create a sight distance obstruction. No chain link fencing is allowed. No solid fencing shall be placed closer to the street than the closest building wall. An exception shall be made for service areas such as trash, utilities, or loading areas.



Residential entry door located at the ground level along the primary street frontage.



Landscaped buffer located along the primary street frontage.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

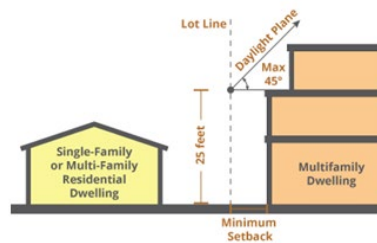
4.1.3 Sensitivity to Adjacent Uses

The following standards provide sensitivity to adjacent uses when projects are adjacent to residential or commercial and industrial development. This will ensure that new residential development is harmonious with neighboring residential development, and that new residential development is not negatively affected by existing commercial development.

Intent: For projects adjacent to existing residential properties of no more than two (2) stories, apply design measures that preserve privacy and daylight for residents of those properties, and minimize additional vehicle circulation and parking on existing residential streets.

Adjacent to Existing Single-Family Residential Uses

Standard	Description
Windows	<p>Windows facing residences within 15 feet of the property line shall be arranged, or designed to not create views into adjacent residences. Examples of privacy options include using translucent or louvered windows, creating offset window patterns, and locating windows 5 feet above the floor level. Alternatively, views into adjacent residential shall be screened with dense landscaping between the new development and existing residential property (i.e., <i>Callistemon citrinus</i> (<i>lemon bottlebrush</i>), <i>Rhamnus alaternus</i> (<i>Italian buckthorn</i>), or <i>Pittosporum tenuifolium</i> (<i>kohuhu</i>)) at a minimum mature height of 8 feet.</p>
Parking	<p>Parking for residents, visitors, and/or employees shall be accommodated onsite in garages, parking areas, or along internal streets to minimize spillover to adjacent residential neighborhoods. Parking and loading/unloading areas shall not create stacking/queuing issues at ingress/egress points.</p>



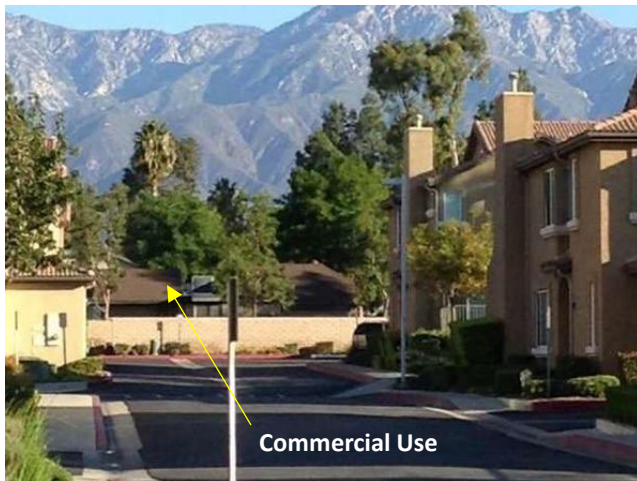
HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Adjacent to Commercial and Industrial Uses

Intent: For projects adjacent to commercial development, apply design measures that promote attractive residential frontages and adequate visual separation for new residential development adjacent to existing and/or future commercial development.

Standard	Description
Separation Buffer	<p>At the edge of residential development immediately abutting commercial/industrial development and parking areas, one (1) or both of the following shall be provided as separation:</p> <ul style="list-style-type: none"> • A driveway or private street with curb, gutter, and landscape on both sides. • A minimum 5-foot-wide continuous landscape barrier with fencing a minimum of six feet high. No chain link fencing is allowed.
Fencing	<p>At the edge of residential development immediately abutting commercial development and parking areas, fencing provided shall have at least one (1) passageway for pedestrians to access the commercial development directly. This passageway may be locked and accessible to residents and safety providers only.</p>
Gates	<p>At the edge of residential development immediately abutting commercial development and parking areas, a gate providing emergency vehicle access may be provided where required by emergency providers. The gate shall be visually permeable to allow views in and out from the access way. No chain link is allowed for the gate</p>



Multi-family development abutting commercial uses provides a fence at the edge of the residential development with a private street with curb, gutter, and landscape on both sides.



Landscaped buffer at the edge of the residential development with a minimum 6-foot-high fence from grade.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.1.4 Access and Parking

Intent: Provide convenient and well-connected access for vehicles into and through the development, and safe and pleasant pedestrian connections into and throughout the development. Minimize the public view of parking and enhance the appearance of parking facilities.

Vehicle Access

All projects shall meet the requirements of 4.1.1 (Site Entries) in addition to the standards provided below.

Standard	Description
Internal Circulation for Multi-Family Developments	In residential rental apartment and condominium developments with multiple buildings, parking areas shall be accessed through a network of internal streets.
Internal Circulation for Townhouses	In townhouse developments, internal circulation shall be via one (1) or more internal streets connecting to alleys where garages are located.
Podium Parking Access	In podium projects where parking is underneath (i.e., underground or on-grade/single story) residential development, access for parking shall provide visibility or other safety features (e.g., mirrors, cameras, or audible signals) to minimize pedestrian/vehicle conflicts.



Internal Circulation for Townhouses with garage access.



Podium Parking Access located through a parking lot, not visible from the primary street.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Parking Design

Standard	Description
Location	Surface parking areas shall be located within the development and not along primary frontages. An exception may be made for accessible parking and visitor parking.
Visitor Parking	Where internal street networks are provided, visitor parking shall be permitted as on-street parking on the internal street with sufficient street width to accommodate parallel parking spaces.
Screening	Parking along other frontages visible from public streets are allowed if screened from view up to 42 inches from the ground plane by landscaping, rolling earth berms (2:1 slope), screen walls, landscaped fencing, or changes in elevation.
Parking Courts	Parking areas shall be divided into a series of connected smaller parking courts separated by landscaping.
Carports	Where a detached carport is proposed within a residential development, shall be located within the side or rear yard of the building setback. Carports shall be a minimum of 10 feet from the primary building and at least 5 feet from the side or rear property line. Carports shall be painted to match the primary building and trim colors.



Parking Court provided within a multi-family development.



Detached carport design matches the primary building colors.

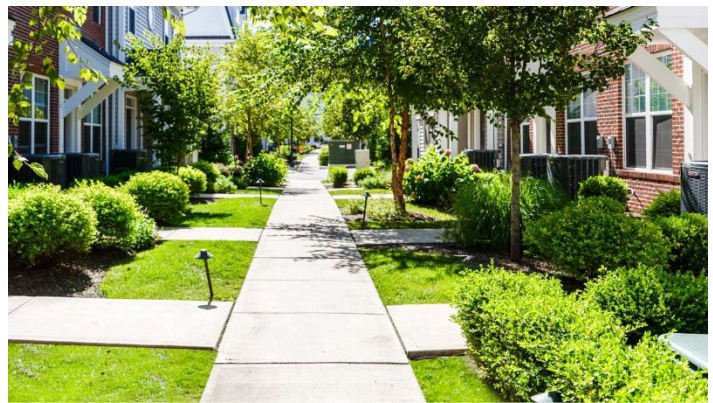
HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Pedestrian Access and Bicycle Access and Parking

Standard	Description
Pedestrian Walkways	A pedestrian walkway shall be provided connecting surface parking areas to main entrances of buildings and the public sidewalk. The walkway shall be clearly marked (e.g., special paving or coloring).
Pedestrian Connections	Pedestrian connections shall be incorporated to connect between adjoining residential and commercial uses for mixed-use projects. All development types shall provide internal pedestrian connections throughout the project site. Internal pedestrian connections is a system of pedestrian walkways that connects to all buildings on a site, to on-site and street parking areas, on-site open space areas, and pedestrian amenities.
Landscaped Buffer	Walkways shall not be located directly against a building façade but buffered with a landscaped planting area 5-feet wide to provide privacy of nearby residences or private open space.
Bicycle Parking	Secure, covered bicycle parking in all residential projects shall be provided.
Bicycle Parking for Podium Projects	For podium projects with commercial ground floors, bicycle racks shall be provided in public view, within 50 feet of building entrances, not blocked by other street furniture or landscaping, and lit by external light sources.



Internal pedestrian connections providing access to each building on the lot.



Landscaped buffer provided for walkways to each unit.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Residential Garage Parking

Standard	Description
Street Frontage	Garage doors may occupy no more than 40% of a building's street frontage and shall be recessed a minimum of 1.5 feet from a street-facing wall plane.
Design	<p>Street-facing garage doors serving individual units that are attached to the structure must incorporate at least one (1) of the following so that the garage doors are visually subservient and complementary to other building elements:</p> <ul style="list-style-type: none">• Garage door windows or architectural detailing consistent with the main building.• Arbor or other similar projecting feature above the garage doors.• Landscaping occupying 50% or more of driveway area serving the garage (e.g., "ribbon" driveway with landscaping between two parallel strips of pavement for vehicle tires)
Interior Dimensions	Refer to Section 19.436.070 (Residential Parking Dimensions and Layout) of the Municipal Code. Each garage space shall be equipped with an automatic door opener and a roll-up sectional or similar garage door which does not extend onto the apron. For attached private garages, the design shall include adequate space for waste/solid storage and a water heater unit in addition to the minimum dimensions.



Garage doors and driveways provided along the street frontage



Projecting feature located above the garage door.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.1.5 Service Access, Trash, and Storage Facilities

Intent: Provide convenient service access to residential developments. Design and locate trash and storage facilities so that they are not visually obtrusive.

Standard	Description
Access to Loading and Service Areas	Loading and service areas shall be concealed from view or shall be located at the rear of the site.
Trash Enclosures	Refer to the Municipal Code Section 19.724.010 (Trash Storage Facilities) for mixed-use developments and Section 19.424.010 (Trash Storage Facilities) for residential only developments.
Screening	When loading docks, utility equipment, and similar uses are visible from a street, adjacent commercial development or a neighboring property, they shall be screened using matching materials and/or landscaping with the primary building and surrounding landscaping. Trash enclosures shall be screened on at least 3 sides by a solid wall at least 6 feet in height.



Trash area provided within an enclosure and screened from view.



Utility equipment visible from the side street screened on 3 sides.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.1.6 Open Space Areas

Intent: Provide well-designed communal open space areas that are centrally located and designed as “outdoor rooms” with opportunities to relax, socialize, and play. For-sale projects shall clearly assign maintenance duties to the Home Owners Association within their CCRs. The CCRs shall be reviewed and approved by the City Attorney and City staff prior to recordation.

General

Standard	Description
Minimum and Type of Open Space	All multi-family and mixed-use residential developments under 200 units in total shall provide a total of 150 square feet and developments over 200 units shall provide 100 square feet of usable open space per unit with a minimum of 50% as common open space and the remaining 50% as either private or common open space. Every development that includes 5 or more residential units shall provide at least one (1) common open space area. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space.
Location	Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of 10 feet of dense landscaping shall be provided as screening between the open space area and arterial street, service area, or commercial development.
Useability	Open space surfaces shall include a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing.

Common Open Space

Standard	Description
Minimum Dimensions	Common usable open space located on the ground level shall have no horizontal dimension less than 15 feet. Common upper-story decks shall have no dimension less than 10 feet. Roof decks shall have no horizontal dimension less than 15 feet, and no more than 20% of the total area counted as common open space may be provided on a roof.
Visibility	At least one (1) side of the common open space shall border residential buildings with transparent windows and/or entryways.
Pedestrian Walkways	Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
Seating	All common open spaces shall include seating. Site furniture shall use graffiti-resistant material and/or coating and skateboard deterrents to retain the site furniture’s attractiveness.
Amenity Features	Amenity features within common open space areas shall include at least three (3) of the following: <ul style="list-style-type: none"> • Swimming Pool and/or Spa • Tot lot, children’s playground/play area • Plaza • Picnic areas with tables and chairs • Community garden • BBQ grills and/or picnic stations • Fire pits

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- Pocket dog park
- Shade structures or pergolas
- Outdoor chess/checkers boards
- Public art walls or murals
- Recreational courts (i.e., basketball, tennis, pickle ball)
- Indoor fitness center
- Outdoor fitness stations
- Open lawn area that includes shade, seating, and tables.

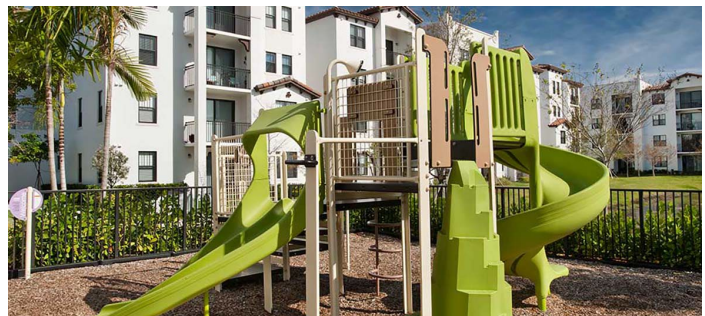
**Any amenity feature not listed above shall be reviewed by the Community and Economic Development Director for consistency with the intent of this requirement.*

Laundry Facilities

If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one (1) washer and one (1) dryer for every eight (8) units. Common laundry areas shall be centrally located to the units to be served.

Play Areas

Developments that include 15 or more units of at least one (1) bedroom or more must include children's play areas and play structures. Play areas shall provide shaded seating areas for parental supervision, such as benches under tree canopies or in close proximity to group picnic areas. Seating shall be designed to meet ADA requirements and shall be designed or located to discourage skateboard damage. This requirement does not apply to 100% senior housing developments.



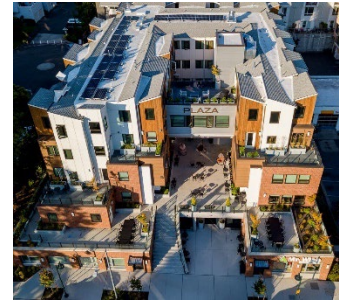
Openness and Buildings

There shall be no obstructions above the open space except for devices to enhance the usability of the space. Buildings and roofed structures with recreational functions (e.g., pool houses, recreation centers, gazebos) may be counted as common open space.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Plazas

The use of plazas that serve as a community-wide focal point for commercial activities for horizontal mixed-use and vertical mixed-use developments are allowed. The plaza shall be no less than 50 ft. x 50 ft. in size and shall have a street located on at least one (1) side of the Plaza. A minimum 10% landscape requirement applies.



Community Garden

- An Accessory Structure such as a shed, greenhouse, hoophouse, or similar is allowed in compliance with the underlying zones Accessory Uses Standards.
- The maximum size for a community garden shall be 20,000 sq. ft.
- Underground utilities and easements may prohibit community garden location in some areas.
- A perimeter fence at least 4 feet in height enclosing the entire community garden area.



Outdoor Fitness Stations

At least 3 fitness stations shall be provided either grouped together or along a walkway or trail. Exercise/fitness stations on walkways should be between 50 and 200 yards apart. All outdoor fitness areas shall be ADA accessible. Fitness stations shall be durable and vandal resistant equipment for uses of all ages and fitness levels. All exercise/fitness equipment/stations shall be installed on concrete pads pursuant to manufacturer specifications.



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Pocket Dog Parks

Pocket dog parks shall be less than 0.5 acre and provides a common area for dogs of all sizes. Turf grass is required. Dog park amenities shall include at least one (1) drinking fountain with standard, ADA accessible, and dog bowl height fixtures; dog waste bags dispenser(s); at least two (2) garbage receptacles, and a shade structure over seating area. A perimeter fence at least 4 feet in height around the pocket dog park is required. If the pocket dog park is located near parking, the perimeter fence shall be 6 feet. Fencing shall be wrought-iron, however the spacing of the vertical pickets, must be close enough at the bottom 2 feet of the fence such that small or narrow dogs cannot escape.

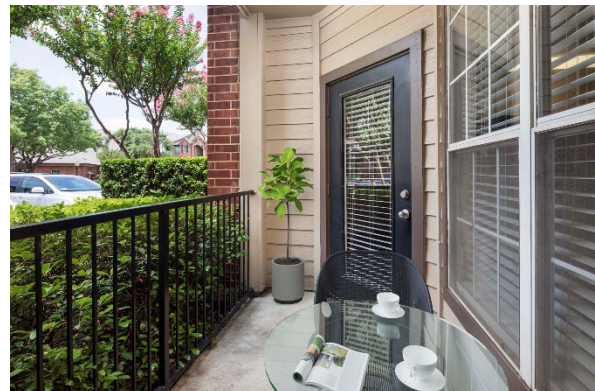


Private Open Space

Standard	Description
Minimum Dimensions and Type of Private Open Space	Private usable open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., porches, balconies) shall have no horizontal dimension less than 6 feet. No storage of any kind other than patio furniture, and decorative elements including plant materials shall be allowed within porches and balconies.
Accessibility	Private usable open space shall be accessible to only one (1) living unit by a doorway or doorways to a habitable room or hallway of the unit.
Openness	Above ground-level space shall have at least one (1) exterior side open and unobstructed for at least 8 feet above floor level, except for incidental railings and balustrades.



Private usable open space provided as balconies located above the ground.



Private usable open space located on the ground level provided as a patio.

4.1.7 RESERVED.

4.1.8 RESERVED.

4.1.9 RESERVED.

4.1.10 RESERVED.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2 Building Design Standards

4.2.1 Building Massing and Articulation

Intent: Design buildings to have various points of visual interest through architectural detailing, especially at the pedestrian level, and avoid creating a building with a bulky or monolithic appearance.

General

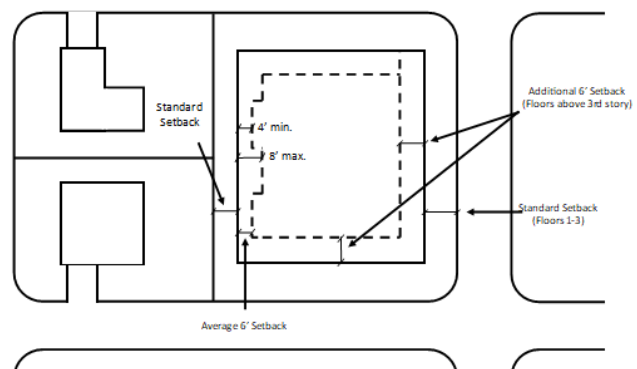
Standard	Description
	Building massing shall be articulated to reduce apparent bulk and size. All street-facing facades shall include at least one (1) change in plane (projection or recess) at least 4 feet in depth, or 2 changes in plane at least 2 feet in depth, for every 50 linear feet of wall. Such features shall extend the full height of the respective façade of single-story buildings, at least half of the height of two-story buildings, and at least two-thirds of the height of buildings that are 3 or more stories in height.

Massing Breaks



Buildings exceeding 3 stories in height must provide a minimum horizontal stepback of 6 feet for all stories above the 3rd level on all street-facing elevations (including front and side yard façades and alley) and any elevation adjacent to a single-family residential zone or use. The stepback shall be measured horizontally from the exterior building wall or façade but may vary between sections of the elevation. The overall average stepback shall be a minimum of 6 feet for each floor above the third floor. For example, 50% of the building elevation on the fourth floor and above may have a 8-foot stepback, while the other 50% may feature a 4-foot stepback, resulting in an overall average stepback of 6 feet. Parking structures shall be exempt from this stepback requirement.

Horizontal Stepback



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Architectural Styles Design	<p>The Architectural Design Styles are located as a separate document. The Architectural Design Styles apply to all new development and any façade renovations that propose a change to any of the following: wall finishes, window trim finishes, roof materials, size of opening(s), architectural detail(s). To encourage variety in design, projects with more than 8 buildings shall utilize more than one (1) architectural style.</p>
Architectural Detail and Design Features	<p>Building walls along the street frontage shall have architectural detail (e.g., brackets, rafter tails, or dentils) at the cornice or roof eave. Architectural design features such as window treatments, awnings, moldings, projecting eaves, dormers, and balconies, shall be continued or repeated upon all elevations of a building facing a primary or secondary street, or a common open space.</p>
Façade Articulation	<p>Buildings of 4 stories or more shall have a clearly defined base and roof edge so that the façade has a distinct base, middle, and top. Elements to articulate a building's façade shall include:</p> <ul style="list-style-type: none"> • The top of the building shall have one (1) or more of the following: a cornice line with minimum 6-inch overhang; a parapet with minimum 6-inch cap; eaves with brackets or other detailing; upper floor setbacks; and/or sloped roof forms. • The middle or body of the building shall have a façade made up of regular components including one or more of the following: consistent window pattern; repeating bay windows; regularly spaced pilasters; recesses; or other vertical elements. • The base of the building shall have one or more of the following: recessed ground floor; a continuous horizontal element at the top of the ground floor; and enhanced window or entry elements such as awnings or canopies. Where pedestrians have access to the base of the building, high quality, durable, and easy to clean materials and finishes shall be used, such as stone, brick, cementitious board, glass, metal panels, and troweled plaster finishes. • The elements comprising the base, middle, and top to the building may be interrupted by a protruding vertical element such as a tower, or a recessed vertical element such as a massing break, an entry, or a courtyard.
Rooflines	<p>Rooflines shall be segmented and varied within an overall horizontal context. Roofline ridges and parapets shall not run unbroken for more than 100 feet. Variation may be accomplished by changing the roof height, offsets, direction of slope, and by including elements such as dormers.</p>



HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Vertical Mixed-Use

Standard	Description
Ground Floor	For residential buildings with ground floor commercial uses, the floor-to-floor height of the ground floor shall be at least 15 feet to ensure appropriate scale of the base of the building in relation to the upper floors.
Pedestrian-Oriented Features	For residential buildings with ground floor commercial uses, a minimum of 30% of the building frontage facing a public street shall be devoted to pedestrian-oriented features, including storefronts, pedestrian entrances to nonresidential uses, transparent display windows, and landscaping. As an example, the minimum 30% requirement applies proportionally to the length of the building frontage that is dedicated to ground floor commercial uses. For example, if 50% of the ground floor is used for commercial purposes, then 15% (50% of 30%) of the total building frontage facing a public street should be devoted to pedestrian-oriented features, such as storefronts, pedestrian entrances, transparent display windows, and landscaping.



Vertical mixed-use with ground floor restaurant with outdoor dining.



Vertical mixed-use with ground floor commercial uses and pedestrian-oriented features such as transparent windows.

Townhomes

Standard	Description
Attached Units Limit	For townhouses that face onto a street, the maximum number of attached units per building shall be 10.
Roof Form	No more than 4 side-by-side units may be covered by one unarticulated roof. Variation may be accomplished by changing the direction of slope, and by including elements such as dormers.



Attached townhomes with project elements such as dormers.



Attached townhomes with no more than 10 units per building facing the street.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2.2 Entryways

Intent: Design entryways to be visually prominent as well as provide weather protection to pedestrians.

Common Entries

Standard	Description
Primary Building Entries	<p>Primary building entries, including courtyard doors or gates used at multi-family buildings or residential lobbies for mixed use buildings, shall be recessed into entry bays and accented with treatments that add three-dimensional interest to the façades and enhance the sense of entry into the building through one or more of the following treatments:</p> <ul style="list-style-type: none"> • Marked by a taller mass above, such as a modest tower or within a volume that protrudes from the rest of the building surface. • Accented by special architectural elements which may include canopies, overhanging roofs, awnings, and trellises. • Indicated by a recessed entry or recessed bay in the façade.
Dimensions	<ul style="list-style-type: none"> • One (1) common entry for every 50 feet of building frontage. • The common entrance shall not be less than 40 square feet and shall be a minimum of 6 feet in width. • Common entries shall provide a minimum of 8 feet in clear height.
Upper Floor Units	<p>Entrances to upper floor units shall be accessed exclusively through a shared lobby entrance to ensure that access to upper floor units is centralized and streamlined through a common lobby entrance, promoting convenience, security, and efficient use of space.</p>



Common entry leading into a courtyard for residential development.



Common entrance for upper floor units provided through a shared lobby entrance.

Entries for Residential Only

Standard	Description
Entry Details	<p>Each entry to a dwelling unit shall be emphasized and differentiated through architectural elements such as porches, stoops, dooryards, roof canopies, and detailing that provides ground level space. The space next to the porch shall be used for landscaping.</p>
Entry Connections	<p>The space in front of the porch shall lead directly to the sidewalk if facing a street or lead to common landscaping and pedestrian paths if facing communal space.</p>

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS



Dwelling unit entries emphasized through architectural elements such as stoops and canopies.



Porches connecting to sidewalks that face a communal space.

Vertical or Horizontal Mixed-Use

Standard	Description
Ground Floor Elevation	At street-fronting entrances, the elevation of the retail or commercial ground floor shall be at the grade of the adjacent sidewalk.
Entry Design	Where development includes ground floor commercial uses, ground-floor façades shall be designed to give individual identity to each separate establishment through the use of signage and/or individual awnings; unique corner treatments, like rounded or angled facets, or a corner tower, above the entry; architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures; and/or changes in roofline or articulation in the surface of the wall. Operable windows or decorative accordion-style doors/windows are permitted but shall not project into the Right-of-Way.
Galleries	A gallery is an at-grade covered structure articulated with colonnade or arches and overlaps the sidewalk. The gallery is allowed to be up to two (2) stories in height. A gallery shall maintain a consistent depth along the entire primary and/or secondary front façade of a minimum of 8 feet. The gallery shall be setback from the sidewalk a minimum of 2 feet. The minimum clear height shall be 12 feet from grade on the 1 st story and the 2 nd story shall maintain a minimum height of 9 feet. The 2 nd story of the gallery shall have a roof. Galleries may extend over the sidewalk within the public right-of-way, subject to approval from the Public Works department. Galleries shall be supported by columns or piers made of concrete/cast stone, fiberglass, or stucco. Archivolts and imposts shall be expressed using similar materials or appearance.



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2.3 Building Materials and Finishes

Intent: Accentuate building design through quality building materials and attractive finishes.

General

Standard	Description
Allowed Building Materials	The façade materials are comprised of primary, secondary, and accent materials. Finish materials shall be materials that are high quality and durable. Appropriate building materials include:
	Allowed Materials
	Element Materials
	Primary Materials
	Wall
	Wall Cladding Shingle and lap siding, composite wood, fiber cement, stone, and stucco
	Base
	Base or Foundation Brick, concrete, stone, cast stone, stucco, composite wood, fiber cement
	Secondary/Accent Materials
	Roof and Roof Elements
	Roofing Asphalt shingles, standing seam metal, terracotta clay barrel tiles, slate
	Rake and Eave Composite wood, wood, stucco
	Cornice Composite wood, stucco, brick, stone, concrete, metal
	Brackets Composite wood, wood, stucco, metal
	Gutter Metal ogee or half-round
	Windows, Bay Windows, and Entry Doors
	Trim or Surround Composite wood, wood, fiber cement
	Entry Door Wood, aluminum, fiberglass, composite
	Window Frames Wood, aluminum clad wood, aluminum, fiberglass
	Glazing Clear glass
	Porches/Balconies
	Columns Composite wood, fiberglass, metal, stucco, concrete, stone
	Railing Composite wood, metal, wrought iron
	Commercial Fronts
	Commercial Front Composite wood, wood, metal
	Commercial Front Base Wood panels, brick, tile, fiber cement, stone, cast stone.
	<i>*Building materials not illustrated in this table shall be approved by the Community and Economic Development Director.</i>

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Brick and Stone Veneer

If used, brick and stone veneer shall be mortared and wrap around corners to give the appearance that they have a structural function and minimize a veneer appearance.



Prohibited Building Materials

The following materials are inappropriate because they do not uphold the quality or lifespan that is desirable for new development:

- Mirrored glass, reflective glass, or heavily tinted glass
- Vinyl siding
- Vertical wood sheathing such as T-III
- Plywood or similar wood
- Hardboard
- Galvanized metal

Masonry Openings

Wall openings surrounded by masonry finish materials shall be spanned by one (1) of the following:

1. Arch
 - All joints within the arch shall align with a shared point on the center line of the opening.
 - The arch shall not have a joint directly on the center line of the opening.
 - If a keystone is present, it shall be centered on the center line of the opening
2. Lintel
 - The height of the lintel shall be no less than one-eighth of the width of the opening.
 - The lintel shall extend beyond the opening by at least half of its height on both sides.
 - The height of the lintel shall be greater than that of the sill or apron.

Colors

Each building shall have a maximum of three (3) colors applied to its façade. The colors shall be distributed as follows:

- One (1) primary color, occupying 50% or more of the façade.
- One (1) secondary color, comprising no more than 45% of the façade.
- One (1) accent color to be used on trim and architectural details.

Note: Materials that have naturally-occurring coloration, such as metal, wood, tile, stone, brick, and glass, may count towards either secondary color or accent color.



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2.4 Window/Glazing

Intent: Design and locate windows so that they provide well-proportioned articulation to building façades. In order to impart a human scale, openings should be in a vertical proportion which relates to the human body.

General

Standard	Description
Street Frontage	Building walls along all street frontages shall have windows at all floors above ground level.
Orientation and Proportion	Buildings shall include vertically oriented and proportioned façade openings with windows that have a greater height than width (an appropriate vertical/horizontal ratio ranges from 1.5:1 to 2:1). Where glazed horizontal openings are used, they shall be divided with multiple groups of vertical windows. Smaller windows in utility areas or bathrooms may be horizontally proportioned.
Recess	<p>Along primary and secondary street frontages, window frames shall be recessed and not flush against the walls. In these locations, shaped frames and sills, detailed with architectural elements such as projecting sills, molded surrounds, or lintels, shall be used to enhance window openings and add additional relief.</p> <div>   </div>
Glazing	Glass shall be clear with a minimum of 80% light transmission. Mirrored and deeply tinted glass or applied films that create mirrored windows and curtain walls are prohibited. To add privacy and aesthetic variety to glass, fritted glass, spandrel glass, and other decorative treatments are appropriate

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2.5 Projecting Elements

Intent: Design projecting elements so that they provide visual interest and articulation of building façades.

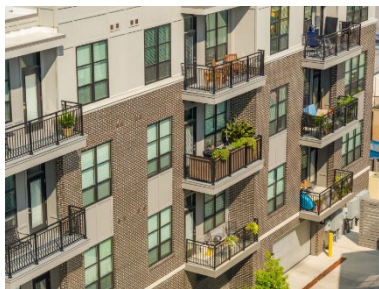
Awnings

Standard	Description
Frequency	For buildings with ground floor commercial uses, awnings shall be provided over each storefront, located within the individual structural bays.
Projection	Awnings and canopies shall not project more than 4 feet from the façade.
Height	The height of all awnings above the sidewalk shall be consistent, with a minimum clearance of 8 feet provided between the bottom of the valance and the sidewalk. Valances shall not exceed 18 inches in height.
Lighting	If used, lighting for awnings shall be from fixtures located above the awnings. Backlighting of transparent or translucent awnings are not allowed.



Balconies, Decks, and Trellises

Standard	Description
Projection	Balconies and decks shall not project more than 6 feet from the façade.
Proportion	The distance between supporting columns, piers, or posts on trellises or balconies shall not exceed their height.



HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Bay Windows

Standard	Description
Projection	Bay windows shall not project more than 3 feet from the façade nor exceed 8 feet in length.
Horizontal Separation	If more than one bay window is provided on a façade, there shall be at least 4 feet of horizontal separation between the two bay windows.
Design	Windows shall be provided on all sides of the bay window and consist of a vertical orientation and proportion. Changes in wall finish material shall occur at the boundaries between bays rather than within a bay.



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OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.2.6 Roofs

Intent: Design rooflines to have visual interest, use roof materials are durable, and ensure that roofing materials/colors and equipment do not become a visual detriment to surrounding properties.

General

Standard	Description
Roof Materials	Appropriate types of roof materials include: <ul style="list-style-type: none">• Slate or fiber cement shingles• Clay or concrete tile roofs• Coated metal• Composite roofing materials made of recycled natural fiber and recycled plastic• Tar, gravel, composition, or elastomeric materials (concealed by a parapet/cornice)
Prohibited Roof Materials	Reflective roofing materials shall not be used on roof surfaces that are visible from either ground level or elevated viewpoints.
Equipment Screening	All roof-mounted mechanical, electrical, and external communication equipment, such as satellite dishes and microwave towers, shall be screened from public view and architecturally integrated into the building design, and consolidated to a minimal number of locations.
Vent Pipes	Vent pipes that are visible from streets, sidewalks, plazas, courtyards, and pedestrian walkways shall be painted to match the color of the roof to make them less conspicuous.
Gutter/Downspouts	All roofs shall include gutters/downspouts that: <ul style="list-style-type: none">• Drain directly into a cistern, landscaped area, or storm drain system.• Match the trim or body color of the façade.• Are inconspicuously located, unless consistent with the design of the building's architectural style (e.g., Spanish Revival).
Roof Overhangs	Roof overhangs shall not extend over a neighboring parcel or more than 3 feet over a public sidewalk (subject to the approval of an encroachment agreement by the Public Works Department).

4.2.7 RESERVED.

4.2.8 RESERVED.

4.2.9 RESERVED.

4.2.10 RESERVED.

HOUSING INCENTIVE OVERLAY (HIO)


OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.3 Landscaping and Open Space Standards

4.3.1 Landscaping

Intent: Provide well-maintained landscape that enhance residential buildings and outdoor private and public spaces.

General

Standard	Description
Minimum Landscaped Area	All projects shall have a minimum 15% landscaping within each of the three (3) development types.
Front Yard Landscaping	All portions of required front yards, except those areas occupied by pedestrian or vehicular access ways, shall be landscaped. Required setbacks and corner landscaping shall not be counted toward the minimum 15% requirement.
Materials	Landscaped areas shall incorporate plantings utilizing a three-tier system: (1) grasses and ground covers, (2) shrubs and vines, and (3) trees. 
Design	Landscaping designs shall include two (2) or more of the following planting design concepts: <ul style="list-style-type: none"> • Placement of specimen trees (48-inch box or more) in informal groupings or rows at major focal points. • Use of landscape to create shadow and patterns against walls. • Use of landscape to soften building lines and emphasize the positive features of the site. • Use of flowering vines on walls, arbors, or trellises. • Trees to create canopy and shade, especially in parking areas and passive open space areas. • Berms, plantings, and walls to screen parking lots, trash enclosures, storage areas, utility boxes, etc. • Palm trees planted in community pool areas and as primary focal points of the project.
Ground Cover Materials	Ground cover shall consist of live plant material. Pervious non-plant materials such as permeable paving, gravel, colored rock, cinder, bark, and similar materials shall not cover more than 10% of the required landscape area. Mulch shall be confined to areas beneath shrubs and trees and shall not be used as a substitute for ground cover plants.
Size and Spacing	Plants shall be of the following size and spacing at the time of installation: <ul style="list-style-type: none"> • Ground cover plants other than grasses must be at least four-inch pot size. Areas planted in ground cover plants other than grass seed

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

	<p>or sod must be planted at a rate of at least one per 12 inches on center.</p> <ul style="list-style-type: none"> • Shrubs shall be a minimum size of one (1) gallon. • Trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh). At least one specimen tree with a 24-inch or larger box size shall be planted in the landscaped area of the front yard setback.
Protection from Encroachment	Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces and the use of curbs. Concrete step areas shall be provided in landscape planters adjacent to parking spaces.
Interference with Utilities	<p>Plant materials shall be placed so that they do not interfere with the lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes and ladder pads. Trees or large shrubs shall not be planted under overhead lines or over underground utilities if their growth might interfere with such public utilities. Trees and large shrubs shall be placed as follows:</p> <ul style="list-style-type: none"> • A minimum of 6 feet between the center of trees and the edge of a driveway, a water meter, gas meter, and sewer laterals. • A minimum of 20 feet between the center of trees and the beginning of curb returns at intersections to keep trees out of the line-of-sight triangle at intersections. • A minimum of 15 feet between the center of trees and large shrubs to utility poles and streetlights. • A minimum of 8 feet between the center of trees or large shrubs and fire hydrants and fire department sprinkler and standpipe connections.
Staking and Root Barriers	All trees shall be securely staked with double staking and/or guy-wires. Root barriers shall be required for any tree placed within 10 feet of pavement or other situations where roots could disrupt adjacent paving/curb surfaces.
Automatic Sprinkler Controllers	Automatic sprinkler controllers shall be installed to ensure that landscaped areas will be watered properly. Backflow preventors and anti-siphon valves shall be provided in accordance with current codes.
Sprinkler Heads	Sprinkler heads and risers shall be protected from car bumpers. "Pop-up" heads shall be used near curbs and sidewalks. The landscape irrigation system shall be designed to prevent run-off and overspray.
Enclosures	All irrigation systems shall be designed to reduce vandalism by placing controls in appropriate enclosures.
Surface Parking Landscaping	<p>Surface parking landscaping shall include a minimum of one (1) of the following:</p> <ul style="list-style-type: none"> • One (1) landscaped finger island shall be provided for every 10 parking spaces. Landscaped planters shall be no less than 3 feet in width in all interior dimensions. All end parking stalls shall be adjacent to landscape planters. • One (1) landscaped diamond planter with a minimum of 25 square feet located at the head of parking stalls and may encroach into the parking stall space. One (1) diamond planter shall be provided for every 5 parking spaces. • One (1) landscaped half-diamond planter with a minimum of 25 square feet located at the head of parking stalls and may encroach into the parking stall space. One (1) half-diamond planter shall be provided for every 10 parking spaces.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

Landscaped Buffer	For developments that abut any single-family zone or industrial zone, a row of trees at least 10 feet in width shall be located adjacent to all buildings that abut a single-family or industrial property.
Turf	Within areas featuring artificial turf, the placement of these turf areas shall be limited to high-activity foot-traffic areas or recreational use only and shall have a minimum 10-foot diameter. A material sample shall be submitted to the Planning Division for review prior to installation by a licensed contractor and shall have a minimum 8-year “no fade” product warranty. The turf shall be maintained in a green, fadeless condition and shall be maintained free from stains, weeds, debris, tears, holes, or impressions. Areas of living plant material such as shrubs, vines, and flowering ground covers, shall be included within the overall landscape design when installing turf.
Compliance with City Guidelines	All landscaped areas within the project site shall ensure compliance with the Guidelines for Implementation of the City of Buena Park’s Water Efficient Landscape Ordinance.
Tree Removal within public right-of-way	Any existing trees located on public development site shall require a Removal Permit pursuant to Section 12.20.040 of the Buena Park Municipal Code.



HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.3.2 Walls and Fences

Intent: Design walls and fences to include durable materials, be visually pleasing, and avoid creating a continuous, imposing barrier along street frontages. The design of walls and fences, along with the materials selected, should harmonize with the overall design of the entire development.

General

Standard	Description
Prohibited Fencing	Chain link fencing or plain concrete block walls (i.e., precision block) for fences and gates is not permitted.
High Activity Areas and Street Frontages	Visually penetrable materials (e.g., wrought iron or tubular steel) shall be used in areas of high activity (i.e., pools, playgrounds) and areas adjacent to street frontage.
Material Durability	Wall design and selection of materials shall consider maintenance issues, especially graffiti removal and long-term maintenance. Decorative capstones on stucco walls are required to help prevent water damage from rainfall and moisture.
Materials	Wall materials shall be brick, slump stone, tile, textured concrete, stucco on masonry, or steel framing, or other material walls which require little or no maintenance are required. The style of the wall shall be the same or similar to the architectural style of the project.
Fence Height	Solid fences and walls are allowed anywhere on a site but shall not exceed 3 feet in height. Wrought-iron fencing that is not view obscuring, is allowed anywhere on a site but shall not exceed 4 feet in height.
Visual Interest	Perimeter walls shall incorporate various textures, staggered setbacks, and variations in height in conjunction with landscaping to provide visual interest and to soften the appearance of perimeter walls. Perimeter walls shall incorporate wall inserts and/or decorative columns or pilasters to provide relief. The maximum unbroken length of a perimeter wall shall be 50 feet. Solid perimeter walls may be permitted.
Perimeter Walls	All exterior perimeter walls located along public streets shall have an offset of a minimum of 5 feet deep for every 50 linear feet to 75 linear feet of the wall length. All non-transparent perimeter walls and/or fences shall be architecturally treated on both sides and shall incorporate landscaping whenever possible. Perimeter walls and fencing shall be no more than 8 feet in height.
Retaining Walls	All retaining walls located within the front yard setback and side street setback or visible from the public sidewalk adjoining the development shall not exceed 4 feet in height and shall include a landscaped planter in front of the wall.
Screening and Noise Mitigation	Screen walls, sound walls, and retaining walls shall be used to mitigate noise generators and provide privacy for residents.
Gates and Barriers	Driveway and pedestrian path access points into the building site may be gated or otherwise restrict public access. The fencing height for the entrance of a gated community shall not exceed 8 feet in height and shall not be view-obscuring. Gated entries shall provide a queuing distance in front of the gate to accommodate a minimum of 2 vehicles or more.
Setbacks	Fences and walls shall be located no more than five (5) feet from the setback line and no more than the bottom three (3) feet of the fence and/or wall shall be view-obscuring.

4.3.3 RESERVED.

4.3.4 RESERVED.

4.3.5 RESERVED.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.4 Lighting Standards

4.4.1 Pedestrian Lighting

Intent: Provide lighting that enhances visibility and creates a safe pedestrian environment while minimizing visual disturbances such as glare. Lighting fixtures should be architecturally compatible with the buildings and belong to the same design "family," encompassing design, materials, color, style, and the quality of light.

General

Standard	Description
Pedestrian Safety	<p>Areas used by pedestrians shall be illuminated at night to ensure safety. These areas include:</p> <ul style="list-style-type: none"> • Surface parking lots and parking structures (entrances, elevators, and stairwells) • Sidewalks, walkways, and plazas • Building entrances (including rear and service entrances) • Trash enclosures • Alleys • Automated Teller Machines (ATMs)
Height	The height of luminaries shall not exceed 16 feet in height from grade.
Prohibited Lighting	No outdoor lights shall be permitted that blink, revolve, flash, or change intensity.
Illumination Level	Exterior doors, aisles, passageways, and recesses shall have a minimum level of light of one foot-candle during evening hours. These lights shall be equipped with vandal-resistant covers.
Street Lighting	Street lighting shall be installed inside the project along the network of internal streets.
Glare	All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. The light level at property lines shall not exceed 0.3 foot-candles.
Concealment	Light sources for wall washing and tree lighting shall be hidden.
Public Spaces	Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways, and other similar outdoor areas and to create an inviting and safe ambiance.
Design of Fixtures	Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed 18 feet above the finished grade. Architectural features may be illuminated by up-lighting, provided that the lamps are low intensity, and fully shielded such that no glare or light trespass is produced.
Energy Efficiency	Outdoor lighting shall utilize energy-efficient fixtures and lamps such as metal halide, hard-wired compact fluorescent, LED, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.4.2 Parking Lot Lighting

Intent: Provide lighting that helps create visibility and a safe environment for pedestrians and vehicles while minimizing visual nuisance like glare.

General

Standard	Description
Height	Surface parking lot lighting fixtures shall not be on poles over 25 feet high.
Illumination Level	Energy-efficient, full-cutoff pole fixtures shall be utilized to provide adequate light levels for safety at parking lots. A minimum of 1.0 footcandle throughout the parking lot and 2.0 foot-candles at the entrance/exit. The minimum lighting requirement of entrances and exits for a parking structure shall be 2.0 foot-candles and the minimum lighting requirement of parking areas within the parking structure shall be 2 foot-candles.
Energy Efficiency	Outdoor lighting shall utilize energy-efficient fixtures and lamps such as metal halide, hard-wired compact fluorescent, LED, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
Glare	All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. The light level at property lines shall not exceed 0.3 foot-candles.

4.4.3 RESERVED.

4.4.4 RESERVED.

4.4.5 RESERVED.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

4.5 Signage Standards

4.5.1 General

Intent: Locate and design signs so that they do not become a visual nuisance nor project onto the public sidewalk.

General

Standard	Description
Appropriate Signage	<p>The following signs shall be permitted within the Housing Incentive Overlays:</p> <ul style="list-style-type: none"> • Monument Sign • Canopy Sign • Projecting Sign • Wall Sign • Window Sign • Directory Sign <p>Objective Design and Development Standards in this Section are provided for Monument Signs and Directory Signs only. Other signs not provided in this Section shall meet the development standards provided in Division 9 (Sign Regulations) of the Zoning Code.</p> <p>*The signs listed above may require a sign permit. See Division 9 (Sign Regulations).</p>
Zoning Code	<p>The signage standards shall be consistent with Division 9 (Sign Regulations) of the City of Buena Park's Zoning Code. Where the signage standards in this document are silent, the Zoning Code shall prevail. The signage shall be applicable to the use of the development (See Chapter 19.908 for Residential Uses and Chapter 19.912 for Commercial Uses). The Objective Design Standards below are provided in addition to the development standards provided in the City of Buena Park's Zoning Code.</p>
General Signage Design Standards	<ul style="list-style-type: none"> • Light backgrounds create glare when illuminated, thus shall not be provided within the HIO's. • One (1) sign per frontage permitted. • A sign program is required for new development within the HIO's. New building design should provide logical sign areas, allowing flexibility for new users as the building is re-tenanted over time. • All signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area. • There shall be no exposed raceways for illuminated signs. • Landscaping and irrigation shall be designed around the base of freestanding signs to integrate the sign with the ground plane and screen out any low level flood lights. Irrigation shall be designed so it does not damage the sign. • Dark colored backgrounds on signs are generally encouraged. Stark white or extremely bright or neon background colors such as bright red, orange or yellow are discouraged.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS



Example of Monument Sign



Example of Canopy Sign



Example of Wall Sign



Example of Projecting Sign



Example of Directory Sign



Example of Window Sign

4.5.2 Allowable Signage

Intent: Provide non-obtrusive signs that are harmonious with the landscape and architectural style of the project.

Monument Signs

Standard	Description
Location	Monument signs shall be located within a landscaped planter or other landscaped area within the front yard setback at the primary project entry.
Size	Monument signs shall include a solid base not exceeding 2 feet in height. Monument signs shall not exceed 8 feet in total height, including the solid base. In the event the monument sign includes any framing or support structures, the total height shall not exceed 10 feet.
Frequency	There shall be no more than one (1) monument sign for 750 linear feet of street frontage. For street frontages of more than 750 feet, monument signs shall be no closer than 300 feet from one another.
Design	Monuments are vital for creating community identity and placemaking. They blend into surroundings, serving as entry and exit points, ensuring aesthetic and functional transitions. Neighborhood monuments should match the community entry monument or local architecture in style, but on a smaller scale. The standards apply to both community and neighborhood monuments, including creating distinctive identities, enhancing placemaking through signs, trees, landscaping, and lighting, maintaining sight lines,

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

designing monuments as low garden walls with landscaping, and aligning them with architectural themes of primary structures.



Back-lit lettering encouraged for residential and mixed-use projects to convey a subtle and attractive appearance.



Monument sign is located at the ingress and egress point of the site within a landscaped planter.



Monument sign is compatible with the architectural design.

Directory Sign

Standard	Description
Location	A directory sign shall be located within the front yard setback as a free-standing sign or mounted on the primary building façade that faces the street. The free-standing directory sign shall be a minimum of 2 feet from the right-of-way.
Size	A freestanding directory sign shall be a minimum of 3 feet wide and a maximum of 8 feet in height. A wall mounted directory sign shall exceed 8 feet in height and shall be located a minimum of 3 feet from the ground floor. The directory sign shall not exceed 10 square feet.
Frequency	Both the wall mounted and the freestanding signs are allowed on the same project site if separated by at least 35 feet.
Design	A directory sign shall only provide the names of businesses and residences and the associated addresses. Driveway directional signs shall only be used for projects where circulation is complex and traffic must proceed through the site along a specific path for service. Where the layout of the parking lot and driveways are obvious and clearly apparent to the driver entering from the street, directional signage is not appropriate. Directory signs may include a small map of the building or complex, if applicable. Freestanding directory signs with directories of tenant located near vehicular entrances to shopping areas are discouraged.



Building Directory Sign



Development Directory Sign

4.5.3 RESERVED.

4.5.4 RESERVED.

4.5.5 RESERVED.

CHAPTER 5. HOTEL/MOTEL CONVERSION OVERLAY

5.1 Purpose

The purpose of this Chapter is to facilitate the conversion of existing transient residential structures, such as hotels and motels, into permanent multi-family housing for lower-income households by establishing a regulatory framework for review of the location, configuration, design, and compatibility of the proposed use with surrounding uses and to ensure the suitability of the site for the proposed converted use as well as a high level of livability for residents.

5.2 Definitions

The following definitions apply for the purposes of this Chapter.

"Affordable Housing Cost" shall have the same meaning as in Health and Safety Code Section 50052.5.

"Affordable Rent" shall have the same meaning as in Health and Safety Code Section 50063.

"Displace" or "Displacement" shall mean vacating a Rental Unit in a Hotel or Motel upon notice from the owner or applicant that the owner or applicant seeks to withdraw all the Rental Units in the Hotel or Motel for the purpose of converting the Hotel or Motel to permanent multifamily housing pursuant to the provisions of Division 4 (Multi-Family Zones) of the Municipal Code.

"Eligible Household" means a displaced residential household whose annual household income does not exceed 50 percent of the area median income (AMI) for Orange County as adjusted for household size according to the United States Department of Housing and Urban Development, as may be adjusted from time to time, and whose rental payments remain current through the date of displacement. Notwithstanding the foregoing, an Eligible Household shall not include any of the following:

1. A household whose occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Civil Code Section 1945;
2. The residential household (a) is in the process of being evicted pursuant to the terms of the rental agreement for failure to pay rent or other breach of the rental agreement; or (b) has been judged guilty of unlawful detainer pursuant to Code of Civil Procedure Section 1161; or (3) has entered into a stipulated agreement in an unlawful detainer action which required vacation of the premises; or
3. The residential household received written notice, prior to entering into a written or oral agreement to become a tenant, that an application to convert their rental unit pursuant to the provisions of this Chapter was on file with the City of Buena Park or had already been approved and would result in their displacement.

"Hotel or Motel" means any hotel, motel, bed and breakfast inn, or other similar transient lodging establishment containing one (1) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes and dwelling purposes by guests, whether rent is paid in money, goods, or services. Hotel or Motel does not include any jail, health facilities as defined in Section 1250 of the California Health and Safety Code, asylum, sanitarium, orphanage, prison convent, rectory, residential care facility for the elderly as defined in Section 1569.2 of the Health and Safety Code, residential facilities as defined in Section 1502 of the Health and Safety Code or other institution in which human beings are housed or detained under legal restraint, or any private club and nonprofit organization.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

"Hotel/Motel Conversion" is any action that converts any building or structure used for transient lodging in which there are five (5) or more transient guest rooms by a change of use to multi-family housing that may be utilized as Senior Housing or other types of housing. Such a conversion may affect an entire building or structure used for transient lodging, or any portion thereof so long as the portion includes five (5) or more units.

"Lower Income Household" shall have the same meaning as in Health and Safety Code Section 50079.5.

"Relocation Assistance Agency" means a relocation assistance specialist, agency, and/or other third-party agency hired by the City of Buena Park and paid for by the applicant to assist with the relocation process set forth in this Chapter.

"Rental Unit" means any room or other unit in a Hotel or a Motel that has been continuously occupied by a Tenant for thirty (30) or more days pursuant to a lease or rental agreement, whether written or oral.

"Senior Citizen" means a person sixty-two (62) years or older, or fifty-five (55) years of age or older who lives in Senior Housing.

"Senior Housing" means any residential development developed, substantially rehabilitated, or substantially renovated for Senior Citizens.

"Special Circumstances Household" means an Eligible Household with any of the following characteristics:

1. At least one (1) member is sixty-two (62) years of age or older;
2. At least one (1) member qualifies as disabled as defined by Title 42, United States Code, Section 423, or handicapped as defined by California Health and Safety Code Section 50072; or
3. At least one (1) member is a minor child (under eighteen (18) years of age) who is legally dependent (as determined for federal income tax purposes).

"Tenant" means a tenant, subtenant, lessee, sublessee or any other person or household entitled to the use of occupancy of a Rental Unit under a valid lease or rental agreement, whether written or oral, with the owner or operator of a Hotel or Motel.

"Very Low Income Household" shall have the same meaning as in Health and Safety Code Section 50105.

5.3 Location Criteria

This Chapter applies to three (3) specific sites within the City.

APN 136-172-14 (0.52 acres)

- Underlying Zone: CG, Commercial General
- Minimum Number of Units: 20
- Maximum Number of Units: 25
- Year Built: 1980
- Distance to Public Transit Route: Less than 300 feet
- Distance to Medical Clinic: 0.3 miles
- Distance to Pharmacy: 0.6 miles
- Distance to Grocery Store: 0.2 miles

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OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

APN 136-172-15 (0.41 acres)

- Underlying Zone: CG, Commercial General
- Minimum Number of Units: 20
- Maximum Number of Units: 25
- Year Built: 1983
- Distance to Public Transit Route: Less than 300 feet
- Distance to Medical Clinic: 0.3 miles
- Distance to Pharmacy: 0.6 miles
- Distance to Grocery Store: 0.2 miles

APN 276-381-09 (1.70 acres)

- Underlying Zone: CM, Commercial Manufacturing
- Minimum Number of Units: 20
- Maximum Number of Units: 98
- Year Built: 1968
- Distance to Public Transit Route: Less than 300 feet
- Distance to Medical Clinic: 0.2 miles
- Distance to Pharmacy: 0.8 miles
- Distance to Grocery Store: 0.6 miles

5.4 Application and Approval

The conversion of hotel, motel or other transient residential structures to permanent multi-family housing shall be processed as follows:

A. Hotel/Motel Conversion Permit.

1. **Applicability.** A Hotel/Motel Conversion Permit is required for the conversion of hotels, motels, and other transient lodgings to multi-family residential use. A Hotel or Motel is only eligible for conversion under this Chapter if its use as a Hotel or Motel has been permitted by the City of Buena Park, with a valid business license from the City of Buena Park for at least ten (10) years.
2. **Application requirements.** An application for a Hotel/Motel Conversion Permit shall be filed in compliance with Section 19.128.020 of the Buena Park Municipal Code (Conditional Use Permit). The application shall be accompanied by the information identified in the Department application form for Hotel/Motel Conversion Permit applications, including, but not limited to the following:
 - i. **Parcel Information.** The zoning and general plan designations and assessor's parcel number(s) of the sites on which the Hotel/Motel Conversion is proposed;
 - ii. **Project Description.** A narrative project description that summarizes the proposed Hotel/Motel Conversion;
 - iii. **Tentative Map or Site Plan.** A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, and where applicable, designating the location of the proposed affordable units in the Hotel/Motel Conversion;
 - iv. **Objective Standards; Certificate of Compliance.** Reasonable documentation that all of the objective development standards in Section 3.2 of this document are met. In addition, the applicant shall

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

submit a certificate of compliance, in a form acceptable to the City of Buena Park, declaring and certifying under penalty of perjury that each of the threshold eligibility criteria, as specified in Section 3.2 of this document, are satisfied;

- v. **Existing Tenants.** Information regarding any existing tenants at the Hotel or Motel, including identification of the units occupied, the monthly rents for those units, the names of every member of the household who is a signatory on a written lease or rental agreement for that unit, the household income (if known), and the number of household members included on the lease or rental agreement. Where there is no written lease or rental agreement, the applicant shall provide the name of every person the applicant considers to be a Tenant under an oral lease or rental agreement;
- vi. **Management Plan.** A comprehensive management plan shall be submitted to and reviewed by the Director, and approved by Planning Commission in conjunction with the Hotel/Motel Conversion Permit. The Director or designee shall enforce the terms of the management plan, and may approve an amendment to the management plan, provided that the management plan complies with all conditions of approval for the Hotel/Motel Conversion Permit. The approved management plan shall be approved as to form by the City Attorney and recorded before the issuance of a certificate of occupancy or final building inspection, as applicable;
- vii. **Affordable Housing Plan and Monitoring.** An affordable housing plan describing how the project will satisfy the affordable housing requirements of 50% AMI or less. The affordable housing plan shall include an explanation of the proposed mechanism by which the development proponent will fund ongoing monitoring and compliance with the affordability requirements for the affordable units in the Hotel/Motel Conversion throughout the term of affordability.
- viii. **Recorded Covenant.** Prior to the issuance of the first building permit for the conversion, a land use restriction or covenant shall be recorded on the property documenting that the housing shall remain affordable, pursuant to the specifications of the City's affordable housing policy illustrated in Section 19.408.030 of the Municipal Code.

3. Project review, notice and hearing.

- i. Upon submission of an application for a Hotel/Motel Conversion Permit, the Director, or designee, shall review the application to determine whether the application is consistent with the provisions of this Chapter and with the provisions of Chapter 19.128 (Administrative Procedures) of the Municipal Code.
- ii. The Director, or designee, shall prepare and submit a staff report, including a recommendation, to the Planning Commission for review of the Hotel/Motel Conversion Permit.
- iii. The Planning Commission shall conduct a public hearing on an application for a Hotel/Motel Conversion Permit. The Planning Commission action shall be final unless appealed to the City Council pursuant to section 19.120.

4. Findings and decision.

The Planning Commission may approve, conditionally approve, or disapprove an application for a Hotel/Motel Conversion Permit. The Planning Commission may approve a Hotel/Motel Conversion Permit only after first making written findings of all of the following:

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

- i. The hotel, motel or transient lodging facility proposed for conversion is currently a legal or legally nonconforming use of the site;
 - ii. The Hotel/Motel Conversion has met the application requirements specified in Section 5 of this Chapter;
 - iii. The Hotel/Motel Conversion satisfies all of the applicable requirements of Section 19.128 (Conditional Use Permit) of the Municipal Code.
 - iv. The project complies with all other applicable provisions of local and state law.
 5. **Conditions of approval.** In approving a Hotel/Motel Conversion Permit, the Planning Commission may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, offsite improvements, parking, performance guarantees, signs, surfacing, time limits, traffic circulation, security, property management, support services, etc.) to ensure that the approval would be in compliance with the finding required by subsection (4) above.
 6. **Post-approval procedures.** The procedures relating to amendments, expiration, performance guarantees, and revocation that are identified in the Zoning Code shall apply following the decision on a Hotel/Motel Conversion Permit application.
- B. **Design Review** A Hotel/Motel Conversion shall be subject to site and architectural design review pursuant to the provisions of Section 19.128.100 (Interdepartmental Review).

5.5 Tenants' Rights, Relocation Assistance and Right To Return.

A. Tenant Displacement Notices.

1. **Notice of Intent.** No later than thirty (30) days after filing an application for a Hotel/Motel Conversion, the applicant shall notify each residential household residing on the subject real property that the applicant has filed an application with the City of Buena Park. The notice shall be sent by regular and certified mail and posted on the door of each rental unit. For each such notice, the applicant shall use a notice of intent form provided by the City of Buena Park that shall contain the following information:
 - a. The name and address of the current property owner and the project developer;
 - b. A description of the Hotel/Motel Conversion application being filed and a general time frame to complete the work described in the application;
 - c. An explanation of the relocation assistance available to Eligible Households and Special Circumstances Households, information on Eligible Household incomes and the procedure for submitting claims for relocation assistance;
 - d. An explanation of the Right to Return and Right of First Refusal to a unit in the new development and information on the procedure for submitting claims to these benefits;
 - e. Contact information for the relocation assistance agency that will be assisting with the relocation assistance process. This contact information and a brief explanation of the purpose of the notice shall be translated into non-English languages as determined by the [City/County];

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- f. The tenant's right to receive written notice for each hearing and right to appear and be heard at land use hearing, if applicable; and
- g. Other information deemed necessary or desirable by the community development department.

The applicant must submit evidence of compliance with this section to the City of Buena Park for the application to be deemed complete. Specifically, the applicant shall submit to the City of Buena Park a duplicate copy of the notice of intent served on each tenant along with a declaration indicating that each notice was sent by regular and certified mail and posted on the door of the rental unit.

- 2. **Notice of Application Approval.** No later than fifteen (15) days after receiving final approval of the Hotel/Motel Conversion application (including any appeal period), the applicant shall notify each residential household residing on the subject real property that the application has been approved. The notice shall be sent by regular and certified mail and posted on the door of each rental unit.
 - 3. **Notice of Termination.** The applicant shall provide a written notice of termination to all tenant subject to displaced pursuant to Civil Code Section 1946, Civil Code Section 1946.1, and where applicable, Civil Code Section 1946.12. The date to vacate shall not be prior to the City's determination that the applicant has complied with this Chapter.
- B. **Relocation Assistance.** The applicant shall provide the following relocation assistance to any Eligible Households that are displaced from a rental unit in a Hotel or Motel to convert the Hotel or Motel to permanent multifamily housing pursuant to the provisions of this Chapter:
- 1. A full refund of the tenant's security deposit;
 - 2. A sixty (60) day subscription to a rental agency service;
 - 3. A payment of the cash equivalent of three (3) months' rent. The amount to be paid shall be calculated at the time the relocation application is approved by the City based on the most recent Department of Housing and Urban Development's Fair Market Rent calculation for Orange County for a similar-sized unit with the same number of bedrooms. Special Circumstances Households will be paid one (1) additional month of rent for a maximum total of four (4) months' rent.
- C. **Right of Return and Right of First Refusal.** In addition to the relocation assistance required by subsection A above, any tenants who are from a Hotel or Motel shall be entitled to a right of first refusal and a right to return to a new unit in the Hotel/Motel conversion. All tenants, regardless of their status as an Eligible Household, shall be entitled to the rights under this subsection C. Within sixty (60) days of the issuance of a certificate of occupancy for the units constructed pursuant to the Hotel/Motel Conversion, the Owner shall offer to rent the units to Tenants who were displaced by the Hotel/Motel conversion.
- D. **Administration of Relocation Assistance and Right of Return.**
- 1. The City of Buena Park shall, at the applicant's expense, hire a relocation assistance agency to administer the provisions of this Section. The applicant shall, at the time that the application for the Hotel/Motel Conversion is submitted, deposit sufficient funds with the relocation assistance agency or the City to cover the estimated cost of the relocation assistance services.
 - 2. The relocation assistance agency shall hold informational meetings with the tenants, respond to questions, verify current household incomes and the existence of special circumstances, assist in distributing relocation

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payments to Eligible Households, if desired by the City, provide an accounting of any dispersed funds to the applicant and the City, and maintain records of tenants' contact information until the converted units are ready for occupancy.

3. The applicant shall deposit relocation assistance funds required pursuant to subsection A with the City, no later than thirty (30) days after filing an application, to be used for relocation assistance payments to Eligible Households. The amount of the deposit shall be determined by the Director, or their designee, and unused funds shall be returned to the applicant after all relocation assistance has been paid as verified by the relocation assistance agency and the City.
 4. Tenants requesting relocation assistance and/or a right of first refusal to a new unit must provide the information necessary to the relocation assistance agency who will determine their eligibility for said benefits and must file a claim form.
 5. **Payments.** Relocation assistance is paid per rental unit, not per tenant. If multiple households or individuals occupy a rental unit, relocation assistance shall be paid to the household or individual entitled to occupy a rental unit under a valid lease or rental agreement (written or oral) with the landlord.
 - a. **Timing.** After determination of eligibility, half of the relocation assistance shall be paid to the Eligible Household within fifteen (15) days of the date the claim form is submitted to the third-party agency and the remaining half shall be paid when the Eligible Household vacates the unit.
 - b. **Verification of Payments.** Prior to issuance of any building permits for the Hotel/Motel Conversion, the City must receive verification from the relocation assistance agency that all Eligible Households who applied and qualified for assistance have received relocation assistance. This verification shall be submitted in a form acceptable to the City.
- E. **Housing Crisis Act.** In addition to the benefits provided in this Section, existing tenants shall receive any benefits required by the Housing Crisis Act of 2019 (Government Code Section 66300 or successor provision).

CHAPTER 6. DEFINITIONS

The definitions below are provided in addition to the definitions located in Section 19.104.080 (Definitions) of the City of Buena Park's Zoning Code.

A - Definitions

ALCOHOLIC TREATMENT CENTER. An Alcoholic Treatment Center is a specialized facility or establishment designed and dedicated to providing comprehensive treatment, rehabilitation, counseling, and support services for individuals dealing with alcohol addiction or substance abuse. These centers offer a range of services such as detoxification, counseling, therapy, medical treatment, and ongoing support programs to help individuals recover from alcohol-related issues.

ANIMAL SALES AND GROOMING. A combined business or service that involves the sale of animals along with grooming services for these animals. In this establishment, customers can purchase animals like cats, or birds, (excluding dogs) and also have their pets groomed and maintained. Grooming services typically include activities like bathing, fur trimming, nail clipping, and hygiene care. This business serves pet owners by providing a one-stop location for acquiring and maintaining their beloved animal companions. Overnight care is not permitted.

ANTIQUE AND COLLECTIBLE SHOP. A retail establishment specializing in the sale of vintage or rare items over 50 years old, that hold historical, artistic, or collectible value. These items can include antique furniture, vintage clothing, rare books, fine art, and various collectibles like coins, toys, or memorabilia.

ARCADES. Establishments where four (4) or more mechanical or electronic amusement games are located, whether provided independently or as an accessory use to another business. These Objective Design and Development Standards mandate that the maximum size of an arcade does not exceed 3,000 square feet. However, arcades proposed to exceed this limit must obtain City Council approval. In no case shall an arcade exceed 10,000 square feet. Noise buffers/barriers are required to mitigate sound disturbances, and special protective measures apply to arcades located within 50 feet of residential areas to ensure a harmonious coexistence.

ART STUDIO/GALLERY. A workspace for artists, where they produce, experiment, and refine their artwork. Simultaneously, it acts as an exhibition venue or gallery where these artworks are displayed and offered for sale to the public.

ARTISAN SHOP. A retail establishment that specializes in offering handcrafted and artisanal products. Products found in artisan shops can range from handmade jewelry, ceramics, textiles, and woodwork to gourmet foods, cosmetics, and more.

AUTOMATED TELLER MACHINES (ATMS). A pedestrian- or vehicle-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with the City's Municipal Code. See "Banks and Financial Services".

B - Definitions

BANKS AND FINANCIAL SERVICES. A wide array of institutions and services responsible for managing, lending, investing, and safeguarding monetary assets. Banks are financial institutions that accept deposits, provide loans, and offer various financial products like savings and checking accounts.

BARBER SHOPS/BEAUTY SALONS. Establishments that offer a range of hair and beauty services to customers including hair styling, coloring, manicures, pedicures, and skincare treatments.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

BODY ART FACILITY/TATTOO SHOP. A specialized establishment where licensed professionals provide Body art. Body art includes tattooing, body piercing, permanent cosmetics, branding and micro-blading. Not included in the definition of body art is scarification, laser tattoo removal, micro needling and single-use, pre-sterilized ear-piercing services to clients. Body Art facilities and practitioners are regulated by the Orange County Health Department and requires all practitioners of body arts to register with the local health department.

BUFFER. Open spaces, landscaped areas, fences, walls, berms, or a combination of these or similar elements, used to physically and visually separate uses to mitigate the negative impacts of the more intense use (e.g., dust, glare, light, noise, odor, etc.). An appropriate buffer may vary depending on uses, districts, size, etc.

BUILDING FRONTAGE. That side of a building containing the main entrance for pedestrian entrance and exit. If more than one main entrance exists, the entrance that more nearly faces, or is oriented to, the street of highest classification as portrayed in the Circulation Element of the General Plan, shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest horizontal lineal dimension containing a main entrance shall be considered the building frontage.

BUSINESS SUPPORT SERVICES. A range of professional services and assistance designed to help businesses operate efficiently and effectively. These services can include, but are not limited to administrative support, IT and technical support, human resources, marketing, consulting, and various other functions.

C - Definitions

CAFÉ. A cafe is a casual eatery where patrons can enjoy light meals, beverages, and social interactions. Typically characterized by a relaxed ambiance, cafes offer a variety of coffee, tea, and often a selection of pastries, sandwiches, or snacks. These establishments serve as community hubs, providing a welcoming space for individuals to unwind, work, or socialize.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Section 21000 et seq. of the Public Resources Code requires state, regional, county, and local agencies to conduct environmental review for any discretionary activity proposed to be carried out or approved by those agencies.

CATERING SERVICES. Professional food preparation and presentation services provided for events, gatherings, and occasions.

CLUB, SERVICE ORGANIZATION, OR COMMUNITY CENTER. A gathering place or institution designed to foster social, recreational, educational, or charitable activities within a specific community or group. Community centers serve as multipurpose facilities, offering various programs, resources, and events for the local population.

COCKTAIL LOUNGE, BAR. An establishment that primarily serves alcoholic beverages, cocktails, and sometimes light snacks in a social setting. These venues contain features like a bar counter, seating areas, and sometimes live music or televisions for sports events.

COMMUNITY GARDEN. A shared outdoor space within a residential community where residents collectively cultivate and maintain small individual garden plots.

CONSIGNMENT STORE. A retail establishment that sells second-hand goods, typically clothing, accessories, and sometimes furniture or other items, on behalf of individuals or consignors. Consignors bring their items to the store, which then displays, markets, and sells the items to the public. These stores do not sell vintage or rare items typically found in antique or collectible stores.

CONVENIENCE STORE. A small retail establishment that specializes in offering a wide range of everyday consumer products and necessities. These stores are typically open for extended hours or even 24/7.

CORNER LOT. A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of not more than one hundred thirty-five (135) degrees. If the intersection angle is more than one hundred thirty-five (135) degrees, the lot is considered an interior lot.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

D - Definitions

DENSITY BONUSES. A density bonus is an increased residential density over the maximum authorized density which is granted to an owner/developer of a housing project agreeing to construct a prescribed percentage of affordable dwelling units pursuant to Government Code sections 65915—65918.

E - Definitions

EMERGENCY SHELTER. A facility that provides immediate and short-term housing (limited to occupancy of six (6) months or less) and minimal supplemental supportive services to homeless persons or families. Supplemental services may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with section 50675.14.(b) of the California Health and Safety Code).

F - Definitions

FLOOR AREA RATIO. The total gross area of all structures on a parcel is divided by the parcel area (FAR). For the purpose of calculating floor area, floor area shall (1) not include carports, elevator shafts, exterior courts, and garages; and (2) be calculated based on the exterior faces of walls.

G - Definitions

GARDEN CENTER/PLANT NURSERY. A retail establishment specializing in the sale of plants, gardening supplies, and related products. These centers offer a wide variety of plants, including flowers, shrubs, trees, and sometimes vegetables and herbs. In addition to plants, they provide gardening tools, soil, fertilizers, and expert advice on gardening and landscaping.

GROUP HOME. Group homes also known as group care facilities. As defined in Title 22 of the California Code of Regulations Section 80001(g)(1) and the California Welfare and Institutions Code Section 11400(h), means facilities of any capacity which provide twenty-four (24) hour care and supervision in a structured environment for children or adults, including, but not limited to foster care, elderly care, physically handicapped care, and care of persons with developmental disabilities. Group homes may provide social, psychological, and behavioral programs. The care and supervision provided by a group home shall be non-medical except as permitted by Welfare and Institutions Code Section 17736(b). See also “Community care facilities” and “Residential care facilities.”

H - Definitions

HEALTH SPA OR SALON. A facility offering a range of beauty and wellness services to promote relaxation, rejuvenation, and self-care. These establishments provide services such as massages, facials, hairstyling, nail care, and skincare treatments. Health spas often emphasize therapeutic and holistic approaches, while salons focus on hair and nail services.

HOME DAY CARE FACILITY. See definition for “Small Group Adult Day Care Home” in Section 19.104.080.

HOME IMPROVEMENT SUPPLY STORE. A retail establishment that specializes in offering a wide range of products and materials for home renovation, construction, and DIY projects. These stores provide items like building materials, tools, paint, hardware, plumbing fixtures, electrical components, and home improvement accessories.

I - Definitions

INDEPENDENT LIVING FACILITY. A residential housing option designed for older adults who are generally active, healthy, and capable of living independently but seek a community that offers amenities, convenience, and social opportunities. These facilities

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

provide private apartments, typically with kitchenettes, along with shared communal spaces, dining options, and various recreational and wellness programs.

INDOOR FITNESS AND SPORTS FACILITY, LARGE. An indoor venue designed to accommodate various physical fitness and sports activities within a restricted area no less than 3,000 square feet and no more than 6,500 square feet. These facilities are equipped with exercise equipment, courts, or designated spaces for activities like basketball, volleyball, or group fitness classes. Large indoor fitness and sports facilities proposed to exceed 6,500 square feet must obtain City Council approval. In no case shall a large indoor fitness and sports facility exceed 20,000 square feet within the Housing Incentive Overlays.

INDOOR FITNESS AND SPORTS FACILITY, SMALL. An indoor venue, limited to a maximum area of 3,000 square feet, designed for various physical fitness and sports activities. These smaller facilities are equipped with exercise equipment, courts, or designated spaces for activities like yoga, Pilates, small-group training, or limited-scale sports such as indoor soccer or racquet sports. Small indoor fitness and sports facilities proposed to exceed 3,000 square feet must obtain City Council approval. In no case shall a small indoor fitness and sports facility exceed 6,000 square feet within the Housing Incentive Overlays.

INTERIOR DECORATING STUDIO. A specialized design service that focuses on enhancing the aesthetics, functionality, and style of interior spaces. Interior decorators, or designers, work with clients to select color schemes, furniture, décor, and accessories, creating a cohesive and harmonious look for homes or commercial interiors.

MOTEL/HOTEL CONVERSION PERMIT. A permit issued by the Community and Economic Development Department upon satisfaction of the requirements in Chapter 5, to an eligible applicant to allow the permanent conversion of an existing transient residential structure, such as a Motel, Hotel, Apartment Hotel, or Transient Occupancy Residential Structure, for use as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness.

L - Definitions

LANDSCAPING. Areas devoted to, or developed and maintained predominantly with, native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials. Landscaping may also include small amounts of accessory decorative outdoor landscape elements (i.e., hardscape) such as pools, fountains, and paved or decorated surfaces, all of which are suitably designed, selected, installed, and maintained to enhance a site.

LAUNDROMAT, SELF-SERVICE. A facility where individuals can wash and dry their laundry independently using coin-operated or card-operated machines. These establishments provide a range of washing machines, dryers, and folding tables for customers to clean and maintain their clothing, linens, and other washable items. Self-service laundromats shall not exceed 6,000 square feet within the Housing Incentive Overlays.

LIBRARY/MUSEUM/CULTURAL FACILITY. A versatile institution or building that serves as a hub for educational, artistic, and cultural activities. Libraries, museums, or cultural facilities shall be limited to a maximum of 20,000 square feet within the Housing Incentive Overlays.

LIVE/WORK DEVELOPMENT. An integrated dwelling unit and working space (e.g., the creation and retail sales of arts and crafts), occupied and utilized by a single housekeeping unit in a structure that has been modified or designed to accommodate joint residential occupancy and work activity located in a mixed-use Housing Incentive Overlay, and which includes complete kitchen and sanitary facilities in compliance with applicable building standards and working space reserved for and regularly used by one or more occupants of the unit. May include limited walk-in trade. Refer to Section 19.748.030 for Development Standards for Live/Work Units.

LOADING SPACE. An off-street space or area that is on the same lot as the building(s) it services; abuts a street, alley, or other appropriate means of access; and is used for the temporary parking of a commercial vehicle that is being loaded or unloaded with merchandise, materials, or people.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

LOCAL PUBLIC AGENCY. An agency, identified on a list maintained by the Planning Department, that funds Supportive Housing and Transitional Housing for persons experiencing homelessness or at risk of homelessness. Unless stated otherwise by the Community Development Department, these agencies may include:

- California Department of Housing and Community Development (HCD)
- United States Department of Housing and Urban Development (HUD)
- Orange County Housing and Community Development
- Orange County Housing Authority
- Orange County Homeless Prevention

LOT DEPTH. The average linear distance between the front and rear lot lines.

LOT SIZE. The entire area within the boundaries of a project site or lot measured to the centerline of adjoining street rights-of-way.

LOT WIDTH. The average linear distance between the side lot lines measured at right angles to the line measuring lot depth. The width should be measured at a point midway between the front and rear lot lines.

M - Definitions

MAJOR UTILITIES. Fundamental infrastructure systems and services that provide essential resources to communities and society on a large scale. These include services such as water supply, sewage treatment, electricity generation and distribution, natural gas distribution, telecommunications, and transportation networks (such as roads and highways).

MINOR UTILITIES. The essential infrastructure systems, services, and facilities that support daily life but are often of smaller scale or lesser complexity when compared to major utilities. These typically include services such as water supply, sewage disposal, and natural gas distribution, as well as smaller-scale electric or telecommunication services.

MULTI-FAMILY DWELLING. In addition to the definition provided in Section 19.104.080, a "multi-family dwelling" is a type of residential building or structure where multiple individual dwelling units exist on a single lot or parcel of land. In other words, it refers to a building or property designed to accommodate more than one household. These dwelling units can vary in terms of layout, size, and configuration, and they are typically intended for separate occupancy by different families or individuals within the same structure. Multifamily dwellings can include apartment buildings, townhouses, condominiums, or any other type of housing where multiple households share a common piece of land or structure.

O - Definitions

OPEN SPACE, COMMON. Outdoor areas (does not include walkways/driveways) within a development project that are not individually owned or dedicated for public use but are designed and intended for the common use or enjoyment of all residents/tenants of the development project.

OPEN SPACE, PRIVATE. An outdoor area (does not include walkways/driveways) within a development project that is reserved for use by the residents/tenants of a specific unit or portion of the site.

OPEN SPACE, PUBLIC. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public use or enjoyment.

OUTDOOR RECREATION AREA. A designated open space where individuals and communities engage in various leisure and physical activities. They may feature amenities such as trails, playgrounds, sports fields, and facilities for camping or barbecues. Outdoor recreation areas shall be limited to a maximum of 10,000 square feet within the Housing Incentive Overlays.

HOUSING INCENTIVE OVERLAY (HIO)

OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

OVERLAY ZONING DISTRICT, OR OVERLAY ZONE. A supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations applicable to properties within the Housing Incentive Overlays. The overlay zoning districts established by Chapter 2 (Overlays and Uses) of these Objective Design and Development Standards.

P - Definitions

PUBLIC SAFETY FACILITY. A public safety facility is a governmentally owned and operated facility established to provide local police or fire safety services to the surrounding area.

PUBLIC SECURITY CENTER. A public security center is an accessory to a commercial or residential use, refers to a specialized facility established within or in close proximity to a commercial or residential property to provide added security and safety measures for the occupants, visitors, or patrons. This facility may include features such as surveillance systems, access control measures, security personnel stations, and other infrastructure or services intended to enhance the overall security of the property without comprising the primary commercial or residential function.

R - Definitions

RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENT PROJECT. A housing development project that is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution. The housing development project qualifies as being near collocated religious-use parking by being any of the following: (1) Located on one or more parcels that collectively contain religious-use parking. (2) Located adjacent to a parcel owned by the religious institution that contains religious-use parking. (3) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking.

RELIGIOUS GROUP LIVING. A community or housing arrangement where individuals of the same faith or religious belief resides together. It involves shared living spaces, communal practices, and a collective commitment to religious principles. These communities can vary widely, from monastic dwellings to intentional religious communes.

S - Definitions

SCHOOLS, SPECIALIZED EDUCATION AND TRAINING/STUDIO. An educational institution or training center focused on specialized learning, typically within a smaller footprint. These facilities offer specialized training, such as art, music, dance, or vocational skills, to a limited number of students.

SCREENING. A method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SENATE BILL (SB) 330. SB 330 prohibits local jurisdictions from enacting new laws that would have the effect of reducing the legal limit on new housing within their borders, or delay new housing via administrative or other regulatory barriers. Through its expiration in 2030, SB 330 will:

- Prevent local governments from downzoning unless they upzone an equivalent amount elsewhere within their boundaries
- Suspend the enactment of local downzoning and housing construction moratoriums
- Require timely processing of housing permits that follow zoning rules
- Ensure the demolition of housing does not result in a net loss of units
- Postpone requirements for voter approval of zoning, general plan changes
- Require resettlement benefits and first right of refusal in new units or compensation for rehousing for renters who may be displaced.

SETBACK. The minimum distance by which buildings, structures, parking, or uses on a lot shall be separated from a street right-of-way or lot line. Setbacks from private streets are measured from the edge of the easement and/or the edge of the street.

HOUSING INCENTIVE OVERLAY (HIO) OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS

SPECIALTY FOOD STORE. A retail establishment that specializes in offering a unique and curated selection of food products, often focusing on a specific category or theme. Examples include cheese shops, bakeries, organic food stores, and international food markets.

SUPPORTIVE HOUSING. Housing with no limit on length of stay for persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any Floor Area used for the delivery of Supportive Services shall be considered accessory to the residential use.

SUPPORTIVE SERVICES. Services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

T - Definitions

TRANSITIONAL HOUSING. A building where housing linked to Supportive Services is offered, usually for a period of up to 24 months, to facilitate movement to permanent housing for persons with low incomes who may have one or more disabilities, and may include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TUTORING CENTER, SMALL. An educational facility designed to provide individualized or small-group tutoring services to students. These centers offer focused academic support, typically in core subjects like math, science, language, or test preparation. Small tutoring centers shall be limited to a maximum of 2,000 square feet within the Housing Incentive Overlays.

RESOLUTION NO. _____
GENERAL PLAN AMENDMENT NO. GP-25-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GP-25-2 AMENDING THE LAND USE AND COMMUNITY DESIGN ELEMENT OF THE GENERAL PLAN AND MAKING FINDINGS IN SUPPORT THEREOF

A. Recitals.

(i) WHEREAS, the City Council of the City of Buena Park adopted the Buena Park General Plan as required by law on December 7, 2010, through the adoption of Resolution No. 12497; and

(ii) WHEREAS, the General Plan establishes the fundamental policy framework to guide decisions related to land use and development, public services and facilities, public safety, resource management, recreation, culture, and the overall health and quality of life in the community; and

(iii) WHEREAS, the State Department of Housing and Community Development (HCD) requires cities to update their Housing Element every eight years; and

(iv) WHEREAS, the City of Buena Park's 6th Cycle Housing Element Update (HEU) was approved by the City Council on January 25, 2022, and Certified by HCD in February 2024; and

(v) WHEREAS, to maintain HCD certification of the Housing Element, and as part of the implementation process for ten of the eighteen Housing Element Programs, the City Council initiated General Plan and Zoning Code updates that were scheduled to occur in two phases; and

(vi) WHEREAS, the City Council approved phase one which included a General Plan Amendment and Zoning Code Amendment to create five new Housing Incentive Overlay Zones (HIO) and Objective Design and Development Standards in February 2024; and

(vii) WHEREAS, the second phase of implementation of the Housing Element is to adopt amendments to the residential and mixed-use zoning classifications to establish permitted uses and development standards consistent with the newly created overlay zones and to update the General Plan Land Use and Community Design Element to be consistent with the Zoning Code amendments; and

(viii) WHEREAS, the proposed amendments to the General Plan and Zoning Code will facilitate the development of 10,322 dwelling units and 438,333 square feet of new commercial space citywide; and

(ix) WHEREAS, the proposed amendments are for planning purposes only and no specific construction project is proposed as part of the action to adopt the amendments to the General Plan and Zoning Code; and

(x) WHEREAS, this Planning Commission has reviewed and considered all elements of said proposed General Plan Amendment No. GP-25-2 together with the associated Text Amendment C-5-1 and Environmental Impact Report EIR-25-1 and the information contained therein; and

(xi) WHEREAS, the Planning Commission has heretofore conducted a duly noticed public hearing, as required by law, to consider General Plan Amendment No. GP-25-2 to amend the Land Use and Community Design Element; and

(xii) WHEREAS, a public hearing was conducted on May 28, 2025, and was concluded prior to adoption of this Resolution; and

(xiii) WHEREAS, this Planning Commission has reviewed and considered all elements of said General Plan Amendment No. GP-25-2 together with the associated Text Amendment (C-25-1) and Environmental Impact Report (EIR-25-1) and the information contained therein and all legal prerequisites to the adoption of the Resolution have occurred.

B. Resolution.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BUENA PARK does hereby find, determine, resolve and recommend the City Council find as follows:

1. The proposed General Plan Amendments are consistent with the goals, policies, purposes, objectives, and programs of the City's General Plan.
2. The proposed General Plan Amendment No. GP-25-2 will promote the orderly development of the City and the public health, safety, and welfare by enhancing and maintaining sound and logical land use and development practices guided by the Land Use and Community Design Element. The proposed General Plan Amendment does not modify any health and safety regulations.
3. The proposed General Plan Amendment No. GP-25-2 will increase and will not diminish the land available for housing within the City. The proposed General Plan Amendment will create new housing opportunities by facilitating the development of approximately 10,322 residential units, which will increase the City's housing supply. The Project will also increase the City's affordable housing supply.
4. The proposed General Plan Amendment No. GP-25-2 will maintain and improve the viability of the housing stock within the area in a manner consistent with the character of surrounding neighborhoods and will promote the orderly development of the City.
5. The proposed General Plan Amendment No. GP-25-2 will promote maintenance and improvement within the area, thereby enhancing and conserving property values.
6. The Planning Commission finds and recommends that the City Council find that General Plan Amendment GP-25-2 will have a positive effect on land available for housing within the City. The Project will provide added housing opportunities to enhance the viability of the City's housing supply.
7. The Planning Commission finds that facts supporting the above-specified findings are

contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted on May 28, 2025 with respect to the Project.

8. The Planning Commission has reviewed and considered all components of the requested General Plan Amendment No. GP-25-2 including compliance with the California Environmental Quality Act (CEQA) through the preparation of an Environmental Impact Report (EIR-25-1) adopted by separate resolution, the Planning Commission has determined that the Environmental Impact Report and accompanying Statement of Overriding Considerations is legally adequate.
9. The Planning Commission hereby recommends that the City Council of the City of Buena Park approve and adopt General Plan Amendment No. GP-25-2, amending the Land Use and Community Design Elements attached hereto as Exhibit A.
10. The Secretary of the Planning Commission shall:
 - (a) Certify to the adoption of this Resolution.
 - (b) Transmit a copy of this Resolution to the City Council of the City of Buena Park together with all documents prepared with respect to General Plan Amendment No. GP-25-2, amending the Land Use and Community Design Elements of the General Plan, attached hereto as "Exhibit B", and transcripts of any and all hearings conducted with respect to the application recommended for approval herein.

PASSED AND ADOPTED this 28th day of May 2025, by the following called vote:

AYES:	0	COMMISSIONERS:
NOES:	0	COMMISSIONER:
ABSENT:	0	COMMISSIONER:
ABSTAINED:	0	COMMISSIONER:

Deborah Diep
Chair

ATTEST:

Harald Luna
Acting Planning Manager

Resolution No.
General Plan Amendment No. GP-25-2
May 28, 2025

EXHIBIT A
Land Use and Community Design Element Amendments

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New text in underline

DRAFT



Chapter 2

Land Use and Community Design Element

2.1 INTRODUCTION

The Land Use and Community Design Element provides the primary policy foundation for the entire General Plan, as it establishes the desired vision for future land use decisions in the City. The Land Use and Community Design Element directs development patterns by identifying and describing, through diagrams and text, the location and distribution of existing and future land uses throughout the City. The General Plan Land Use Map (Exhibit LU-1) describes land use designations and identifies the geographic distribution of land uses that will help guide future growth and change, consistent with the City's vision. The Land Use Map is a graphical representation of the City's



official land use policy, providing the primary policy guidance for future land use decision-making. The Land Use and Community Design Element articulates City goals and policies that address community character and identity, as well as future growth and change, preservation, enhancement of existing resources, and community safety.

2.2 AUTHORITY FOR THE ELEMENT

California Government Code Section 65302(a) requires that the General Plan include: "...a Land Use Element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities and other categories of public and private uses of land. The Land Use Element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan."

The Land Use and Community Design Element has the broadest scope of the ~~eight~~ ~~seven~~ state-mandated Elements of the General Plan. In addition to Government Code requirements, it has been legally established that while the location of a particular land use may be expressed in general terms, a property owner must be able to identify the General Plan designation for his/her parcel from the land use diagram contained in the Land Use and Community Design Element. While community design is not a State-mandated Element of the General Plan, the City of Buena Park has chosen to include land use and community design under one element.

2.3 SUMMARY OF EXISTING CONDITIONS

The City of Buena Park encompasses approximately 6,751.90 acres and is situated on the northwestern boundary of Orange County, southeast of the Los Angeles County line. As of ~~June 2009~~2022, the City's approximately 6,751.90 acres were mostly built-out, with only ~~117.692.38~~ acres (~~1.74 percent~~) of vacant residential land remaining. ~~Existing land uses within the City include 24,705 dwelling units and 18,014,425 square feet of non-residential uses.~~ Single-family residential uses represent the largest land use within the City at ~~34.34~~35.01 percent. Multiple-family residential uses comprise ~~7.5~~8.89 percent, commercial uses comprise ~~8.25~~4.66 percent, and industrial uses comprise ~~11.05~~9.89 percent of the City. Smaller percentages of the City include ~~mixed-use, office, flood control, public use, lake, open space, and miscellaneous land uses-railroad, school, tourist entertainment, utility, and right of way;~~ refer to Table LU-1, Existing Land Uses in Buena Park.

Table LU-1
Existing Land Uses in Buena Park

Land Use Designations	Acres	Percent of City (%)
<u>Low Density Residential</u>	<u>2,364.29</u>	<u>35.01</u>
<u>Medium Density Residential</u>	<u>225.85</u>	<u>3.34</u>
<u>High Density Residential</u>	<u>374.82</u>	<u>5.55</u>
<u>Planned Development</u>	<u>184.94</u>	<u>2.74</u>
<u>Commercial</u>	<u>315.11</u>	<u>4.66</u>
<u>General Mixed-Use</u>	<u>62.05</u>	<u>0.91</u>
<u>Central Buena Park Mixed-Use</u>	<u>43.24</u>	<u>0.64</u>
<u>Commercial Office Mixed-Use</u>	<u>108.98</u>	<u>1.61</u>
<u>Entertainment Mixed-Use</u>	<u>95.98</u>	<u>1.42</u>
<u>Tourist Entertainment</u>	<u>301.23</u>	<u>4.46</u>
<u>Office Manufacturing</u>	<u>178.04</u>	<u>2.63</u>
<u>Office Professional</u>	<u>25.88</u>	<u>0.38</u>
<u>Industrial</u>	<u>359.53</u>	<u>5.32</u>
<u>Light Industrial</u>	<u>211.41</u>	<u>3.13</u>
<u>Open Space</u>	<u>456.35</u>	<u>6.75</u>
<u>Beach and Orangethorpe Mixed-Use Specific Plan</u>	<u>12.76</u>	<u>1.90</u>
<u>Miscellaneous Uses ⁽¹⁾</u>	<u>1,431.44</u>	<u>21.20</u>
TOTAL	6,751.90	100.0

Notes:

⁽¹⁾ Miscellaneous land uses include parking areas, roadways/freeways, and railroads within the City of Buena Park.

Source: County of Orange Assessor data dated 10/30/2024 modified and verified by City of Buena Park.

Chapter 2 *Land Use and Community Design Element*

2.3.1 Specific Plans

In general, specific plans are designated to implement General Plan goals and policies by designating land uses, densities, and development and design standards in more specific detail. This is accomplished by designating specific locations and intensities for land uses, and specific development standards and design guidelines. A specific plan is able to address smaller areas that have unique qualities and require focused planning attention. A specific plan may be designed to implement any element of a General Plan.

A specific plan is a comprehensive planning and implementation tool of the General Plan. Currently, there are three adopted specific plans within the City of Buena Park. For each of these designated areas, development and land use are regulated by the respective specific plans.

BEACH BOULEVARD ENTERTAINMENT CORRIDOR SPECIFIC PLAN (ECSP)

The Beach Boulevard Entertainment Corridor Specific Plan encompasses approximately 147 acres located along Beach Boulevard (Highway 39), roughly between Orangethorpe and La Palma Avenues. The Specific Plan was adopted in August 1987, was updated in January 2000, and amended in August 2008. This plan is a comprehensive and cohesive planning guide and implementation tool, providing a strategy for responsible economic growth and a superior physical image for the Beach Boulevard Entertainment Corridor. It was formulated in response to the area's unique conditions and opportunities as a tourist/commercial area. The land use designation in the area is Tourist Entertainment. The current General Plan allows for tourist entertainment uses with a FAR of 2.5. [The ECSP was amended in February 2024 to allow the Mixed-Use Overlay-45. There have been additional amendments to the ECSP since adoption. Refer to the document available on the Planning Division's website.](#)

AUTO CENTER SPECIFIC PLAN (ACSP)

The Auto Center Specific Plan, ~~amended in October 2010~~, encourages a concentration of auto dealers in Buena Park, primarily along the Interstate 5 Freeway (I-5) and Auto Center Drive. The Specific Plan comprises approximately 131 acres including Commercial and Commercial Services land use designations. [The ACSP was amended in February 2024 to allow the Mixed-Use Overlay-60 and Mixed-Use Overlay-45. There have been additional amendments to the ACSP since adoption. Refer to the document available on the Planning Division's website.](#)

BEACH AND ORANGETHORPE MIXED-USE SPECIFIC PLAN (BOMUSP)

The Beach and Orangethorpe Mixed-Use Specific Plan encompasses approximately 12.75 acres, located on the northeast corner of Beach Boulevard and Orangethorpe Avenue. The Specific Plan, adopted in 2008, allows for a mixed-use development with a maximum of 1,000 dwelling units, 355,000 square feet of retail space, 195,000 square feet of office space, a 300-room hotel, and 350,000 square feet of open area amenities.

2.3.2 Redevelopment Areas

Adoption of redevelopment plans by cities is allowed by the State Legislature under the Community Redevelopment Law of the State of California. Redevelopment plans are intended to revitalize and rehabilitate blighted areas. Government assistance is provided initially with the intent to encourage private investment. Because redevelopment projects must be in conformance with the General Plan, these plans are one of the more powerful means cities have to implement the goals and policies set forth in their General Plan.

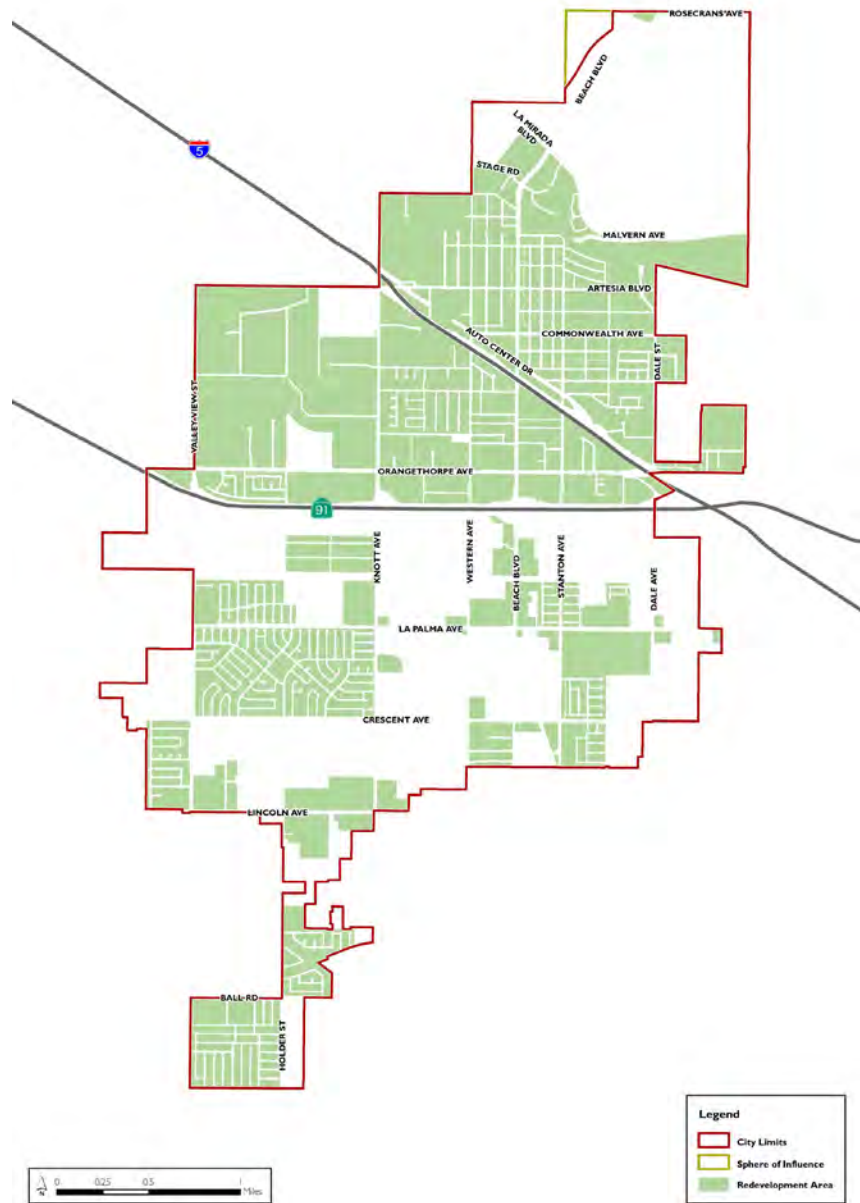
The City of Buena Park Community Redevelopment Agency was formed in 1972 to rehabilitate and revitalize blighted and deteriorated areas in the Consolidated Redevelopment Project Area.

The Project Area is 3,940 acres in size and is comprised of four project areas that were merged in May 2002 by adoption of Ordinance No. 1422.

Amendment 2007 created the Merged, Amended, and Restated Redevelopment Plan (Amended Plan), which incorporates the provisions of the redevelopment plans previously adopted for the Consolidated Project Area.

The Amended Plan establishes a process and framework for implementation. The Amended Plan also establishes several goals for redevelopment activities within the Consolidated Project Area.

Effective February 1, 2012, the Redevelopment Agency (RDA) of the City of Buena Park was dissolved by Governor Jerry Brown and State Legislatures pursuant to Assembly Bill X1 26 (AB X1 26).



Buena Park Redevelopment Areas

The City of Buena Park has elected to become the Successor Agency to carry-out the existing obligations of the former Redevelopment Agency. The City of Buena Park has also elected to retain the former Redevelopment Agency's housing functions, including retaining all of the housing assets, rights, powers, duties, obligations and functions previously performed by the former Redevelopment Agency in administering its Low and Moderate Income Housing Fund.

2.4 LAND USE PLAN

2.4.1 Overview of Land Use Plan

The graphic description of the City of Buena Park's official policy relative to land use is presented on Exhibit LU-1, General Plan Land Use Map. This diagram illustrates the general location and distribution of various land uses in Buena Park. The majority of change and growth associated with the General Plan is anticipated to occur over an assumed 25-year period primarily within the identified Focus Areas; refer to Exhibit LU-2, Focus Areas.

2.4.2 Focus Areas

The City has identified key areas for policy focus. These are areas that the City anticipates will have the highest likelihood of change through redevelopment and new development over the life of the General Plan. These Focus Areas have unique characteristics or opportunities that are addressed in the General Plan's policies. New and revised Land Use Designations included in this General Plan occur only within ten Focus Areas identified in this General Plan.

- Central Buena Park
- Orangethorpe Corridor East
- Orangethorpe Corridor West
- Entertainment Corridor
- Entertainment Corridor North
- Northwest
- Civic Center
- Commonwealth Corridor
- North Beach Commercial
- Fillmore/Jackson

Table LU-2, Focus Area ~~Projected Existing~~ Land Use ~~Change~~, identifies the ~~assumed change over~~ existing ~~conditions land uses that would occur~~ within each Focus Area of the General Plan.

Table LU-2
Focus Area Existing Land Use

Focus Area	Total Acres	Residential Acres	Commercial Acres	Mixed-Use Acres	Entertainment Acres	Industrial/ Office/ Manufacturing Acres	Other ⁽¹⁾
Central Buena Park	100.26	<u>62.74</u>	-	<u>36.20</u>	-	-	<u>1.32</u>
Orangethorpe Corridor East	81.68	<u>18.4</u>	-	<u>31.8</u>	-	<u>30.6</u>	<u>0.80</u>
Orangethorpe Corridor West	140.98	<u>13.91</u>	<u>59.45</u>	-	-	<u>67.23</u>	-
Entertainment Corridor	380.43	<u>3.70</u>	<u>21.81</u>	<u>95.97</u>	<u>258.62</u>	-	-
Entertainment Corridor North	67.95	-	-	<u>11.75</u>	<u>42.55</u>	-	<u>12.76</u>
Northwest	144.63	-	-	-	-	<u>144.63</u>	-
Civic Center	58.22	<u>23.66</u>	<u>19.92</u>	<u>12.74</u>	-	-	<u>1.82</u>
Commonwealth Corridor	48.92	<u>7.59</u>	<u>4.10</u>	-	-	<u>33.57</u>	<u>2.96</u>
North Beach Commercial	50.78	<u>5.86</u>	-	-	-	<u>36.60</u>	<u>8.22</u>
Fillmore/Jackson	13.81	<u>13.81</u>	-	-	-	-	-
TOTAL	1,087.66	<u>149.67</u>	<u>105.28</u>	<u>188.46</u>	<u>301.17</u>	<u>312.63</u>	<u>27.88</u>

⁽¹⁾ Other land uses refer to the Planned Development, Specific Plan, and Open Space land use designations.

Source: County of Orange Assessor data dated 10/30/2024 modified and verified by City of Buena Park.

Chapter 2 *Land Use and Community Design Element*

Table LU-3, General Plan Land Use Projections 2035, provides a summary of the projected total land use in 2035 based upon an assumed buildout of the land use policies in this General Plan.

Table LU-3
General Plan Land Use Buildout Projections 2035

Focus Area	Acres	Residential (DU)	Commercial (SF)	Industrial/Office/ Manufacturing (SF)	Public Use (SF)
Central Buena Park	100.26	608	384,080	161,231	27,641
Orangethorpe Corridor East	81.68	411	227,937	1,042,412	61,943
Orangethorpe Corridor West	140.98	242	1,009,959	991,723	16,363
Entertainment Corridor	380.43	831	4,971,773	261,481	20,338
Entertainment Corridor North	67.95	937	1,688,543	259,550	0
Northwest Area	144.63	0	50,006	4,223,357	0
Civic Center	58.22	411	119,731	49,328	139,239
Commonwealth Corridor	48.92	250	80,987	276,690	2,604
North Beach Commercial	50.78	122	357,148	222,320	0
Fillmore/Jackson	13.81	296	0	0	0
Outside Focus Area	4,226.79	22,113	1,188,635	8,241,687	177,384
Total	5,314.45	26,222	10,113,364	15,729,779	445,512

Note 1: The 2035 buildout projections assume full utilization of land to the maximum potential allowed by the General Plan policy. It is understood that the assumed buildout projections may not be fully realized during the life of the General Plan. The total acreage does not include the acreage associated with roadways/freeways.

Note 2: The General Plan Land Use Projections for the Focus Areas do not account for the build-out of the Housing Incentive Overlays. The Housing Incentive Overlays have a maximum build-out potential of 9,436 dwelling units and 438,333 square feet of non-residential space. Within the Focus Areas, the Housing Incentive Overlays have a maximum build-out potential of approximately 6,346 dwelling units.

Based upon the buildout projections identified for the General Plan, Table LU-4, General Plan Update Growth Assumptions, identifies the growth associated with the General Plan Update.

Table LU-4
General Plan Update Growth Assumptions

Description	2008/2009 ⁽¹⁾	2035 ⁽¹⁾	Change
Population	83,385 ⁽²⁾	88,616	+5,231 ⁽³⁾
Dwelling Units	24,705	26,222	+1,517
Household Size (persons/household)	3.448 ⁽²⁾	N/A	N/A
Non-Residential Development (square feet)	18,014,425	26,338,649	+8,324,224
Vacant Acreage	118	N/A	N/A

Notes:

⁽¹⁾ The planning horizon for the proposed General Plan Update extends from 2008/2009 to 2035.

⁽²⁾ State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2009, with 2000 Benchmark*, Sacramento, California, May 2009.

⁽³⁾ Based upon the addition of 1,517 dwelling units over existing conditions (2008/2009) and 3.448 persons per household.

⁽⁴⁾ The population, dwelling units, and non-residential square footage estimates do not account for the Housing Incentive Overlays. The Housing Incentive Overlays have a maximum build-out potential of 9,436 dwelling units and 438,333 square feet of non-residential space. The Housing Incentive Overlays will remain in effect until buildout and may extend past the 2035 General Plan. Once build-out of the Housing Incentive Overlays has been achieved, it will increase the City's population by approximately 32,535 based on 3.448 persons per household.

Chapter 2 *Land Use and Community Design Element*

Insert Exhibit LU-1
General Plan Land Use Map
11x17 color

Chapter 2 *Land Use and Community Design Element*

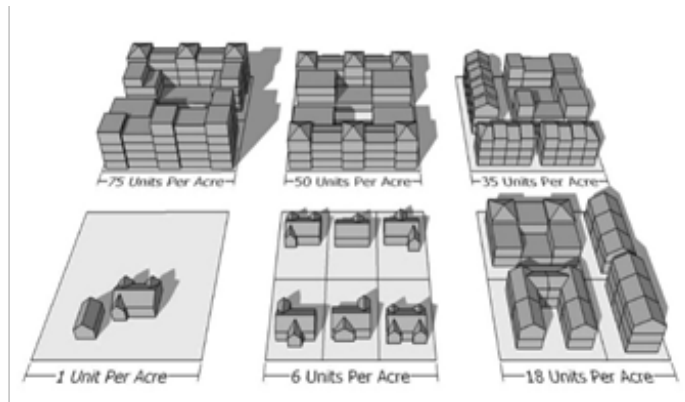
Insert Exhibit LU-2
Focus Area Map
11x17 color

2.5 GENERAL PLAN LAND USE DESIGNATIONS

State law requires the Land Use Element to identify a quantifiable measure of residential densities and non-residential building intensities allowed in the City. General Plan Land Use Designations descriptions are supplemented by a quantification of the type and intensity of development allowed in each Land Use Designation. While terms like “residential,” “commercial” and “industrial” are generally understood, State law requires a clear and concise description of each land use depicted on the General Plan Land Use Map (Exhibit LU-1) found in this Element.

2.5.1 Residential Density

The term “density” in a land use context is a measure of the desired population or residential development capacity of the land. Residential density is described in terms of dwelling units per gross acre (du/ac). Gross acreage, in terms of residential density, refers to the total land area of a parcel and provides the basis for calculating dwelling units per gross acre (du/ac). Thus, the density of a residential development of 2.0 dwelling units occupying 1.0 gross acre of land is 2.0 dwelling units per acre (du/ac). A dwelling unit is a building, or a portion of a building used for human habitation and may vary considerably in size, from small apartments to large single-family homes. Residential acreage is defined as the area developed for residential use, exclusive of local serving streets, alleys, or arterials.



Visualizing Residential Density

BASE LAND USE DENSITY

The base land use density refers to the maximum number of units per acre permitted under the corresponding zoning district. The base densities for the Low Density Residential category is a maximum of 7.2 units per acre. The base densities for the Medium Density Residential categories are a maximum of 10 units per acre for multi-family uses and a maximum of 12 units per acre for mobile home parks. and The base densities for the High-Density Residential category ies are is 10 units per acre and 20 units per acre, respectively.

LOT CONSOLIDATION SITE AREA BONUS

The City promotes the assembly of parcels to encourage larger multiple-family developments. In areas designated Medium Density Residential, up to six additional units per acre (over the number permitted by the base land use density) may be granted as a site assembly bonus. The site area bonus for the High Density Residential category is four additional units per acre.

HOUSING AFFORDABILITY BONUS

State Density Bonus Law (Government Code Section 65915), provides that local governments shall grant density bonus and regulatory concessions and incentives to developers of housing, child care facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower income households, very low income households, moderate income households or qualifying residents. Density bonuses apply to any housing development that is entitled to receive a density bonus

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~~pursuant to the State Density Bonus Law. The State Density Bonus Law is adopted by reference in the City of Buena Park's Zoning Ordinance. The City provides for the development of affordable housing for lower-income households through its affordable housing density bonus program in accordance with State law. The specific provisions of the affordable housing density bonus program are outlined in the City's Municipal Code. When utilizing the affordable housing density bonus program, the allowable density is increased by up to 100 percent for senior housing and 35 percent for non-senior housing, consistent with State density bonus law, as amended.~~

HOUSING OPPORTUNITIES INCENTIVE OVERLAYS

~~To provide for affordable housing opportunities consistent with the City's identified remaining housing growth need in the Housing Element and AB 2348, the 2035 General Plan includes a six Housing Opportunities Incentive Overlay designations. Target sites to increase affordable housing opportunities are included in these Oerlays. The base density for these Oerlay designations is 30 du/ae range from 40 du/ac up to 100 du/ac. The Housing Incentive Overlays include the Mixed-Use Overlay-45 (up to 45 du/ac), Mixed-Use Overlay-60 (up to 60 du/ac), Mixed-Use Overlay-100 (up to 100 du/ac), Housing Opportunities Overlay (up to 50 du/ac), Religious Congregational and Fraternal Overlay (up to 40 du/ac), and Hotel/Motel Conversion Overlay (density varies). Refer to the Housing Incentive Overlays Objective Design and Development Standards.~~

CLUSTER BONUS

~~For single-family residential developments that apply cluster development designs, a cluster bonus of 20 percent may be granted, reducing the average lot size and increasing the density permitted. Densities up to 8.7 du/ac are allowed with a Cluster Bonus for Low Density Residential development.~~

SB-9 DUPLEXES AND LOT SPLITS

~~Senate Bill (SB) 9 (Government Code Section 65852.21 and Government Code Section 66411.7) requires ministerial approval of a housing development with no more than 2 primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to 4 housing units in the lot area typically used for one single-family home.~~

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

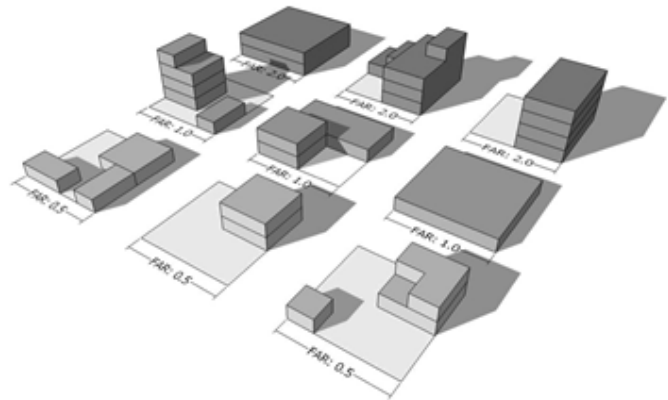
~~Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are located on the same lot either attached or detached to the primary unit and provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. ADUs are allowed in all residential and mixed-use zones on parcels that contain an existing or new single- or multi-family dwelling. To address the State-wide housing crisis, rising housing costs, and shortage of affordable housing options, State legislature has passed a series of bills aimed at facilitating local approval processes for ADUs and lifting regulations that may otherwise limit ADU size, location, zone or other development capacities related to ADUs.~~

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2.5.2 Non-Residential “Intensity”

The term “intensity” refers to the degree of non-residential development based on building characteristics such as height, bulk, floor area ratio, and percentage of lot coverage. Floor Area Ratio (FAR) is a common expression of non-residential land use intensity. The FAR is calculated by dividing the total gross floor area of all buildings on a lot or parcel by the total area of that lot/parcel. For example, a building with a gross floor area of 5,000 square feet on a 10,000 square foot lot would have an FAR of 0.5 while a building with 20,000 square feet of floor area on the same lot would yield an FAR of 2.0.

For mixed-use developments, parking structures are not included in the FAR calculation. Higher FARs generally indicate larger amounts of building square footage and/or increased building heights.



Visualizing Non-Residential Intensity

Allowing all parcels to be developed to the maximum FAR or density allowed is not the intention of this General Plan. The intention is to reflect a maximum development envelope or density range under appropriate conditions, and in accordance with applicable detailed zoning regulations found within the City’s Municipal Code and other applicable regulatory documents. There are many factors that may limit, or affect a development’s ability to achieve the maximum density or FAR on a specific parcel, resulting from the parcel’s physical limitations, the City’s zoning standards, and how a owner/developer chooses to address the function and design of the development. These factors may include, but are not limited to, the following:

- Parcel size and configuration;
- Height limits;
- Lot coverage allowed;
- Requirements for setbacks, landscaping amenities, and open space;
- Development standards and design guidelines;
- Type of parking provided (surface, below-grade, or structured);
- Adjacency to sensitive land uses, such as single-family neighborhoods; and/or
- Location in regards to proximity to airport and flight patterns.

2.5.3 Residential Land Use Designations

Residential land use is classified into three categories, which begin with low density, single-family residential and then continue through residential areas of increasing density. Residential land use density is calculated on the basis of net acres (i.e., only land occupied for dwelling purposes is measured; streets and other public facilities are not included).

LOW DENSITY RESIDENTIAL

The Low Density Residential designation provides for single-family detached homes on individual lots. The typical lot size for



Low Density Residential

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this category is 6,000 square feet, though larger lot and estate development is also included in this residential category. Future development within the Low Density Residential designation should maintain and enhance the existing neighborhood character and be configured as a single unit on a parcel. The designation also allows for compatible uses such as neighborhood parks, schools, and other small-scale civic or institutional uses. The base development density standard is up to 7.2 du/ac. ~~Densities up to 14.4 du/ac are allowed with an Affordable Senior Housing Bonus and densities up to 9.0 du/ac are allowed with an Affordable Housing Bonus. Additional density bonuses are permitted pursuant to State Density Bonus Law.~~

MEDIUM DENSITY RESIDENTIAL

The Medium Density Residential designation provides for single-family attached housing and smaller scale multi-family housing. The designation is a transition between detached single-family areas and higher-density multiple family areas and includes duplexes, triplexes, condominiums, and apartments.

The base development density standard is a maximum of 10 du/ac. Densities up to 16 du/ac are allowed with the Site Area Bonus. ~~The development intensity may be increased from 20 to 30 du/ac with the application of the Affordable Senior Housing Bonus and 12.5 to 20 du/ac with the application of the Affordable Housing Bonus. Additional density bonuses are permitted pursuant to State Density Bonus Law.~~



Medium Density Residential

HIGH DENSITY RESIDENTIAL

Development in the High-Density Residential designation is characterized by condominium and apartment development. Development at this density requires consideration of internal and external circulation, the relationship of buildings and units to each other, and the provision of common open space and private outdoor living areas.

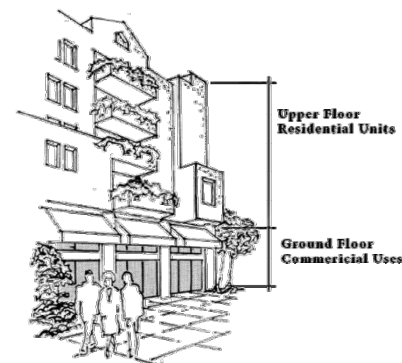
The base density standard for the High-Density Residential designation is 20 du/ac. The density standard may increase to 24 du/ac with the application of the Site Area Bonus. ~~The Affordable Housing Area Bonus may further increase the density to 30 du/ac and the Affordable Senior Housing Area Bonus may increase the density to 48 du/ac. Additional density bonuses are permitted pursuant to State Density Bonus Law.~~



Medium Density Residential

2.5.4 Mixed-Use Land Use Designations

There are five mixed-use land use designations included in the Land Use and Community Design Element. These designations provide for a horizontal or vertical mix of uses. Three of the designations provide for a mix of residential and non-residential uses and utilize both residential density and non-residential intensity standards. These standards are intended to be applied separately from one another. In other words, a mixed-use



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designation that allows a base density of 30 du/ac and an intensity of 1.0 FAR allows for development of residential units at 30 du/ac on the same site with 1.0 FAR non-residential development. There is no equivalency calculation required.

GENERAL MIXED-USE

This designation provides for a horizontal or vertical mix of high-density residential and neighborhood commercial uses along major arterials. Floor area ratios up to 1.0 are permitted and the base density is 32 units per acre.

CENTRAL BUENA PARK MIXED-USE

The Central Buena Park Mixed-Use Designation encourages the addition of higher-density residential and/or office uses above existing commercial and office uses in a pedestrian-friendly setting that respects the adjacent residential uses. Floor area ratios up to 1.0 are permitted and the base density is 45 du/ac.

ENTERTAINMENT MIXED-USE

The Entertainment Mixed-Use Designation provides for a mix of higher-density residential, entertainment and commercial uses that support entertainment and tourism uses within the City. Floor area ratios up to 3.0 are permitted and the base density is 80 du/ac.

COMMERCIAL OFFICE MIXED-USE

The Commercial Office Mixed-Use Designation encourages the addition of higher-intensity commercial and office uses within existing commercial and industrial areas. Floor area ratios up to 0.5 are permitted.



Left to Right:
Central Buena Park Mixed-Use, Entertainment Mixed-Use, and Commercial Office Mixed-Use

BEACH AND ORANGETHORPE MIXED-USE SPECIFIC PLAN

The Beach and Orangethorpe Specific Plan supports a world class mixed-use development comprised of commercial retail, full service hotel, office, and multiple- family units in high-rise buildings with multi-level parking that is unique and distinctive from conventional land use patterns of independent and unrelated activities. The amount of potential development in this area is defined in the Specific Plan.



Beach and Orangethorpe Mixed-Use

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2.5.5 Commercial Land Use Designations

Land use designations in this category apply to most of the established commercial districts in the City. The types of development included in the commercial land use designations consist of freestanding commercial development and smaller neighborhood or community retail centers located along major roadways, with the exception of strip commercial development. There are three commercial land use designations provided in the Land Use and Community Design Element. The development intensity standards for the commercial land use designations are defined using a floor area ratio (FAR) standard discussed previously.

COMMERCIAL

This land use category includes a wide range of general commercial land uses characterized by convenience, neighborhood, and community shopping centers, as well as freestanding and highway commercial uses, which may include grocery stores, drug stores, convenience stores, a wide variety of retail stores and services, restaurants and specialized food stores, gas stations, and offices. Floor area ratios of up to 0.3 are permitted.



Commercial

OFFICE PROFESSIONAL

This land use designation provides for offices for professional, medical, and business purposes and limited retail sales and services that serve those businesses. The Office Professional designation is used to specify particular locations within the City where office uses are more desirable compared to other types of general commercial development. This designation does not preclude the placement of office uses in other areas where they are permitted under the General Plan, Specific Plans and Zoning. Floor area ratios of up to 1.0 are permitted.



Office Professional

TOURIST ENTERTAINMENT

The General Plan provides for a land use category that focuses on the entertainment and tourist-related land uses that are unique to Buena Park. This land use designation includes areas of the City which provide tourist and entertainment-related services and supporting retail and service uses. Floor area ratios of up to 2.5 are permitted.



Tourist Entertainment

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2.5.6 Industrial Land Use Designations

The Land Use Plan provides for continuation of industrial land uses and development in the City which range from small light industrial uses to large scale, heavy industrial operations. Three designations occur in this land use category.

OFFICE MANUFACTURING

This designation provides for seamless integration of office and manufacturing uses with supportive single-purpose retail uses. Development may occur in the form of business parks with campus-style layouts or single tenant, stand-alone layouts with individual tenants. Manufacturing uses are intended to be low impact and compatible with office uses. Floor area ratios up to 1.5 are allowed.



Office Manufacturing

LIGHT INDUSTRIAL

Industrial and manufacturing activities included in the Light Industrial designation may range from business parks to smaller multi-tenant developments. Other light industrial activities may include contractor's yards, research and development, limited light manufacturing, warehousing, distribution, assembly, and laboratories. Limited retail and offices affiliated with the primary industrial and manufacturing activities are allowed. Floor area ratios up to 0.6 are allowed.



Light Industrial

INDUSTRIAL

This land use designation is reserved for larger, more intensive activities involving manufacturing, warehousing, and/or distribution. Land designated as industrial is mostly confined to an area west of Knott Avenue and north of Orangethorpe Avenue. The applicable floor area ratio for the Industrial designation is 1.0.



Industrial

2.5.7 Open Space Land Use Designation

The Open Space designation assumes that land so designated will remain as open space for recreational uses or for purposes of conservation and/or safety. The area of Buena Park designated as Open Space include the City's parks, the Ralph B. Clark Regional Park, open space land dedicated as part of development agreements, open space land included within the Los Coyotes Country Club, a number of utility easements, storm drain channels, and freeway rights-of-way.



Open Space

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2.5.8 Planned Development Land Use Designation

The Planned Development designation provides for land uses and development standards to be tailored to individual sites. This land use designation assumes that a master plan will be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is going to conform with the principles and policies included in the General Plan. It is intended to preclude incremental development which may be detrimental to the whole.

2.5.9 Housing Incentive Overlay Land Use Designation

The Housing Incentive Overlays (HIO) are overlays created to encourage production of housing within the City for a range of affordable housing opportunities consistent with the City's adopted Housing Element and Government Code Section 65580. The overlays do not change, override, or make non-conforming, the underlying land use designation of any property.

To comply with State legislation, the City developed Objective Design and Development Standards (ODDS) to support and streamline the development of affordable housing within the City's six (6) HIO's, pursuant to Government Code Section 65913.4. The HIO's shall have a minimum site area of 0.5 acres and accommodate at least sixteen (16) units on the site. Required affordability percentages vary per income level. The HIO can be relied upon without changing the underlying land use designation if the development meets the criteria set forth in the ODDS.

MIXED-USE OVERLAY - 45

This Overlay is applied to target sites within the City and provides for a horizontal or vertical mix of housing choices with limited or no commercial services. Affordable units are required at a sliding scale of affordability. A neighborhood serving commercial component is required along at least 50 percent of the building frontage of proposed development that has a frontage on a Major and Primary highway (See Mobility Element for definitions). Allows floor area ratios up to 1.5 and base density of a minimum of 16 du/ac up to 45 du/ac. Additional density bonuses are permitted in excess of 20% Low-Income Units pursuant to State Density Bonus Law.



Mixed-Use Overlay-45

MIXED-USE OVERLAY-60

This Overlay is applied to target sites within the City and provides for a horizontal or vertical mix of housing choices with limited or no commercial services. Affordable units are required at a sliding scale of affordability. A commercial component is required along at least 50 percent of the building frontage of proposed development that has a frontage on a Major and Primary highway (See Mobility Element for definitions). Allows floor area ratios up to 1.0 base density of a minimum of 16 du/ac up to 60 du/ac. Additional density bonuses are permitted in excess of 20% Low-Income Units pursuant to State Density Bonus Law.



Mixed-Use Overlay-60

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MIXED-USE OVERLAY-100

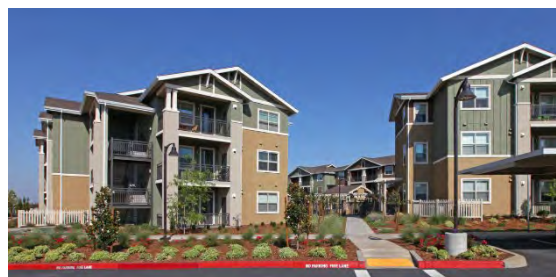
This Overlay is applied to target sites within the City and provides for a horizontal or vertical mix of housing choices with limited or no commercial services. Affordable units are required at a sliding scale of affordability. A commercial component is required along at least 50 percent of the building frontage of proposed development that has a frontage on a Major and Primary highway. Allows floor area ratios up to 1.75 and base density of a minimum of 16 du/ac up to 100 du/ac. Additional density bonuses are permitted in excess of 20% Low-Income Units pursuant to State Density Bonus Law.



Mixed-Use Overlay-100

HOUSING OPPORTUNITIES OVERLAY

This Overlay is applied to target sites within the City that already allows for multi-family uses and provides for higher-density affordable housing opportunities. Allows residential density of up to 50 du/ac. Additional density bonuses are permitted in excess of 20% Low-Income Units pursuant to State Density Bonus Law.



Housing Opportunities Overlay

RELIGIOUS CONGREGATIONAL AND FRATERNAL SITES OVERLAY

This Overlay is applied to target sites within the properties owned by faith-based institutions and provides for higher-density affordable housing opportunities. Allows residential density up to 40 du/ac. Additional density bonuses are permitted in excess of 20% Low-Income Units pursuant to State Density Bonus Law.



Religious Congregational and Fraternal Sites Overlay

HOTEL/MOTEL CONVERSION OVERLAY

This Overlay is applied to target sites within the City to allow for the conversion existing transient residential structures, such as hotels and motels, into permanent multi-family housing for lower-income households.



Hotel/Motel Conversion Overlay

Chapter 2 *Land Use and Community Design Element*

2.5.10 General Plan Land Use Summary

Table LU-5, General Plan Land Use Summary, summarizes the allowable density/intensity by land use designation.

Table LU-5
General Plan Land Use Summary

Land Use Designation	Acres	Base Density	Intensity	Allows for Mix of Uses
Low Density Residential	<u>2,232.322,364.29</u>	7.2 du/ac	-	<u>No</u>
Medium Density Residential	<u>227.41225.85</u>	10 du/ac	-	<u>No</u>
High Density Residential	<u>363.81374.82</u>	20 du/ac	-	<u>No</u>
Planned Development	<u>488.54184.94</u>	Varies	-	<u>Varies</u>
General Mixed-Use	<u>60.6062.05</u>	32.0 du/ac	1.0 FAR	<u>Yes</u>
Central Buena Park Mixed-Use	<u>43.7243.24</u>	45.0 du/ac	1.0 FAR	<u>Yes</u>
Entertainment Mixed-Use	<u>95.9395.98</u>	80 du/ac	3.0 FAR	<u>Yes</u>
Commercial Office Mixed-Use	<u>409.20108.98</u>	-	0.5 FAR	<u>Yes</u>
Beach and Orangethorpe Mixed-Use Specific Plan	<u>42.7712.76</u>	Based on Specific Plan development limitations	Based on Specific Plan development limitations	Yes
Commercial	<u>328.31315.11</u>	-	0.3 FAR	<u>No</u>
Office Professional	<u>26.9525.88</u>	-	1.0 FAR	<u>No</u>
Tourist Entertainment	<u>302.15301.23</u>	-	2.5 FAR	<u>No</u>
Light Industrial	<u>227.17211.41</u>	-	0.6 FAR	<u>No</u>
Industrial	<u>358.21359.53</u>	-	1.0 FAR	<u>No</u>
Office Manufacturing	<u>483.24178.04</u>	-	1.5 FAR	<u>No</u>
Open Space	<u>449.23456.35</u>	-	-	<u>No</u>
Mixed-Use Overlay-45	-	<u>45 du/ac</u>	<u>1.5 FAR</u>	<u>Yes</u>
Mixed-Use Overlay-60	-	<u>60 du/ac</u>	<u>1.0 FAR</u>	<u>Yes</u>
Mixed-Use Overlay-100	-	<u>100 du/ac</u>	<u>1.75 FAR</u>	<u>Yes</u>
Housing Opportunities Overlay	-	<u>50 du/ac</u>	-	<u>No</u>
Religious Congregational and Fraternal Sites Overlay	-	<u>40 du/ac</u>	-	<u>Varies</u>
Hotel/Motel Conversion Overlay	-	<u>Varies</u>	<u>Varies</u>	<u>Varies</u>
TOTAL	<u>5,320.46</u>	-	-	-

Notes:

1. Total acreage excludes unparcelized rights-of-way, including roadways and freeways, and parcels without land use designations.
2. Areas designated Medium Density Residential and High Density Residential may be granted up to six additional units per acre and four additional units per acre, respectively, over the number permitted by the base land use density.

2.6 GENERAL PLAN AND ZONING RELATIONSHIP

Table LU-6, Relationship of Zoning Districts to General Plan Land Use Designations, shows the relationship between the General Plan land use designations and the intended implementation of zoning districts. This table indicates how properties should be zoned to be consistent with the General Plan Land Use Map.

Chapter 2 *Land Use and Community Design Element*

Table LU-6
Relationship of Zoning Districts to General Plan Land Use Designations

Zoning District	Land Use Designations															
	Low Density Residential	Medium Density Residential	High Density Residential	Planned Development	General Mixed Use	Central Buena Park Mixed-Use	Entertainment Mixed-Use	Commercial Office Mixed-Use	Beach and Orangethorpe Mixed-Use Specific Plan	Commercial	Office Professional	Tourist Entertainment	Light Industrial	Industrial	Office Manufacturing	Open Space
RS-16	X															
RS-10	X															
RS-8	X															
RS-6	X															
RMH		X														
RM-10		X														
RM-20			X													
CO											X					
CS										X						
CG										X						
CM																
MR													X			
ML													X			
MH														X		
OS																X
OR																X
AR												X				
ECSP												X				
ACSP						X										
BOMUSP									X							
Planned Development				X												
GMU					X											
EMU							X									
CBPMU						X										
COMU								X								

2.7 FOCUS AREA VISION AND URBAN FORM

Districts are areas of the City that have a certain identifiable character due to land use, neighborhood design, architecture, streetscape, etc. A district has common characteristics that make it unique from the larger urban area. The principal districts in Buena Park are the Focus Areas, previously identified. Refer to Exhibit LU-2 for the location of the Focus Areas. For each Focus Area, the distinct vision and desired urban form for each of the 10 districts or focus areas is described in this section. Architectural design guidance for each focus area can be found in Section 2.8, Building Typologies, while streetscape design guidance for major streets in the focus areas can be found in Section 2.9, Public Realm Design. Combined, Sections 2.4, 2.5, 2.7, 2.8, and 2.9 of the General Plan are intended to serve as building blocks for the development of a form-based code.

What is a Form-Based Code?

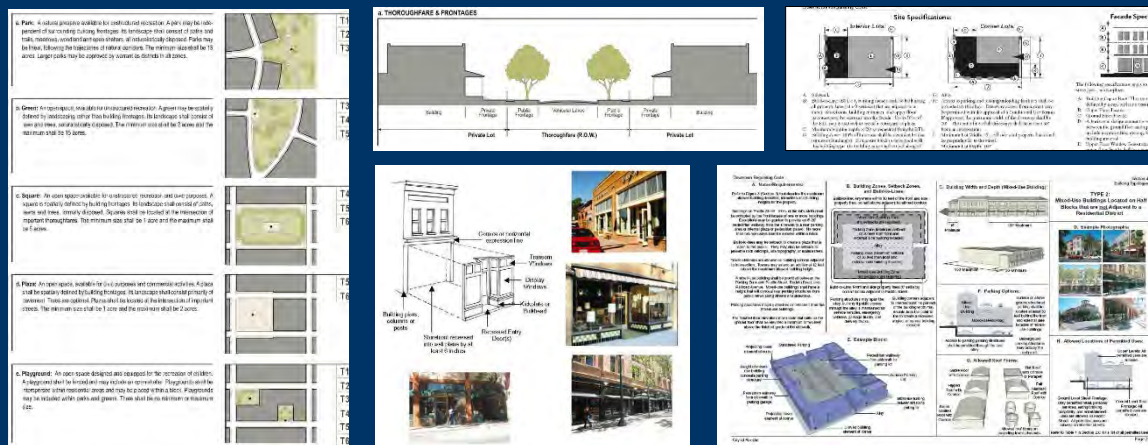
Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city law as regulations, not mere guidelines. Form-based codes are an alternative to conventional zoning. Form-based codes commonly include the following elements:

- **Regulating Plan.** A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being code.
- **Public Space Standards.** Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- **Building Form Standards.** Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- **Administration.** A clearly defined application and project review process.
- **Definitions.** A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- Architectural Standards
- Landscaping Standards
- Signage Standards
- Environmental Resource Standards

Source: www.formbasedcodes.org

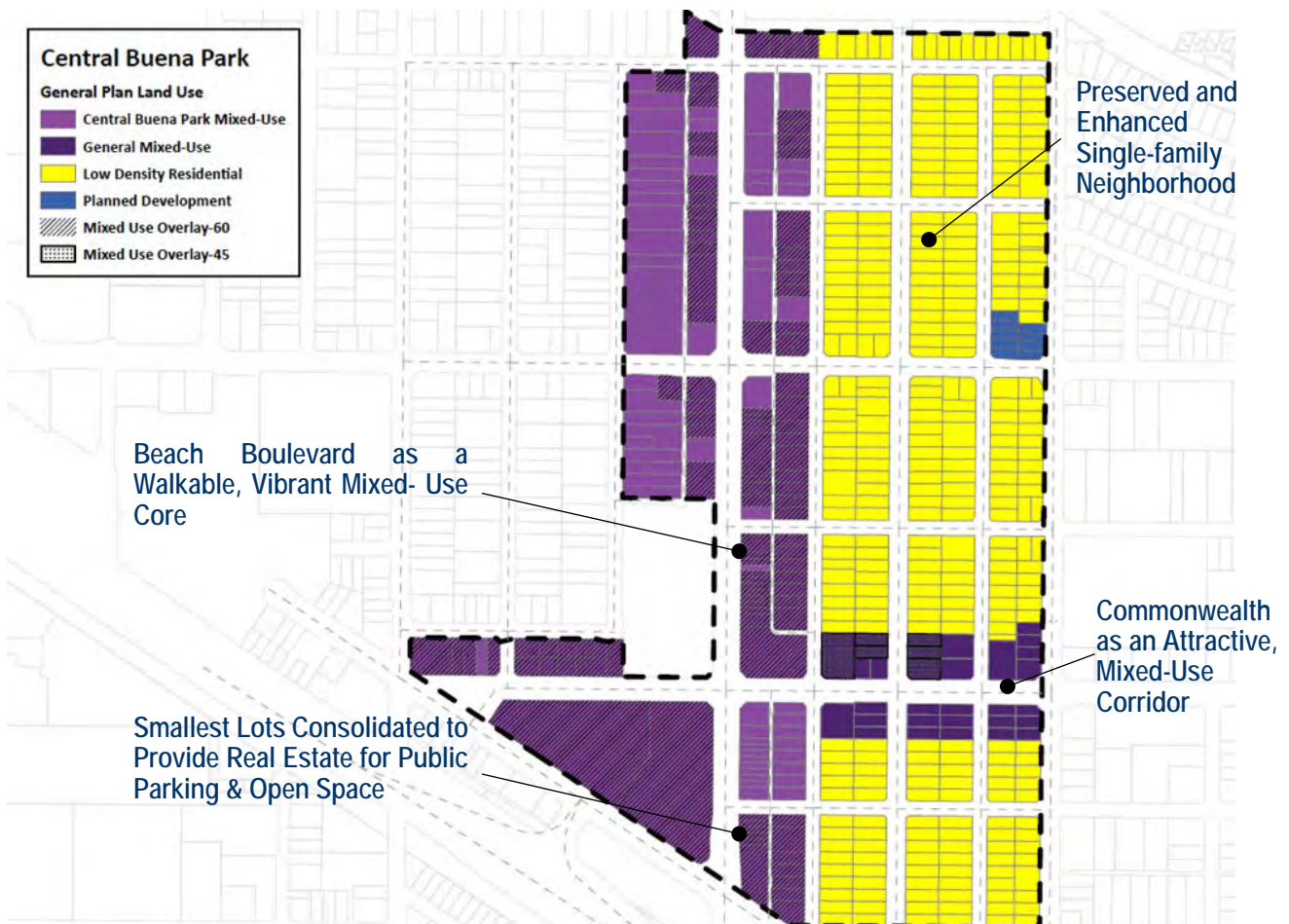


2.7.1 Central Buena Park Focus Area

The Central Buena Park Focus Area historically represents the commercial heart of the City and is located along Beach Boulevard, a major arterial. Existing uses in the area include smaller-scale commercial and office uses along Beach Boulevard and low-density residential uses to the east and west of Beach Boulevard. There are a number of non-conforming uses in the area. The development pattern includes small parcels and alleys that are unique to Central Buena Park. Central Buena Park has a number of opportunities to integrate housing with retail and other job-creating uses.

The Central Buena Park Focus Area is envisioned as a complementary mix of retail, high-density residential, and office providing local residents the opportunity to shop, work, and live in the historical heart of Buena Park. Central Buena Park shall provide an enhanced pedestrian-friendly environment, with a variety of amenities such as wide sidewalks, outdoor dining, public plazas, and other features to establish a vitalized environment during daytime and evening hours. Specific design characteristics include:

- Ground Floor Retail and Dining with Residential Units Above
- Consolidated Public Parking
- Street-oriented Buildings
- Pedestrian Paseos
- Public Gathering Spaces
- Compatibility with Surrounding Neighborhoods
- Moderate-to-High Intensity Affordable Mixed-Use Housing with Shared Community Spaces



Chapter 2 *Land Use and Community Design Element*

Desired Character of Central Buena Park



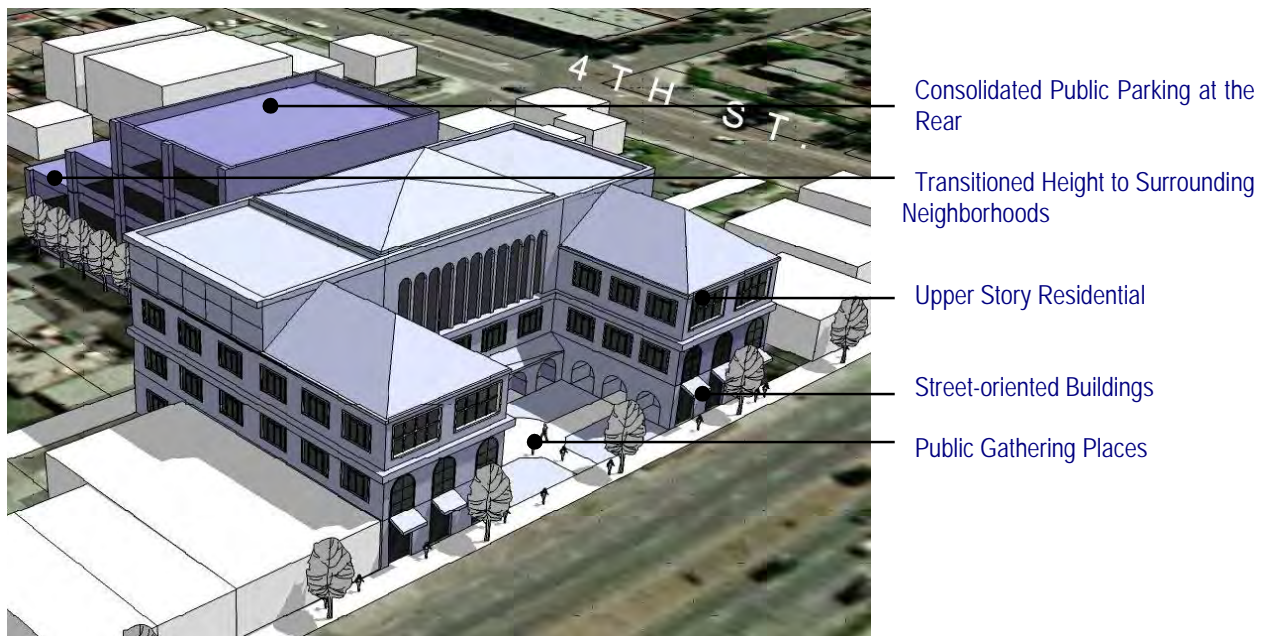
Chapter 2 *Land Use and Community Design Element*

Desired Character of Central Buena Park



Cities are for people. A city is where people come to work and raise their families and to spend their money and to walk in the evening. It is not a traffic corridor.

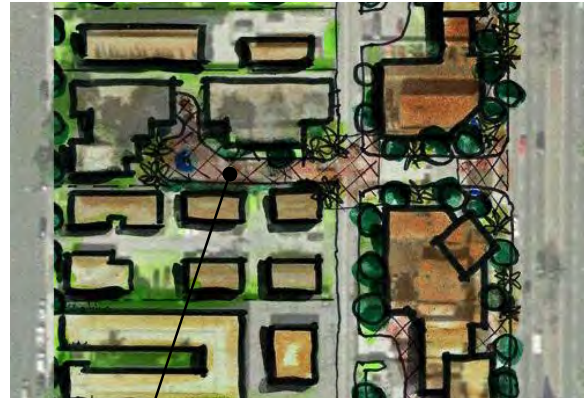
- John Norquist



Chapter 2 *Land Use and Community Design Element*



Enhanced Corner Treatments



Pedestrian Paseos

Birch Street Lofts

Location: Brea

Project Site: .3 acres

Residential Development: 24 units

Commercial Development: 12,300 square feet



CASE STUDY

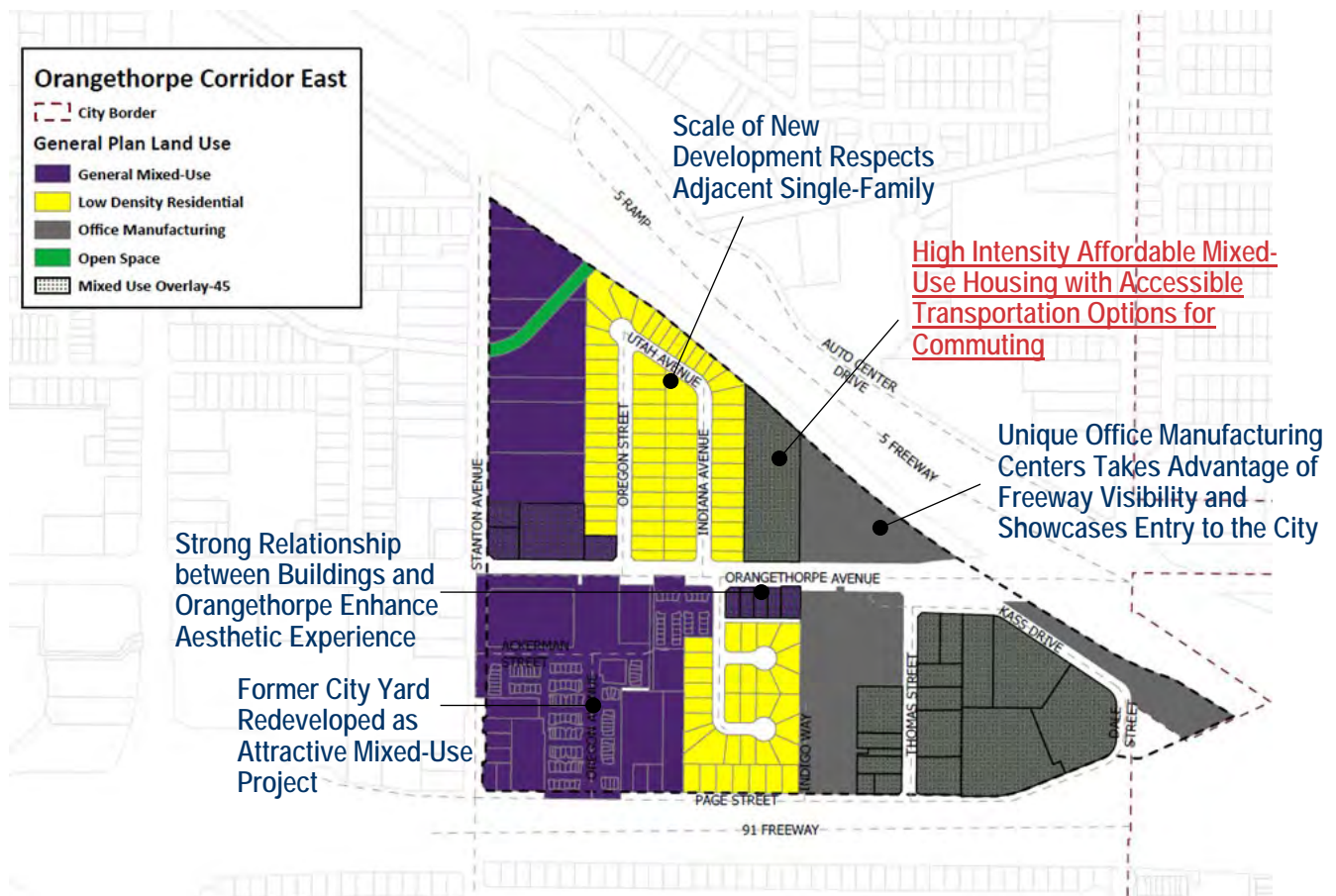
Chapter 2 *Land Use and Community Design Element*

2.7.2 Orangethorpe Corridor East Focus Area

The Orangethorpe Corridor East Focus Area is a key entry area to the City. The Focus Area is centered on Orangethorpe Boulevard at the intersection of the I-5 and SR-91 freeways. Its proximity to the freeways provides high visibility from regional circulation routes. The Focus Area is generally characterized by underutilized industrial buildings. Included in the Focus Area is the former City Yard. There are a number of opportunities for streetscape and design enhancements.

The Orangethorpe Corridor East Focus Area is envisioned as the eastern gateway into the City. The focus area shall establish a thriving manufacturing and office center with a regional draw. A unified streetscape invites the pedestrian from the City entry into the Entertainment Corridor North. Mixed-use development complements existing single-family residential areas by providing local neighborhood services. Key design and form characteristics include:

- Mixed-Use Ground Floor Retail with Residential Units Above
- Unique Office Manufacturing Buildings
- Urban Form Establishes Eastern City Gateway



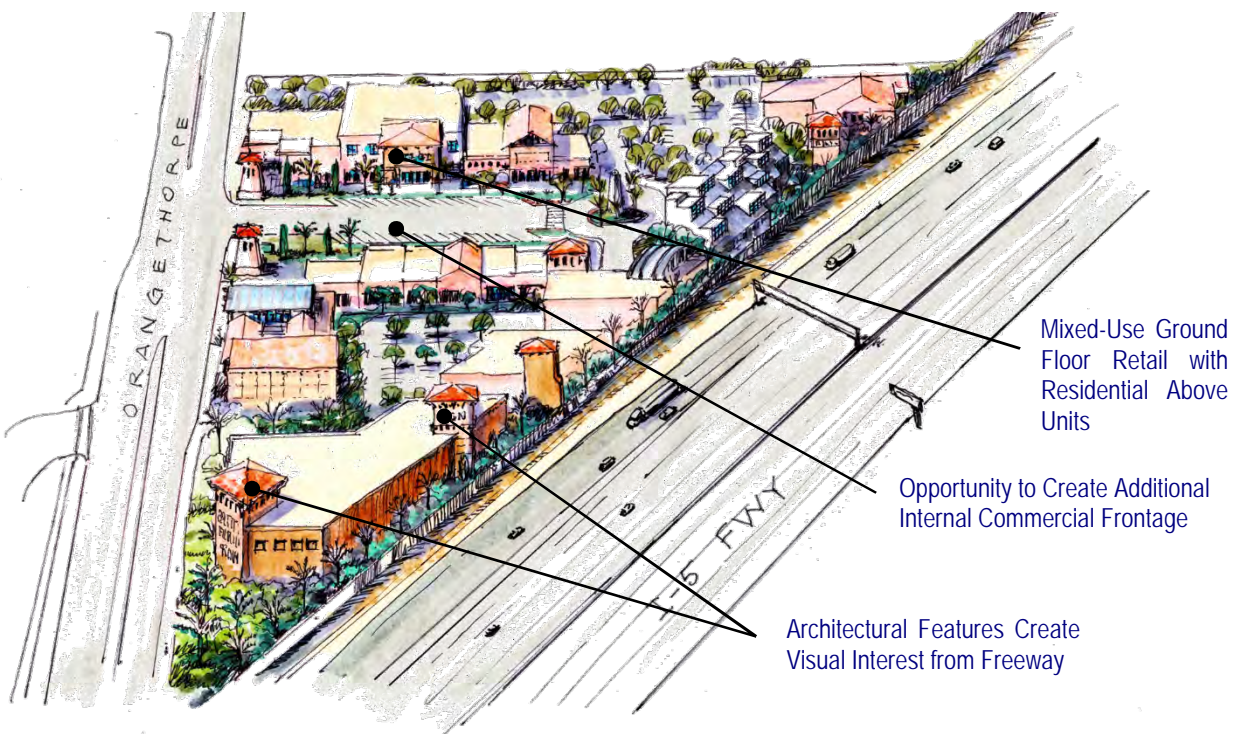
Chapter 2 *Land Use and Community Design Element*

Desired Character of Orangethorpe Corridor East



Chapter 2 *Land Use and Community Design Element*

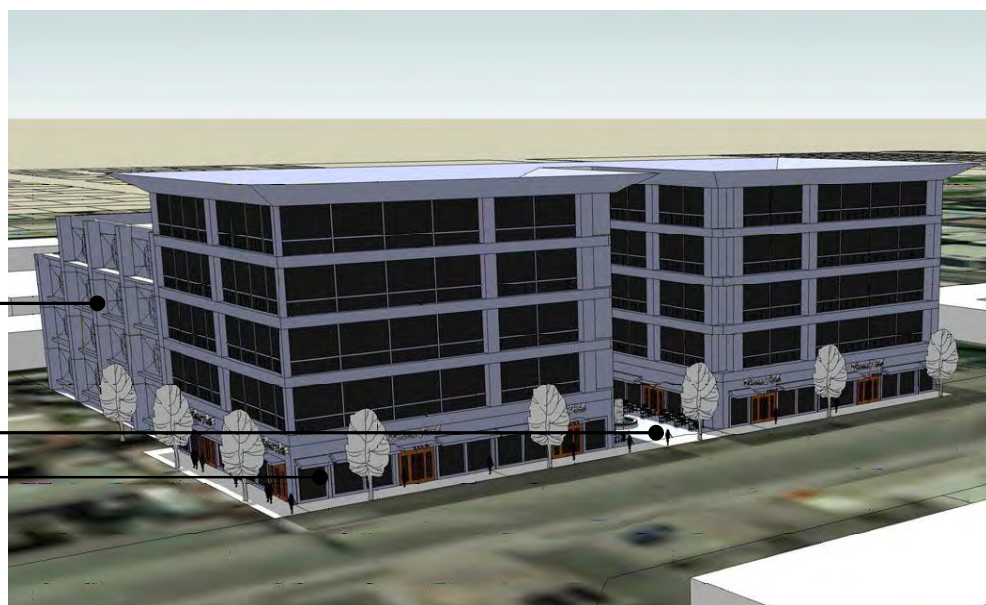
Desired Character of Orangethorpe Corridor East



Parking at the Rear

Scale Contributes to "Outdoor Room" on Orangethorpe

Street-oriented Buildings



Bay Street

Location: Emeryville

Project Site: 15.6 acres

Residential Development: 346 units

Commercial Development: 400,000 square feet



Chapter 2 *Land Use and Community Design Element*

Broadway Arms

Location: Anaheim

Project Site: 0.93 acres

Residential Development: 95 units

Commercial Development: 6,158 square feet



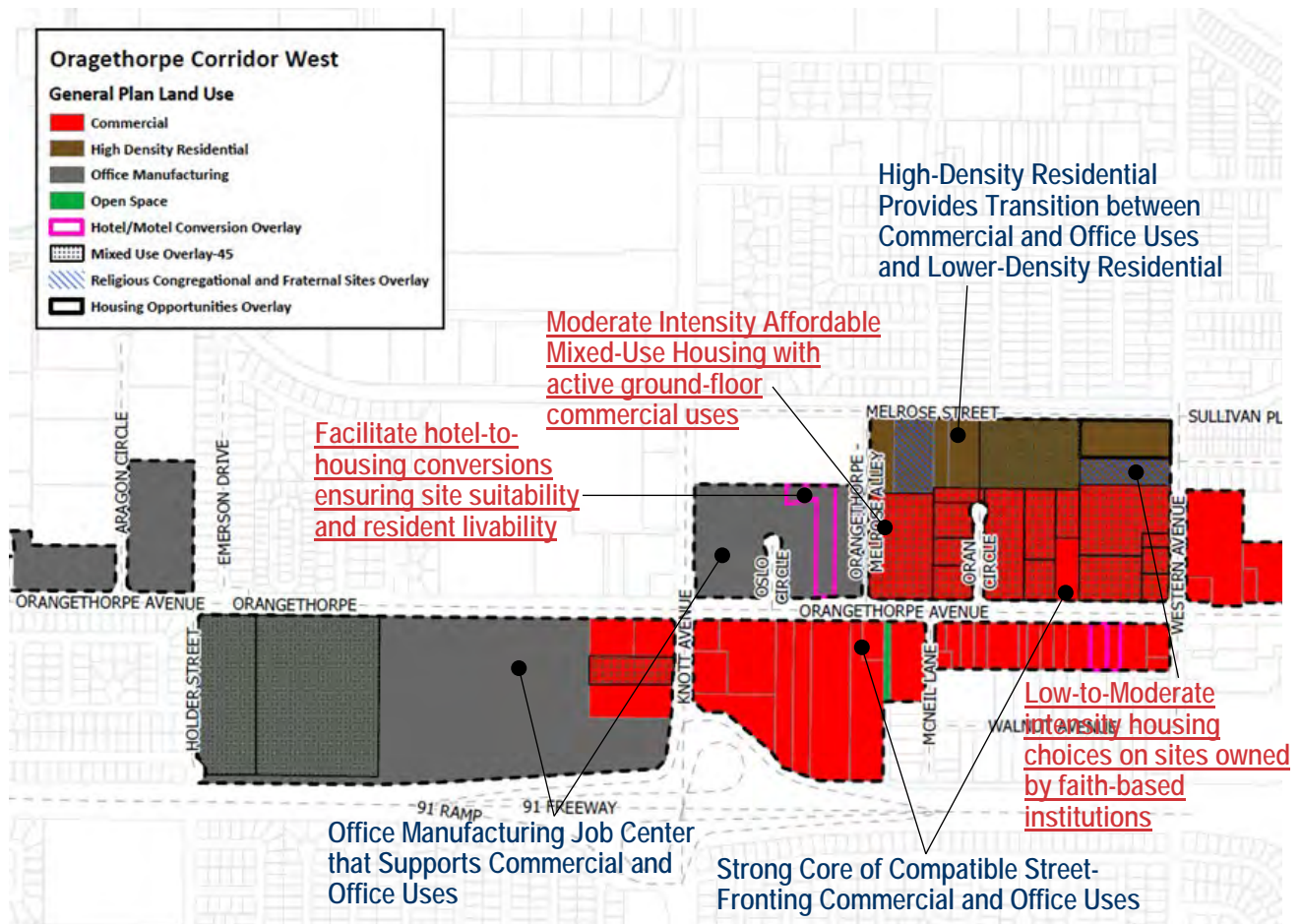
CASE STUDY

2.7.3 Orangethorpe Corridor West Focus Area

The Orangethorpe Corridor West Focus Area includes areas north and south of Orangethorpe Boulevard, generally between Pelican Drive and Western Avenue. While this is a major corridor transversing Buena Park, many of the strip commercial and light industrial sites in this Focus Area are underutilized and there is a non-cohesive mix of land uses. There is a need to buffer the adjacent residential uses from the light industrial uses in the Focus Area. There are also a number of opportunities to improve the visual quality of the area through streetscape improvements.

The Orangethorpe Corridor West Focus Area is envisioned as a commercial, office, and manufacturing business node. Establishment of a unified streetscape with landscaping, sidewalks, and street furniture will provide for an attractive place to work or visit. High-density residential uses adjacent to the Orangethorpe Corridor will complement adjacent lower-density residential uses and provide a transition from commercial to residential uses. Office and light manufacturing uses west of Knott Avenue will encourage additional job opportunities along the Corridor. Key character defining features include:

- Integrated open space
- Mix of residential densities
- Attractive office, commercial and light industrial architecture
- Minimal or no parking lots fronting Orangethorpe



Chapter 2 *Land Use and Community Design Element*

Desired Character of Orangethorpe Corridor West



Chapter 2 *Land Use and Community Design Element*

Desired Character of Orangethorpe Corridor West

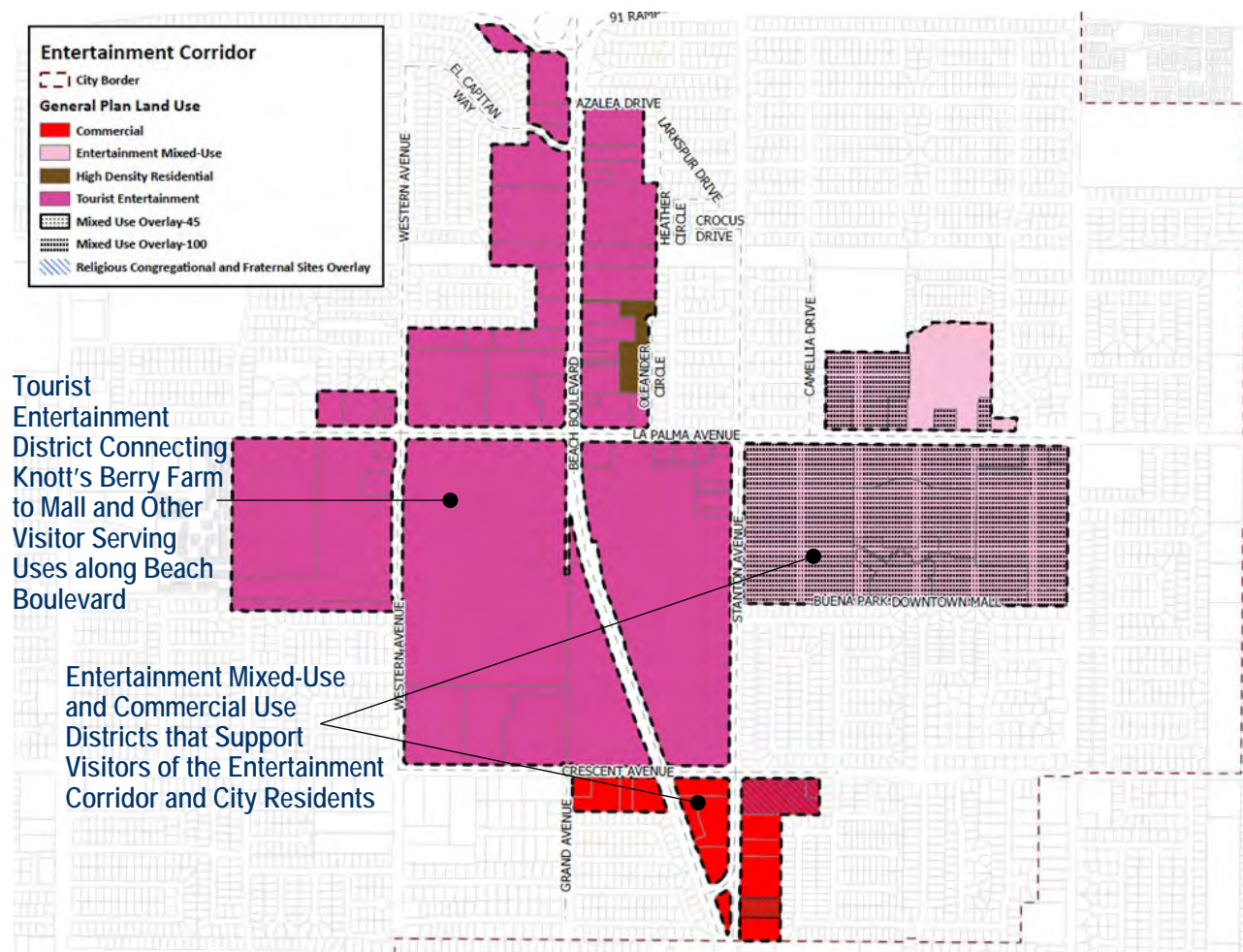


Chapter 2 *Land Use and Community Design Element*

2.7.4 Entertainment Corridor Focus Area

The Entertainment Corridor Focus Area is the primary tourist-oriented area within the City and includes Knott's Berry Farm and Soak City, Medieval Times, Pirates Dinner Adventure, and the Buena Park Mall. The Entertainment Corridor Focus Area is generally located along Beach Boulevard and is the major City gateway from the south. Expanding tourism is a priority for the City. Opportunities for improvements in this area include improving connectivity between the Buena Park Mall and Knott's Berry Farm, as well as maximizing utilization of the Mall property.

The Entertainment Corridor is envisioned as a pedestrian-friendly and tourist-oriented destination that connects Knott's Berry Farm to the Mall and other visitor serving uses along Beach Boulevard. The mix of entertainment, world-class shopping, excellent dining, and civic spaces are envisioned to create a regional destination where visitors can patronize local attractions without leaving the Entertainment Corridor. With uses that attract both residents and visitors, the Entertainment Corridor is considered the "heart" of the City. Unique urban design features, including landscaping, streetscape, and signage enhancements along Beach Boulevard provide the area character and identity. The Mixed-Use Overlay-45 and Mixed-Use Overlay-100 offer a range of affordable housing options from moderate to very high intensity, conveniently located within a short walking distance of neighborhood retail, dining, entertainment, and services. The Religious Congregational/Fraternal Sites Overlay provides low-to-moderate intensity affordable housing on properties owned by faith-based institutions. The proximity of these Overlays to the City's tourist-oriented area helps reduce commute times to employment centers.



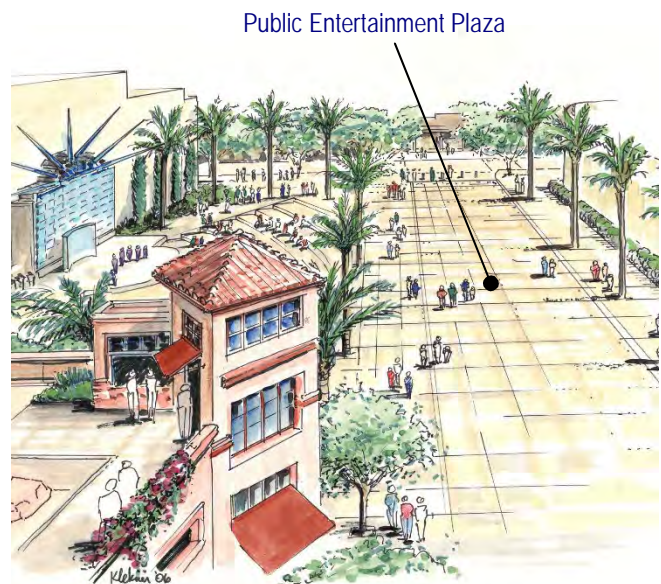
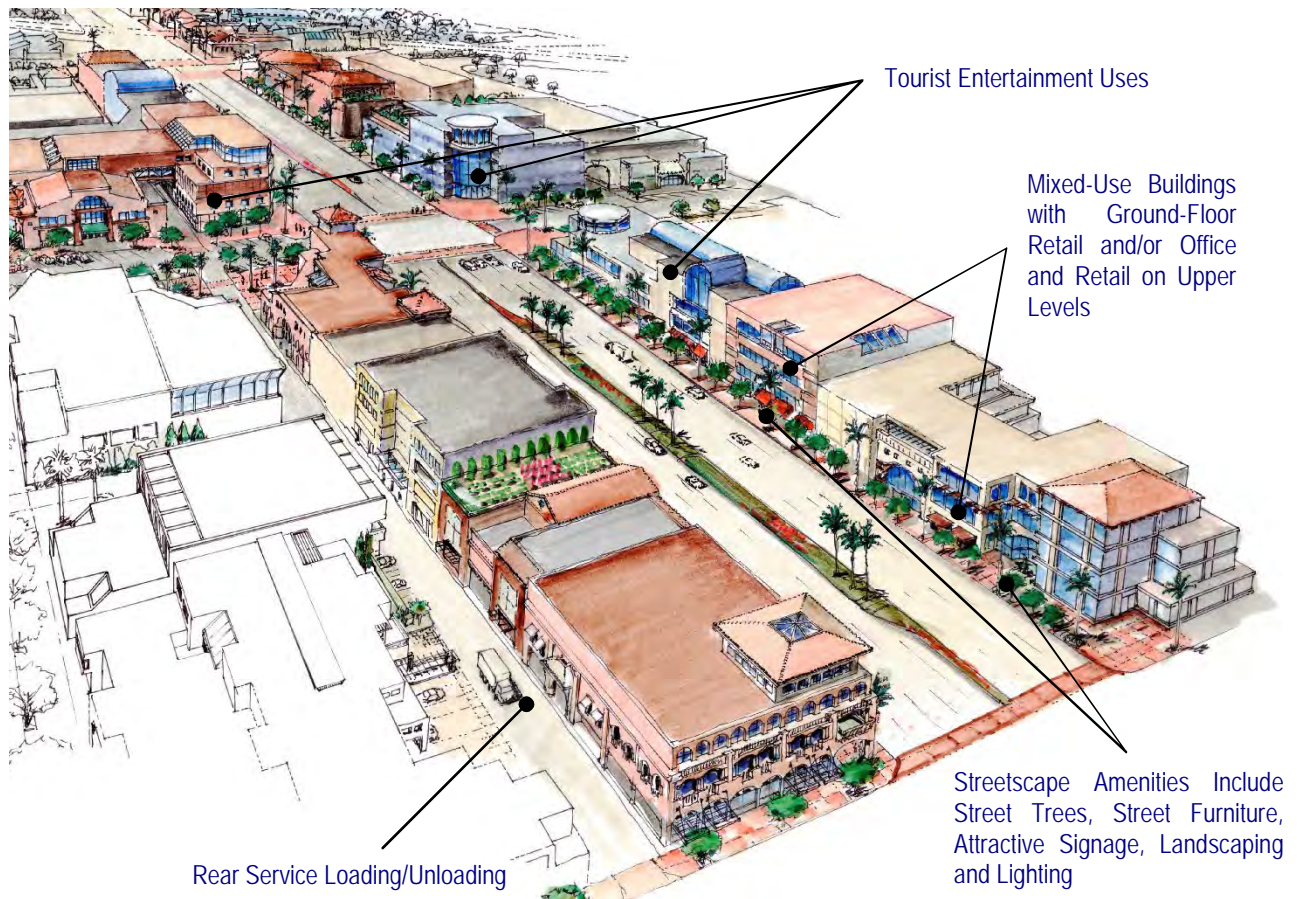
Chapter 2 *Land Use and Community Design Element*

Desired Character of Entertainment Corridor



Chapter 2 *Land Use and Community Design Element*

Desired Character of Entertainment Corridor



Center Street Promenade (Phase D)

Location: Anaheim

Project Site: 2.9 acres

Residential Development: 129 units

Commercial Development: 14,206 square feet



CASE STUDY

Paseo Colorado

Location: Pasadena

Project Site: 11 acres

Residential Development: 387 units (five stories)

Commercial Development: 557,323 square feet (two stories)



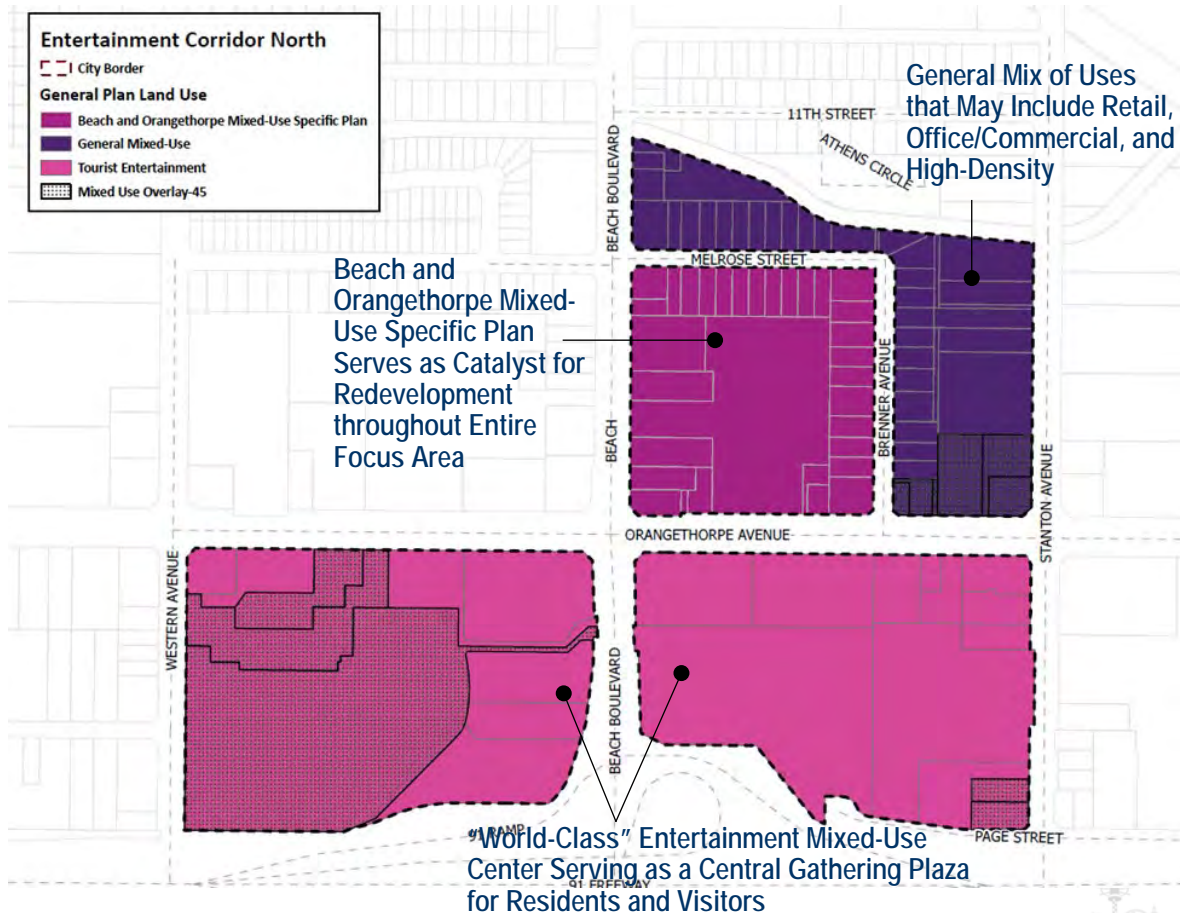
CASE STUDY

2.7.5 Entertainment Corridor North Focus Area

The Entertainment Corridor North Focus Area is located along Beach Boulevard, north of the 91 Freeway. Its location between the I-5 and SR-91 Freeways provides access and regional draw opportunities. The area is currently transitioning into a higher-density entertainment center and a number of hotel and visitor-serving uses support the entertainment core to the south. The Beach/Orangethorpe Mixed-Use Specific Plan sets precedent for change in this Focus Area.

The Entertainment Corridor North Focus Area is envisioned as a “world-class” entertainment mixed-use center that functions as a central gathering place for residents and visitors. Entertainment uses, high-density residential, and commercial uses are envisioned to be integrated with pedestrian plazas and public gathering places. The Mixed-Use Overlay-60 within the Entertainment Corridor North Focus Area is intended to integrate high-density residential units with mixed-use buildings, featuring hallmark hotel designs and ground-floor commercial spaces. These residential units provide affordable living options while enhancing the vibrant, pedestrian-friendly environment with entertainment plazas and attractive dining and retail centers. This seamless blend supports the vision of a "world-class" entertainment mixed-use center, creating a dynamic and inclusive community for residents and visitors. Defining characteristics include:

- Hallmark Hotel and Resort Designs
- Mixed-Use Buildings with Ground Floor Commercial Uses
- Entertainment Plazas
- Attractive Entertainment, Dining and Retail Centers
- Pedestrian-Friendly Pathways and Streetscapes
- Aesthetically Pleasing Designs that Blend with Entertainment Uses.



Chapter 2 *Land Use and Community Design Element*

Desired Character of Entertainment Corridor North



Chapter 2 *Land Use and Community Design Element*

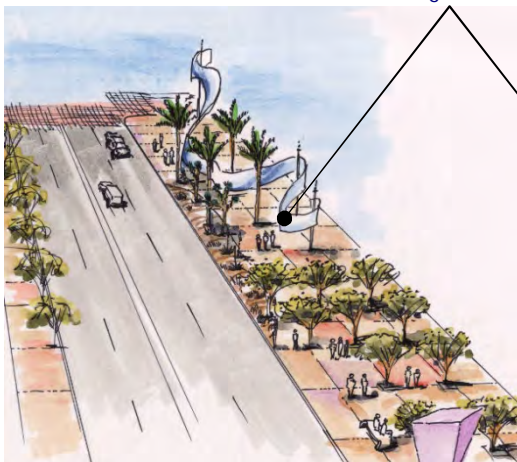
Desired Character of Entertainment Corridor North



Hallmark Hotel and Resort Designs

Mixed-Use Buildings with Ground Floor Commercial Uses

Attractive and Visually Interesting Public Area along Streetscapes and in Plazas



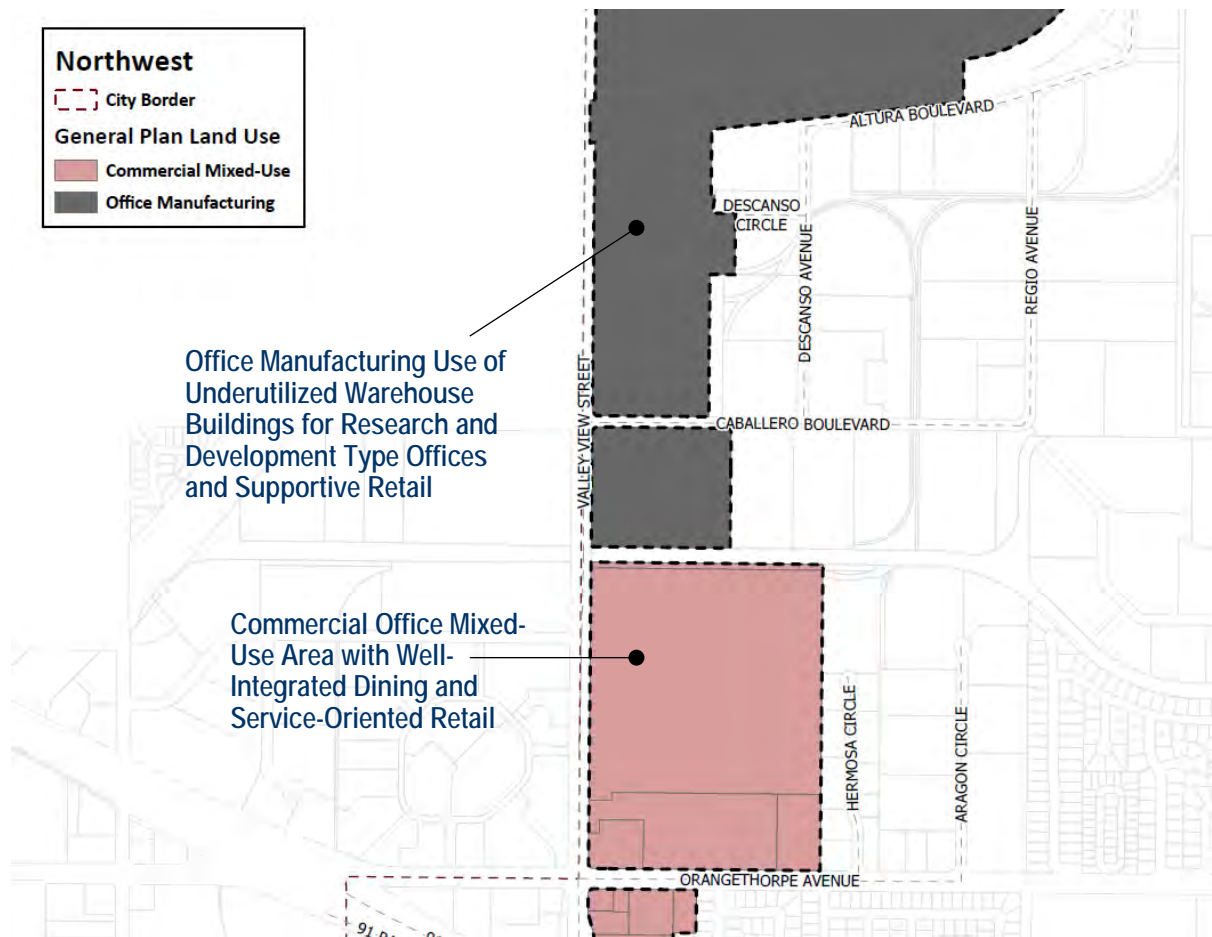
Chapter 2 *Land Use and Community Design Element*

2.7.6 Northwest Focus Area

The Northwest Focus Area is located in the northwest corner of the City, adjacent to Valley View Avenue. A number of existing manufacturing uses in the area are in transition. Orangethorpe Avenue at Valley View Street is the west entry into the City. The area is influenced by higher density office development located west of Valley View Avenue in the City of La Palma. The focus area generally consists of large parcels with opportunities for increased utilization and intensification of a range of uses.

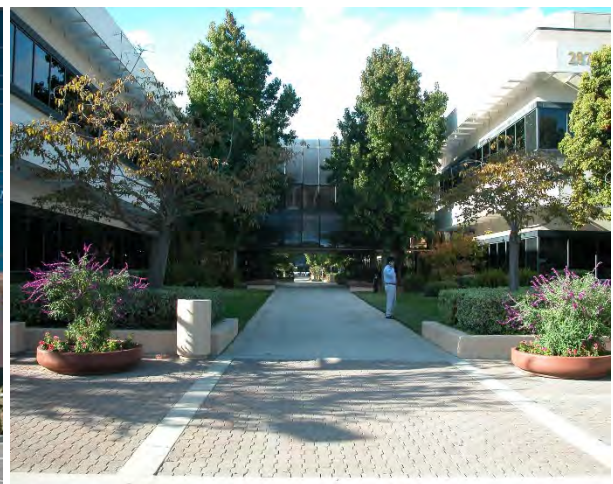
The Northwest Focus Area is the center of industrial employment in the City. As larger warehousing becomes obsolete, the area is envisioned as transforming to more viable office and manufacturing uses. As underutilized warehousing buildings transform into viable research and office spaces, limited supportive retail development will be encouraged. Well-integrated dining and service oriented retail will help create the Northwest Focus Area as an ideal place to work.

- Vibrant Office and Manufacturing Uses
- Well-Integrated Retail, Dining and Service Uses



Chapter 2 *Land Use and Community Design Element*

Desired Character of Northwest Area



Chapter 2 *Land Use and Community Design Element*

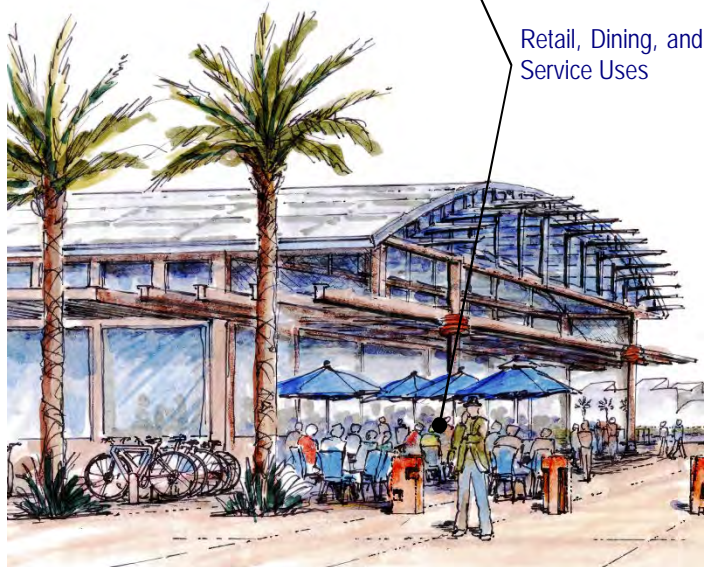
Desired Character of Northwest Area



Office and Manufacturing Uses for
Research and Development



Retail, Dining, and
Service Uses



Centerpoint

Location: La Palma

Project Site: 2.92 acres

Office & Commercial Development: 145,530 square feet



CASE STUDY

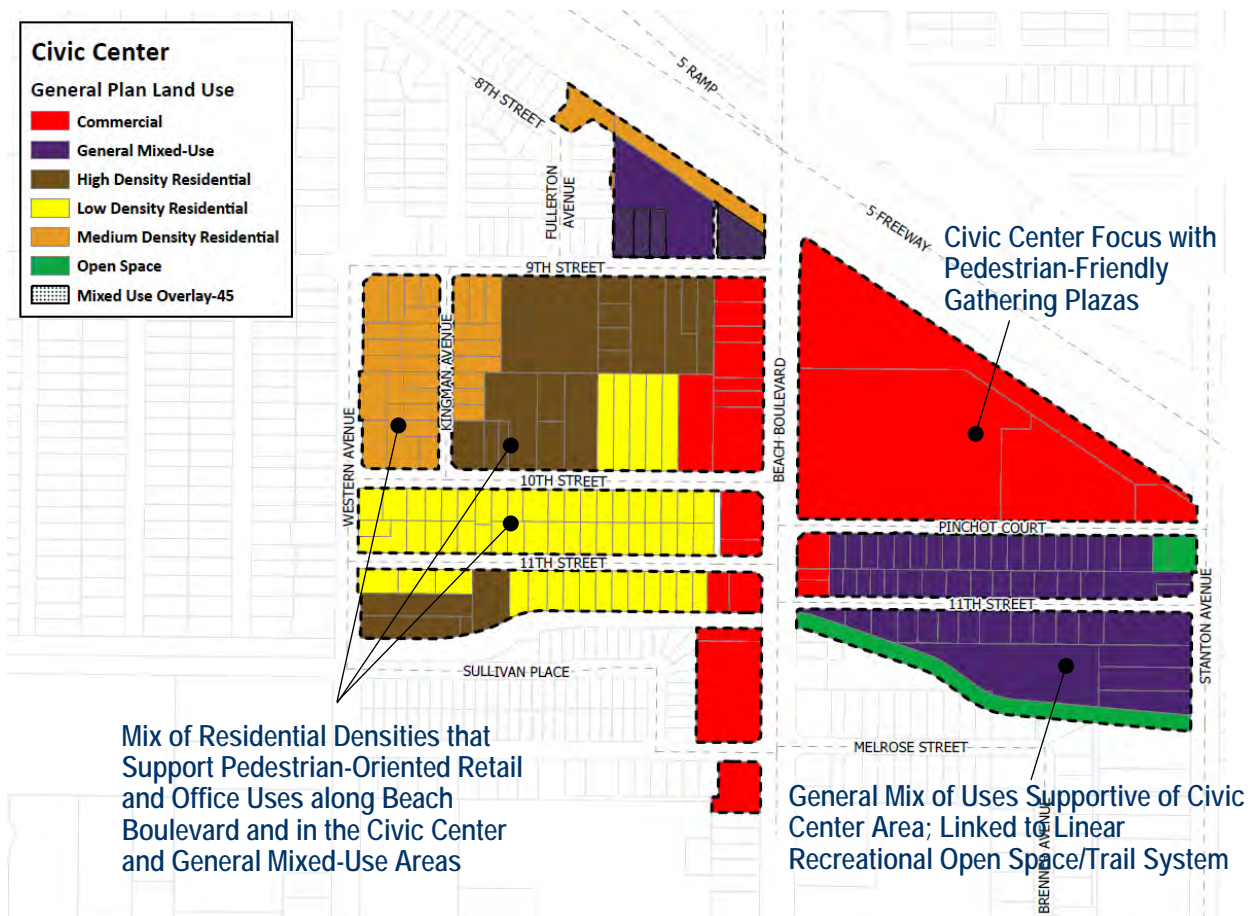
Chapter 2 *Land Use and Community Design Element*

2.7.7 Civic Center Focus Area

The Civic Center Focus Area is located along Beach Boulevard, north of the 91 Freeway. This central location in the City includes City Hall and the new Police Station, which bring greater recognition of civic uses to this area. The Focus Area includes several buildings representative of the City's early development, including the Stage Stop Hotel, First Congregational Church, and Buena Park Women's Club. The area also includes relocated structures such as the Whitaker- Jaynes House and Bacon House. Overall, this area has an important historic character that should be preserved and enhanced. This area has opportunities to create pedestrian-friendly social gathering places and to expand on mixed-uses located at Beach Boulevard and Orangethorpe Avenue.

The Civic Center Focus Area is envisioned as a local gathering place providing retail, dining, and civic uses within walking distance. The Civic Center is home to many of the City's treasured historic structures, to be preserved and enhanced. The streetscape provides a seamless transition from Central Buena Park to the north and the Entertainment Corridor to the south. Commercial services, light industrial and lower density residential uses are transitioning to higher-density mixed-use development around the Civic Center creating a pedestrian-friendly gathering place.

- Pedestrian Walkways Link Residential Areas
- Small-Scale Commercial Retail and Mixed-Use
- Public Gathering Space Supports Civic Uses
- High-intensity affordable housing choices with gradual height increases to blend with adjacent residential uses.
- Well designed parking areas to reduce street congestion.



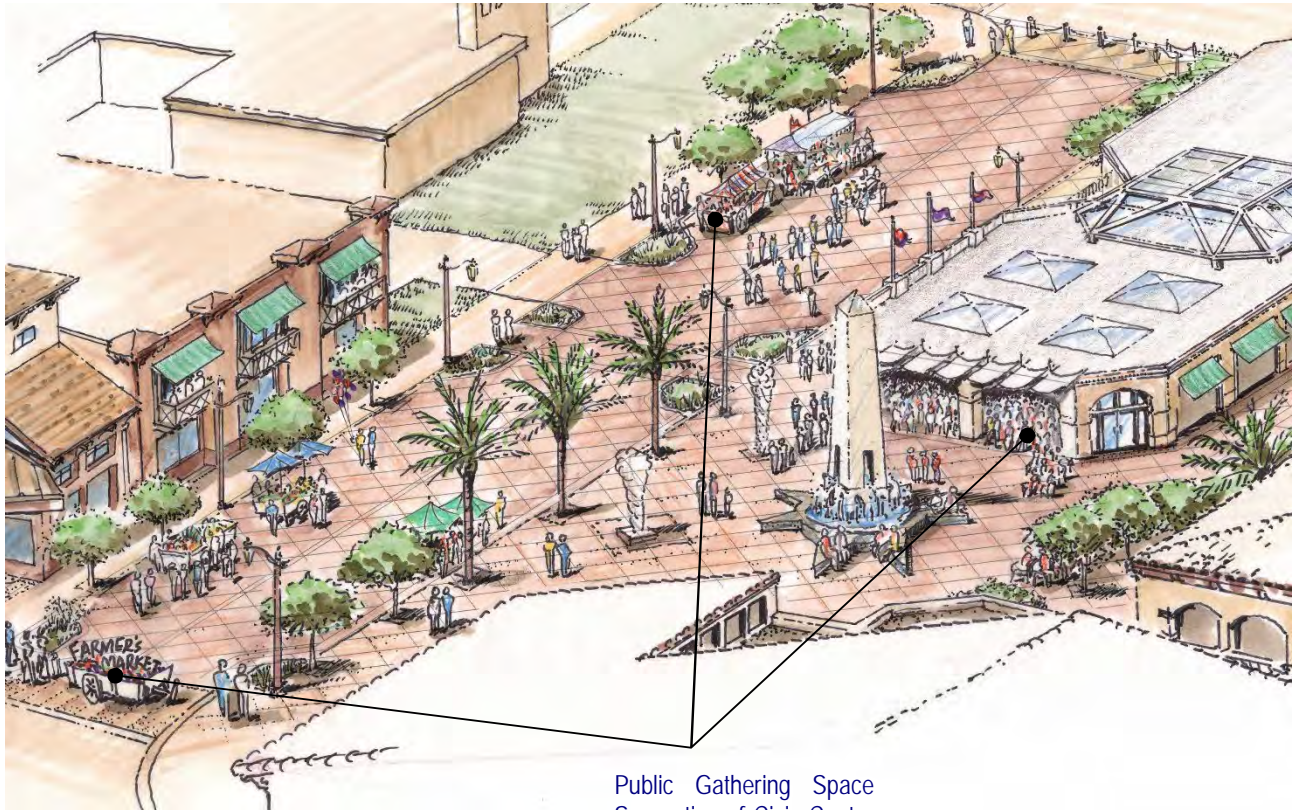
Chapter 2 *Land Use and Community Design Element*

Desired Character of Civic Center

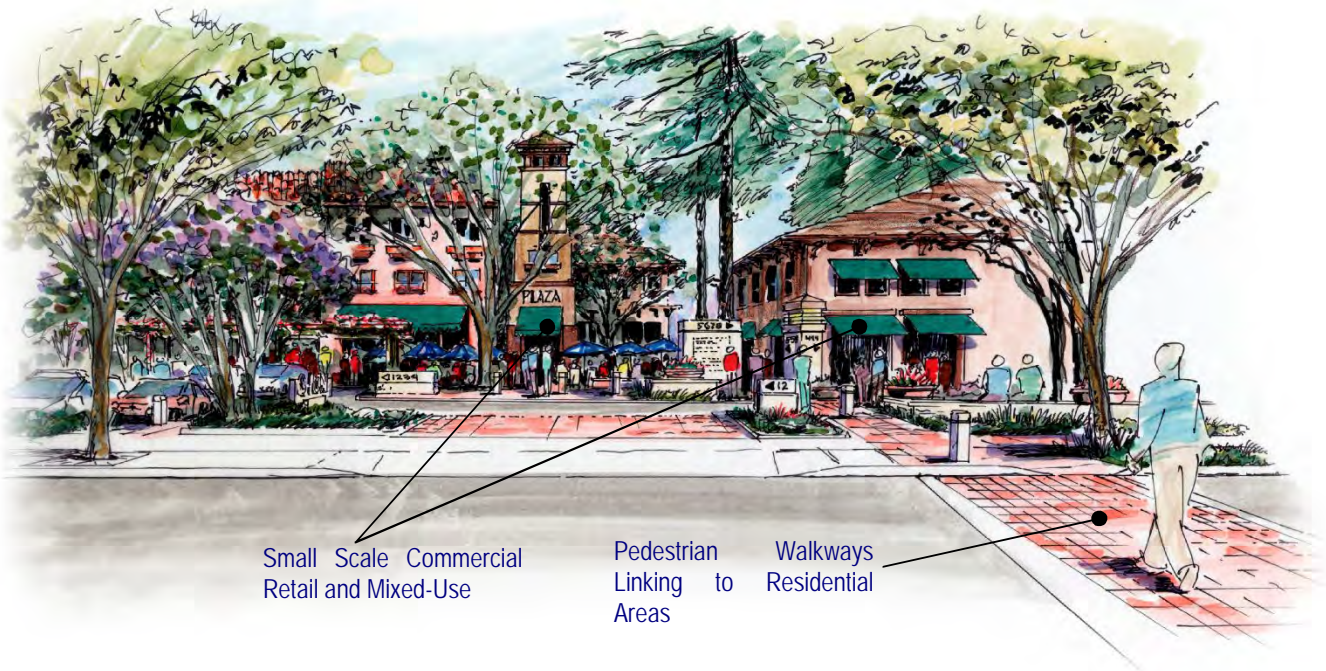


Chapter 2 *Land Use and Community Design Element*

Desired Character of Civic Center



Public Gathering Space
Supportive of Civic Center
Uses



Small Scale Commercial
Retail and Mixed-Use

Pedestrian
Linking to
Areas

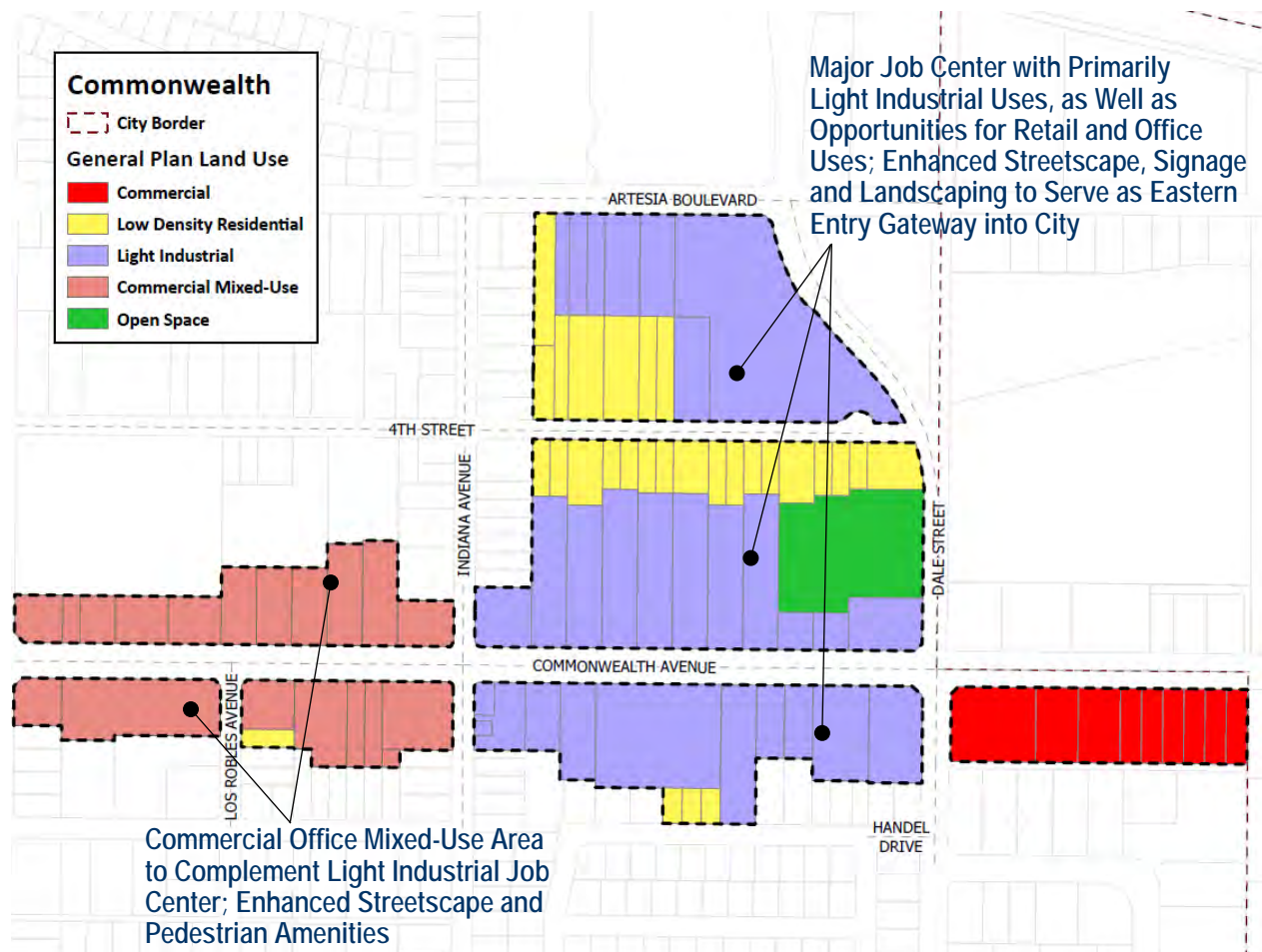
Walkways
Linking to
Residential

2.7.8 Commonwealth Corridor Focus Area

The Commonwealth Corridor Focus Area represents a key eastern gateway into the City. The Focus Area extends from the eastern City boundary to the Central Buena Park Focus Area and is located adjacent to the Fullerton Municipal Airport. Existing uses include industrial buildings adjacent to low-density residential areas, which create conflict. There are opportunities for circulation, streetscape, and design improvements to unify the corridor.

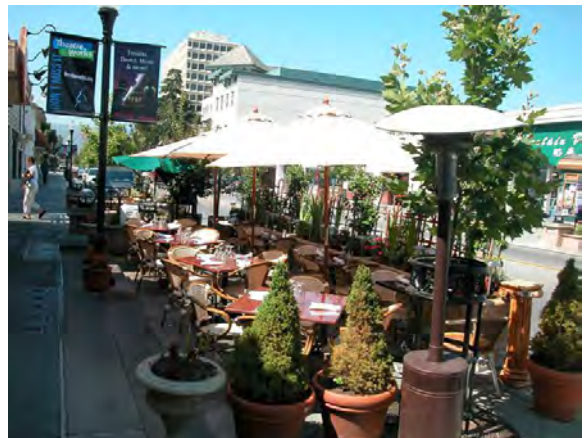
The Commonwealth Corridor Focus Area is envisioned as a thriving job center with retail, office, and light industrial uses. The focus area provides opportunities for an enhanced streetscape with landscaping, entry monumentation, and pedestrian amenities to promote the area as an eastern entry gateway into the City.

- Enhanced Streetscape and Gateway Monumentation
- Thriving Job Center with Retail, Office, and Light Industrial Uses
- Improved Compatibility with Adjacent Uses



Chapter 2 *Land Use and Community Design Element*

Desired Character of Commonwealth Corridor



Chapter 2 *Land Use and Community Design Element*

Desired Character of Commonwealth Corridor



Enhanced Streetscape and Iconic Gateway Monuments

Ease of Accessibility for Motorists, Bicyclists, and Pedestrians

Retail, Office, and Light Industrial Uses



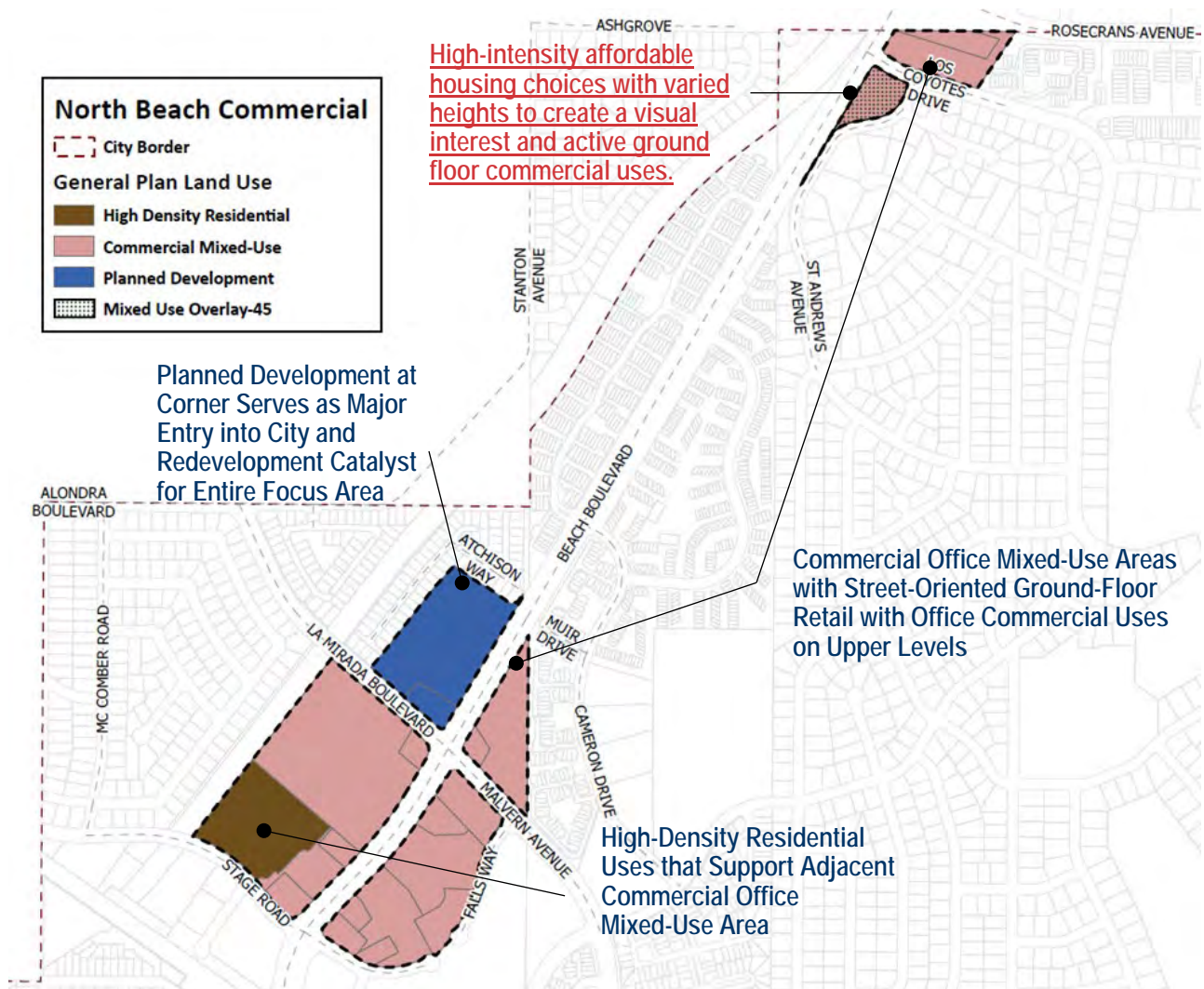
Chapter 2 *Land Use and Community Design Element*

2.7.9 North Beach Commercial Focus

The North Beach Commercial Focus Area is centered on the intersection of La Mirada Boulevard and Beach Boulevard and is the primary entry to the City from the north. The Focus Area is generally characterized by underutilized commercial centers with large parking lots that provide opportunities for infill development. There is a strong entrepreneurial presence in this area.

The North Beach Boulevard Focus Area is envisioned as an attractive dining, retail, and service node close to professional businesses and places of work. Enhancements to the North Beach Boulevard Focus Area shall provide additional retail and dining opportunities. Landscaping and entry monumentation will strengthen North Beach Boulevard as an entry to the City.

- Street-Oriented Commercial Development
- Ground Floor Retail and Dining with Office Commercial Above



Chapter 2 *Land Use and Community Design Element*

Desired Character of North Beach Commercial



Chapter 2 *Land Use and Community Design Element*

Desired Character of North Beach Commercial



Street-Fronting Commercial Uses with Ground-Floor Retail and Dining, and Offices on Upper Levels

Outdoor Dining Areas

Enhanced Pedestrian Streetscape

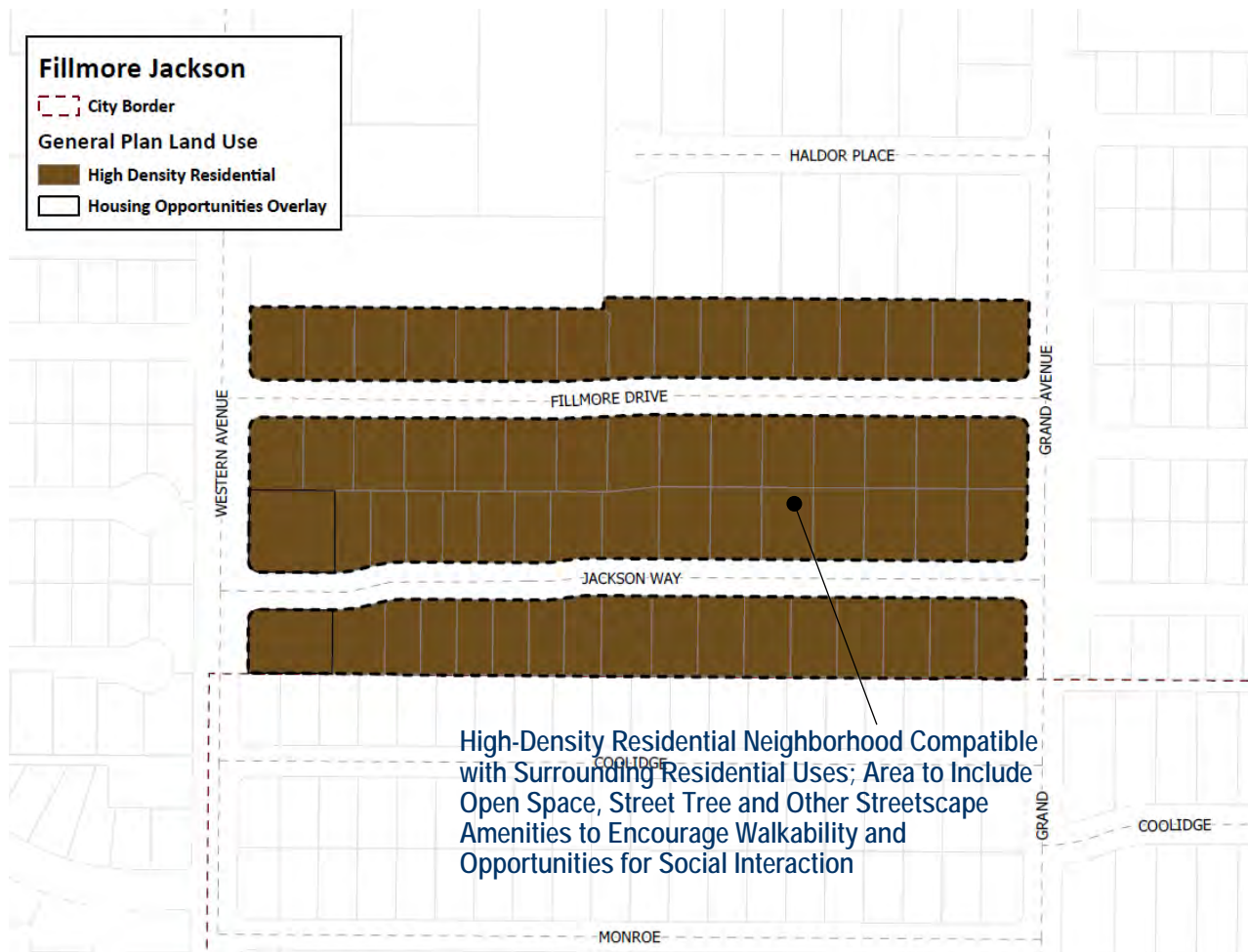


2.7.10 Fillmore/Jackson Focus Area

The Fillmore/Jackson Focus Area is located along Jackson Way and Fillmore Drive between Western Avenue and Grand Avenue. Existing uses are primarily multi-family housing. It has historically been a challenging neighborhood with high code enforcement activity and crime. This area has a need for parking and circulation improvements. There are also a number of opportunities for rehabilitation and/or redevelopment of existing residential structures.

The Fillmore/Jackson Focus Area is envisioned as a well kept high-density residential neighborhood that functions well with adjacent residential uses. Enhanced amenities such as open space, street trees, and inviting sidewalks encourage social interaction among residents. Internal circulation and connecting links provide transition to adjacent residential areas and contribute to the overall success of the neighborhood.

- Landscaped Pedestrian Walkways
- Open Space and Amenities Adjacent to Residential Buildings
- Mixed income housing to foster economic diversity



Chapter 2 *Land Use and Community Design Element*

Desired Characteristics of Fillmore/Jackson



Desired Characteristics of Fillmore/Jackson

Strong Neighborhoods Initiative Building Improvement Program

Location: San Jose (Roundtable Drive)

Project Site: 3.2 acres

Residential Development: 20 multi-family buildings



Before



After

CASE STUDY

2.8 BUILDING TYPOLOGIES

A building typology refers to a group of buildings that share common characteristics, including placement, mass and scale, and architectural elements. Examples of different building typologies include detached houses, rowhouses, warehouses, and commercial block buildings. Within the Buena Park General Plan Update Focus Areas, the following building typologies are proposed:

- Commercial Center Buildings
- Hotel Buildings
- Entertainment Buildings
- Mixed-Use Commercial Block Buildings
- Mixed-Use Entertainment Buildings
- Industrial Buildings
- Industrial-Office Campus Buildings
- Office Tower Buildings
- Residential Apartment Buildings
- Live-Work Buildings
- Townhouse Buildings
- Duplex/Triplex Buildings
- Detached House Buildings

Figures for each of these building types are provided in the following sections along with sample photographs. These images are intended as examples of what may be developed within each building typology.

In addition to the above building typologies, civic and public buildings (such as City Hall, schools, public parks, post office, public safety departments, public recreational centers, public parking structures, and transit facilities) may be permitted within any of the focus areas. In order to provide maximum flexibility for the design of civic and public buildings, no specific development specifications or design standards for such buildings are provided. However, architects and designers of civic and public buildings should strive to design buildings that are compatible with the form and character of buildings allowed by this General Plan.

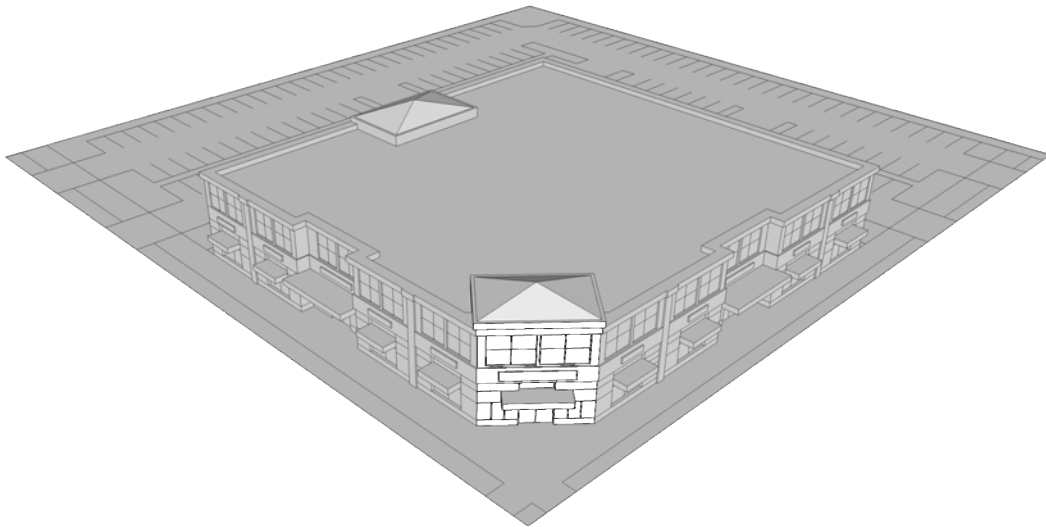
Furthermore, it is important to note that the Housing Incentive Overlays have their own Objective Design and Development Standards and Architectural Styles Objective Design Standards. These standards are designed to ensure that new developments within these Overlays adhere to specific guidelines that promote consistency in architectural style, building mass, scale, building type, and placement, while also encouraging innovative and high-quality design. This approach aims to enhance the aesthetic appeal and functional quality of housing developments within the overlay areas.

2.8.1 Commercial Center Buildings

Commercial Center Buildings are designed to contain retail, office, or service uses. Access to businesses is provided from individual storefront entrances or common entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots.

Commercial Center Buildings are allowed in the following Focus Areas:

- Entertainment Corridor
- Entertainment Corridor North
- Commonwealth Corridor
- North Beach Commercial
- Orangethorpe Corridor East
- Orangethorpe Corridor West



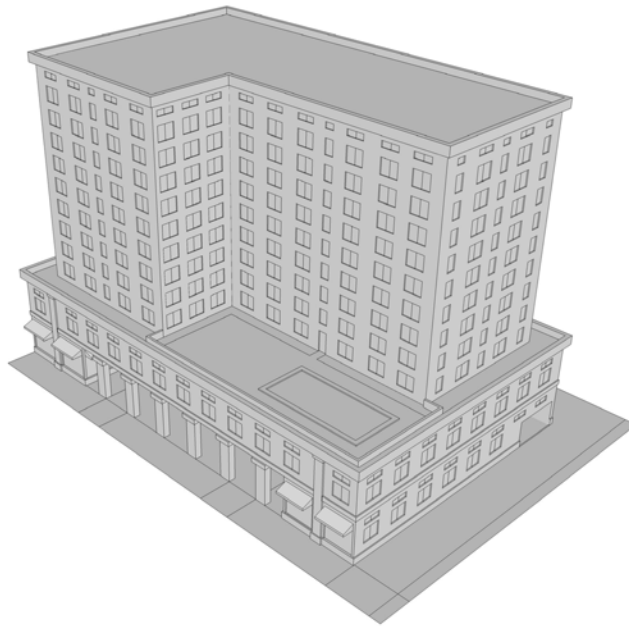
Chapter 2 *Land Use and Community Design Element*

2.8.2 Hotel Buildings

Hotel Buildings are designed to contain hotel rooms with associate uses such as dining, conference space, office, or service uses. Access is provided by a common entrance to a lobby and businesses may have individual storefront entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots, parking structures, or underground levels.

Hotel Buildings are allowed in the following Focus Areas:

- Entertainment Corridor
- Entertainment Corridor North
- Orangethorpe Corridor East

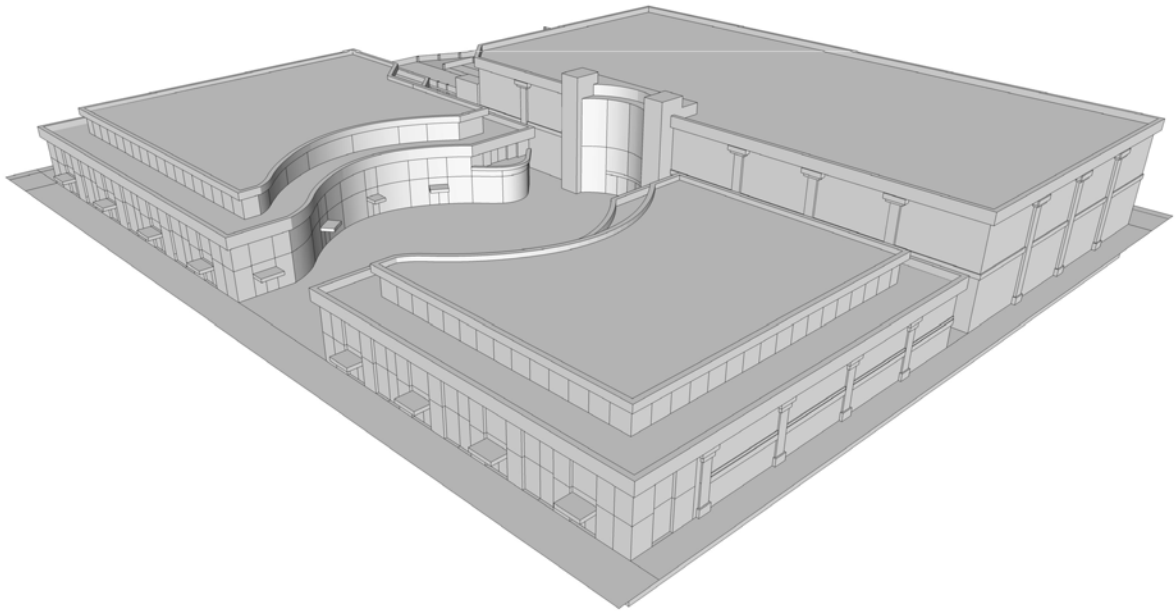


2.8.3 Entertainment Buildings

Entertainment Buildings are designed to contain a variety of entertainment uses with associated retail, office, or service uses. Access to businesses is provided from individual storefront entrances or common entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots, parking structures, or underground levels.

Entertainment Buildings are allowed in the following Focus Areas:

- Entertainment Corridor
- Entertainment Corridor North

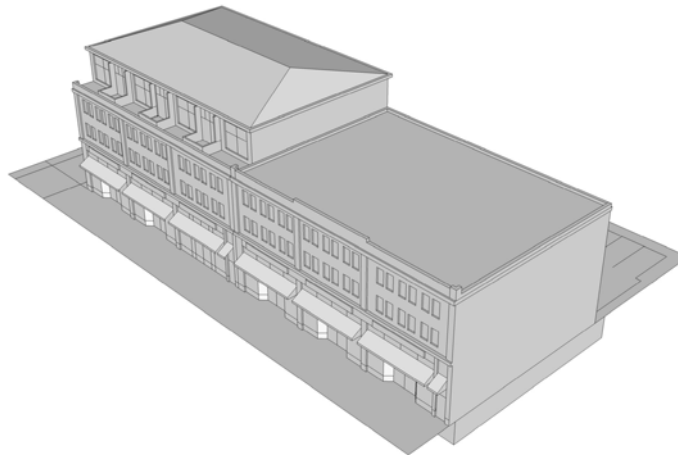


2.8.4 Mixed-Use Commercial Block Buildings

Mixed-Use Commercial Block Buildings are designed to contain retail or service uses on the ground floor and residential or office uses on upper floors. Access to businesses is provided from individual storefront entrances and upper floor uses are accessed by common entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots, parking structures, or underground levels.

Mixed-Use Commercial Block Buildings are allowed in the following Focus Areas and Housing Incentive Overlays:

- Central Buena Park
- Civic Center
- Entertainment Corridor
- Entertainment Corridor North
- Commonwealth Corridor
- North Beach Commercial
- Orangethorpe Corridor East

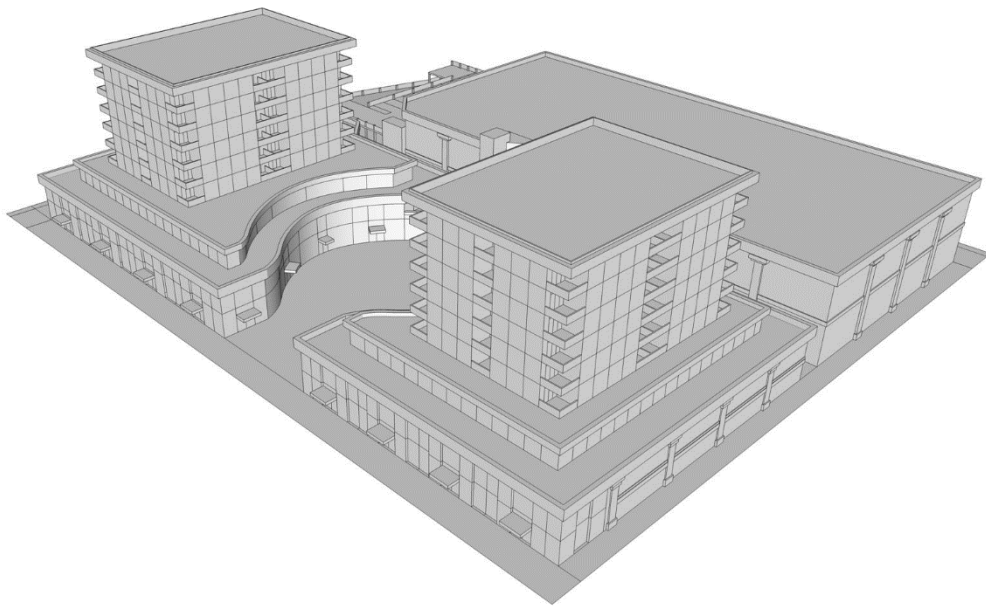


2.8.5 Mixed-Use Entertainment Buildings

Mixed-Use Entertainment Buildings are designed to contain entertainment uses with supporting retail, office, service, or residential uses. Access to businesses is provided from individual storefront entrances or common entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots, parking structures, or underground levels.

Mixed-Use Entertainment Buildings are allowed in the following Focus Areas:

- Entertainment Corridor
- Entertainment Corridor North



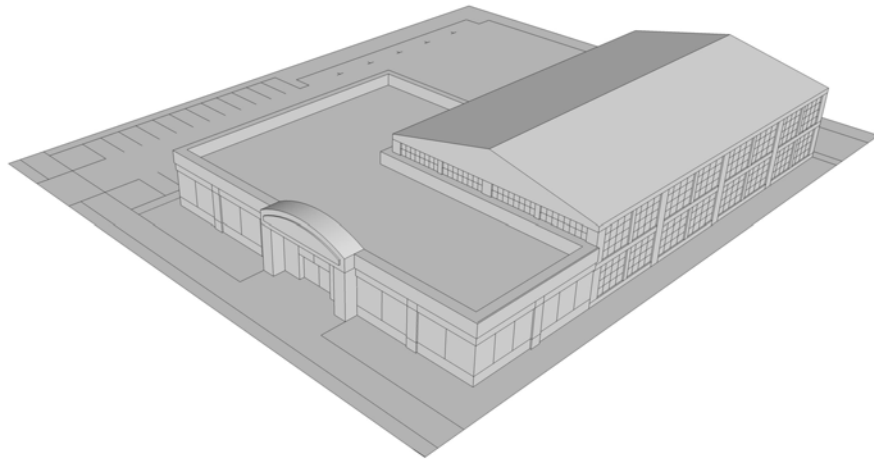
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2.8.6 Industrial Building

Industrial Buildings are designed to contain light industrial uses. Access to businesses is provided from common entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots.

Industrial Buildings are allowed in the following Focus Areas:

- Commonwealth Corridor
- Northwest Area
- Orangethorpe Corridor East
- Orangethorpe Corridor West

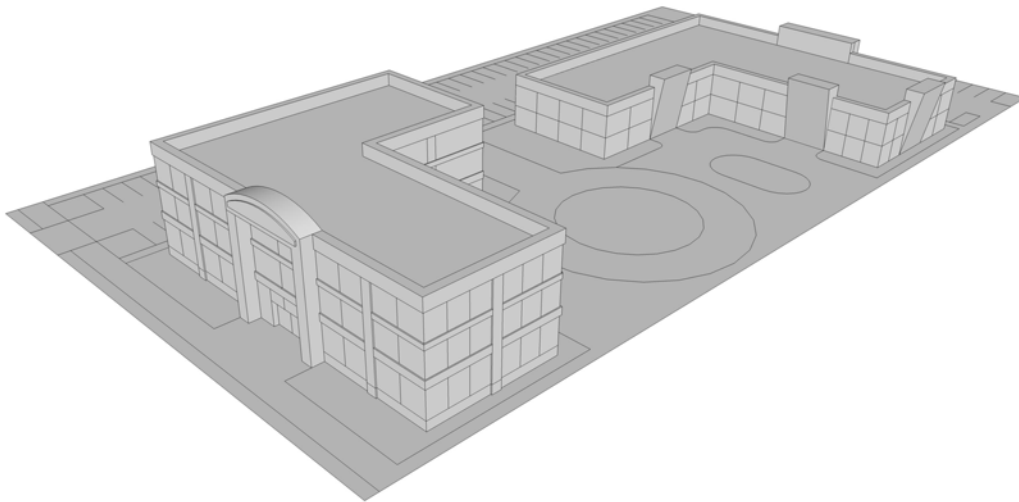


2.8.7 Industrial-Office Campus Buildings

Industrial-Office Campus Buildings are designed to contain light industrial and office uses. Access to businesses is provided from common entrances along sidewalks or walkways on private property and buildings generally surround central gathering spaces to create a campus environment. Parking is typically provided as parking lots or parking structures.

Industrial-Office Campus Buildings are allowed in the following Focus Areas:

- Commonwealth Corridor
- North Beach Corridor
- Northwest Area
- Orangethorpe Corridor East
- Orangethorpe Corridor West

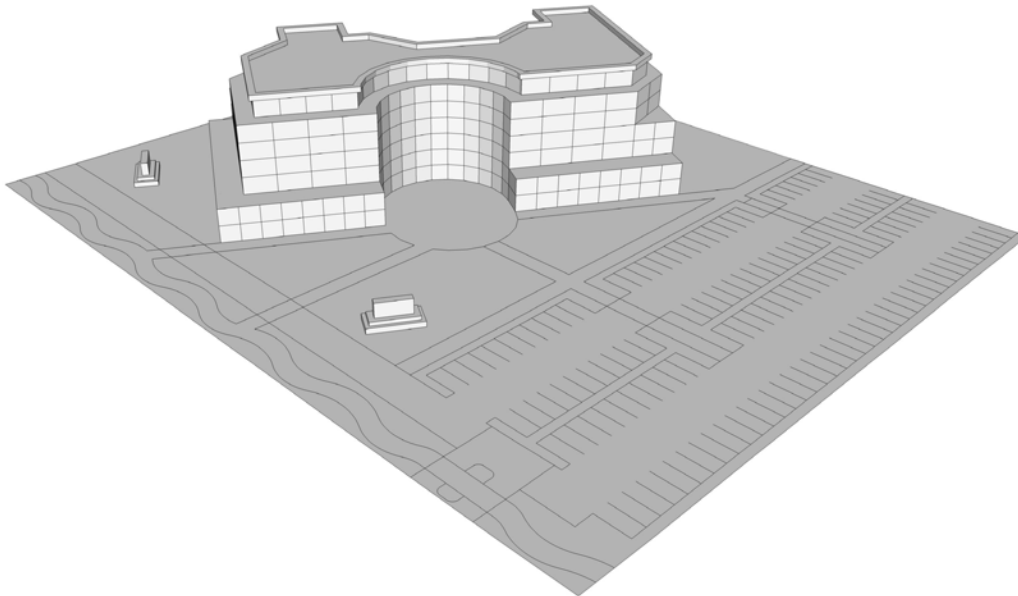


2.8.8 Office Tower Buildings

Office Tower Buildings are designed to contain office and supporting retail or service uses. Access is provided by a common entrance to a lobby and businesses may have individual storefront entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots or parking structures.

Office Tower Buildings are allowed in the following Focus Areas:

- Northwest Area
- North Beach Commercial
- Orangethorpe Corridor East
- Orangethorpe Corridor West

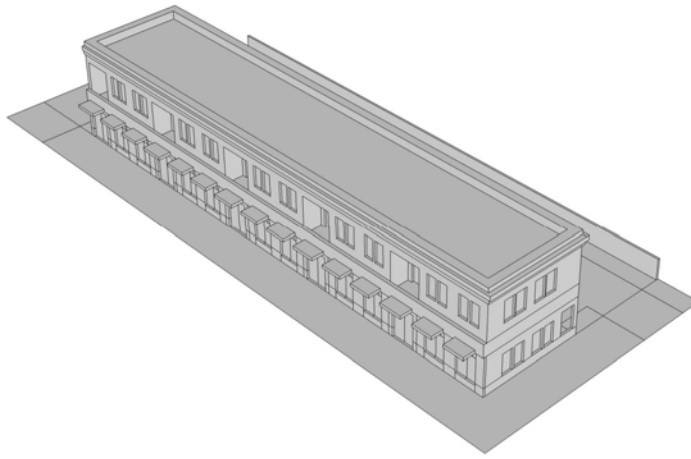


2.8.9 Live-Work Buildings

Live-Work Buildings are designed to contain individual loft units with both residential living and various work activities. Access to units is provided from individual storefront entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots or parking structures.

Live-Work Buildings are allowed in the following Focus Areas:

- Civic Center
- Entertainment Corridor North
- Orangethorpe Corridor West
- Orangethorpe Corridor East



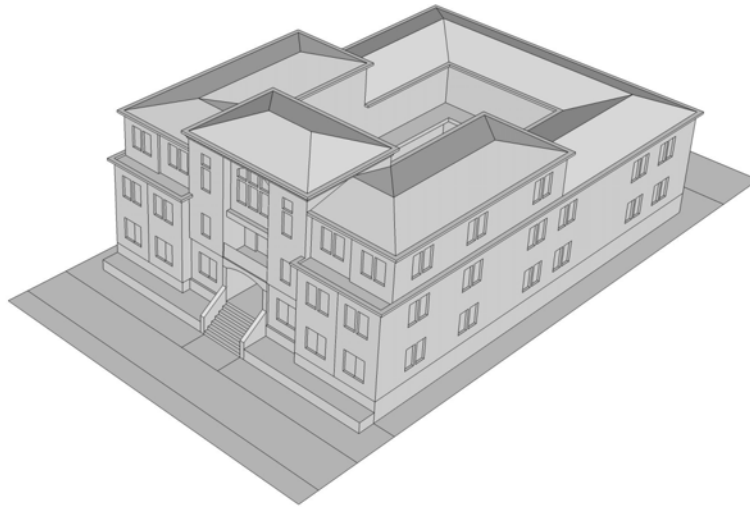
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2.8.10 Residential Apartment Buildings

Residential Apartment Buildings are designed to contain residential apartment units. Access to units is provided from a common entrance and ground floor units may have individual private entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots, podium parking levels, or underground levels.

Residential Apartment Buildings are allowed in the following Focus Areas:

- Civic Center
- Entertainment Corridor North
- Fillmore/Jackson
- Commonwealth Corridor West

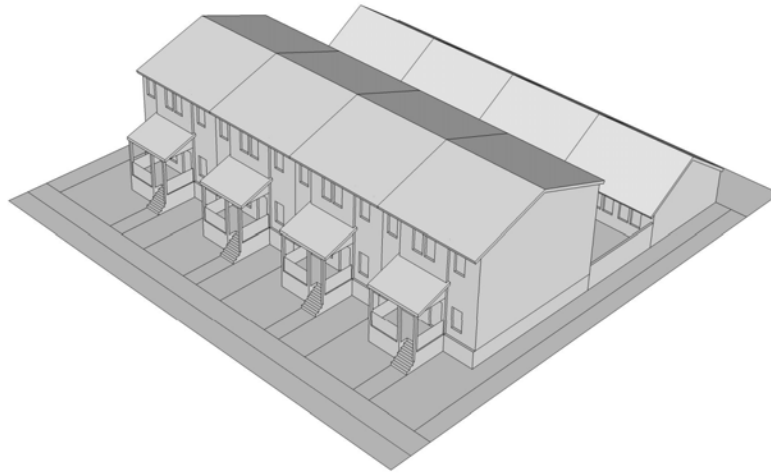


2.8.11 Townhouse Buildings

Townhouse Buildings are designed to contain individual residential units attached to adjacent units. Access to units is provided from individual entrances along sidewalks or walkways on private property. Parking is typically provided as enclosed garages.

Townhouse Buildings are allowed in the following Focus Areas:

- Central Buena Park
- Civic Center
- Fillmore/Jackson
- Orangethorpe Corridor East

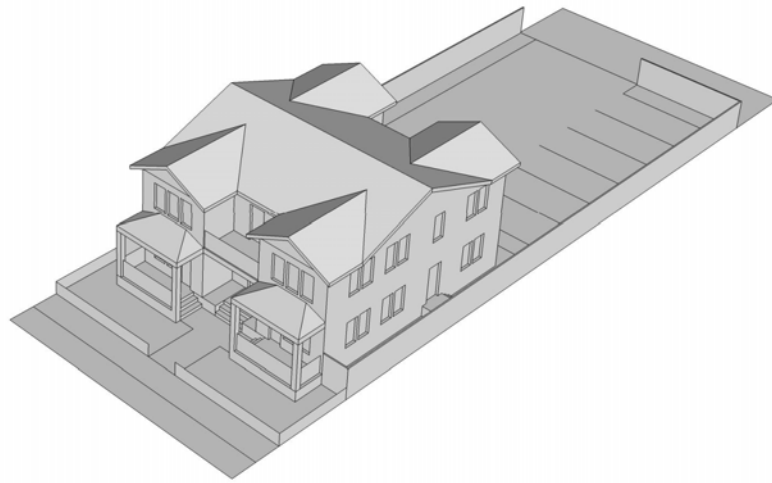


2.8.12 Duplex/Triplex Buildings

Duplex/Triplex Buildings are designed to contain two or three residential units. Access to units is provided from individual unit entrances along sidewalks or walkways on private property. Parking is typically provided as parking lots or in enclosed garages.

Duplex/Triplex Buildings are allowed in the following Focus Areas:

- Central Buena Park

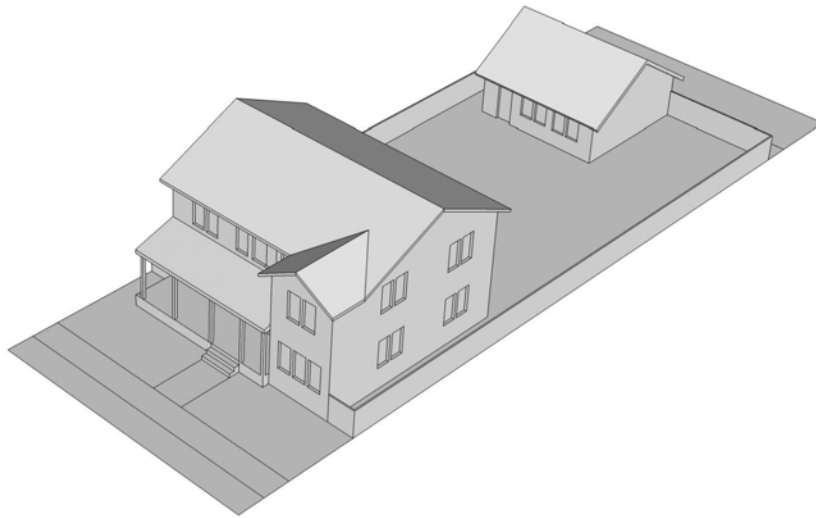


2.8.13 Detached House Buildings

Detached House Buildings are designed to contain individual residential units. Access to units is provided from individual entrances along sidewalks or walkways on private property. Parking is typically provided as enclosed garages.

Detached House Buildings are allowed in the following Focus Areas:

- Central Buena Park



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2.8.14 Building Typology Locations

The following matrix identifies in which Focus Area(s) each building type is allowed.

Building Typology	Central Buena Park	Civic Center	Entertainment Corridor	Entertainment Corridor North	Commonwealth Corridor	Fillmore/Jackson	North Beach Commercial	Northwest Area	Orangethorpe Corridor East	Orangethorpe Corridor West
Commercial Center Buildings	X		X	X	X		X		X	
Hotel Buildings			X	X				X		
Entertainment Buildings			X	X						
Mixed Use Commercial Block Buildings	X	X	X	X	X		X		X	
Mixed Use Entertainment Buildings			X	X						
Industrial Buildings					X			X	X	X
Industrial-Office Campus Buildings					X		X	X	X	X
Office Tower Buildings							X	X	X	X
Residential Apartment Buildings		X		X		X				X
Live-Work Buildings		X		X						X
Townhouse Buildings	X	X				X				
Duplex/Triplex Buildings	X									
Detached House Buildings	X									

2.9 PUBLIC REALM DESIGN

A City's physical identity is clear if people can readily perceive it in images that differentiate it from surrounding communities. Buena Park can differentiate itself as a unique place with a desirable quality of life, in part, through an enhanced public realm.

2.9.1 Gateways

Gateways are significant points of entry into a community – the community's doorstep. They help shape identity and provide a clear sense of boundaries. Because they often provide the first impression of a community or area, gateways represent an important opportunity to convey a positive and lasting image. They are excellent places for welcome signs, special landscaping treatments or public art. Private development at gateway locations should be attractive and well maintained. There are two types of gateways identified in Buena Park. "City Gateways" function as focal points of identity between Buena Park and adjacent cities. "District Gateways" function as focal points of identity

at the transitions into special districts or areas in the City (such as focus areas). Exhibit LU-3, Buena Park Gateways, identifies the locations of both types of gateways and provides a hierarchy of significance. Primary are the most prominent gateways. Secondary and tertiary gateways, while still important, are not as significant and may be at points where there is less vehicular and/or pedestrian traffic.

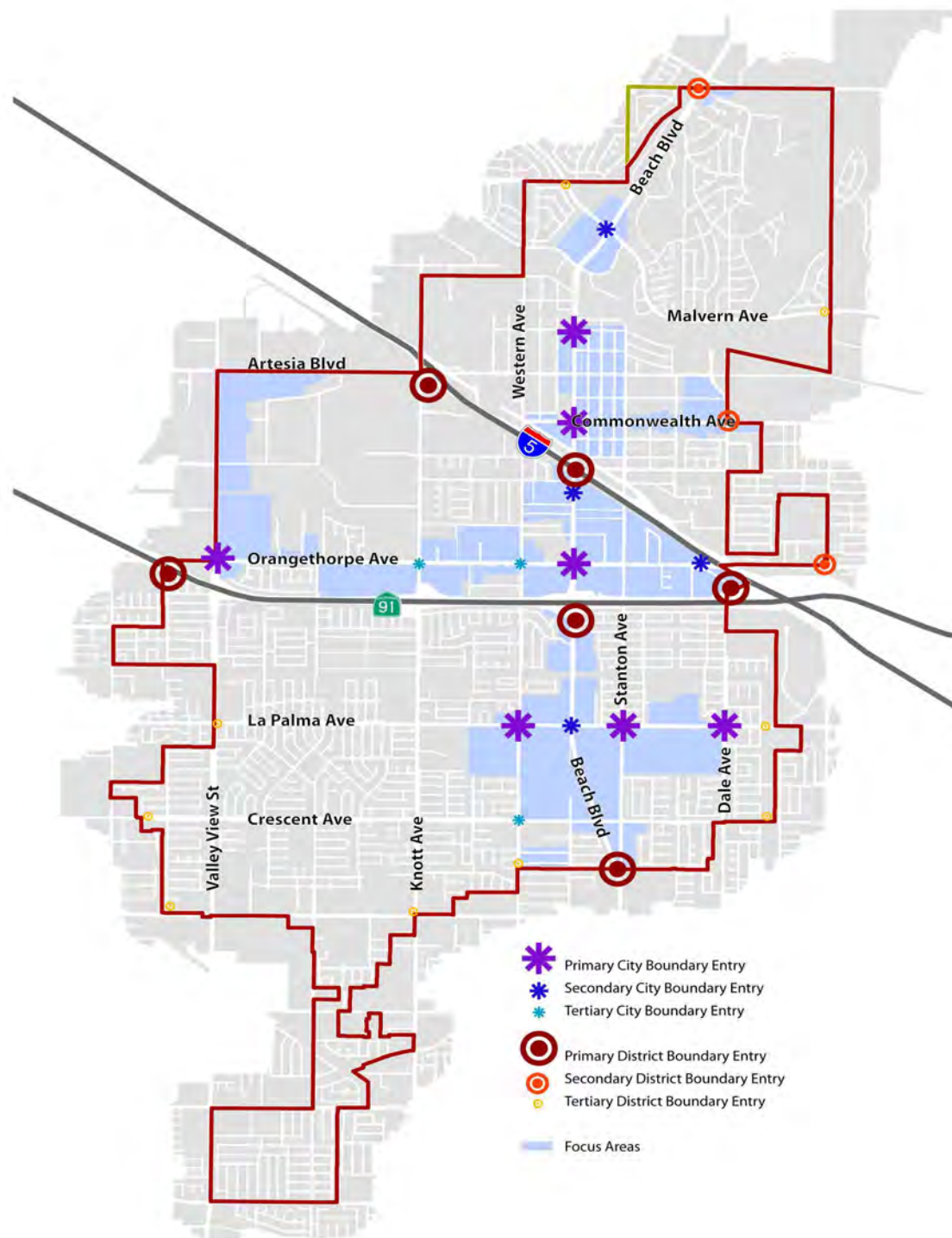


City Gateway Signage (Primary)



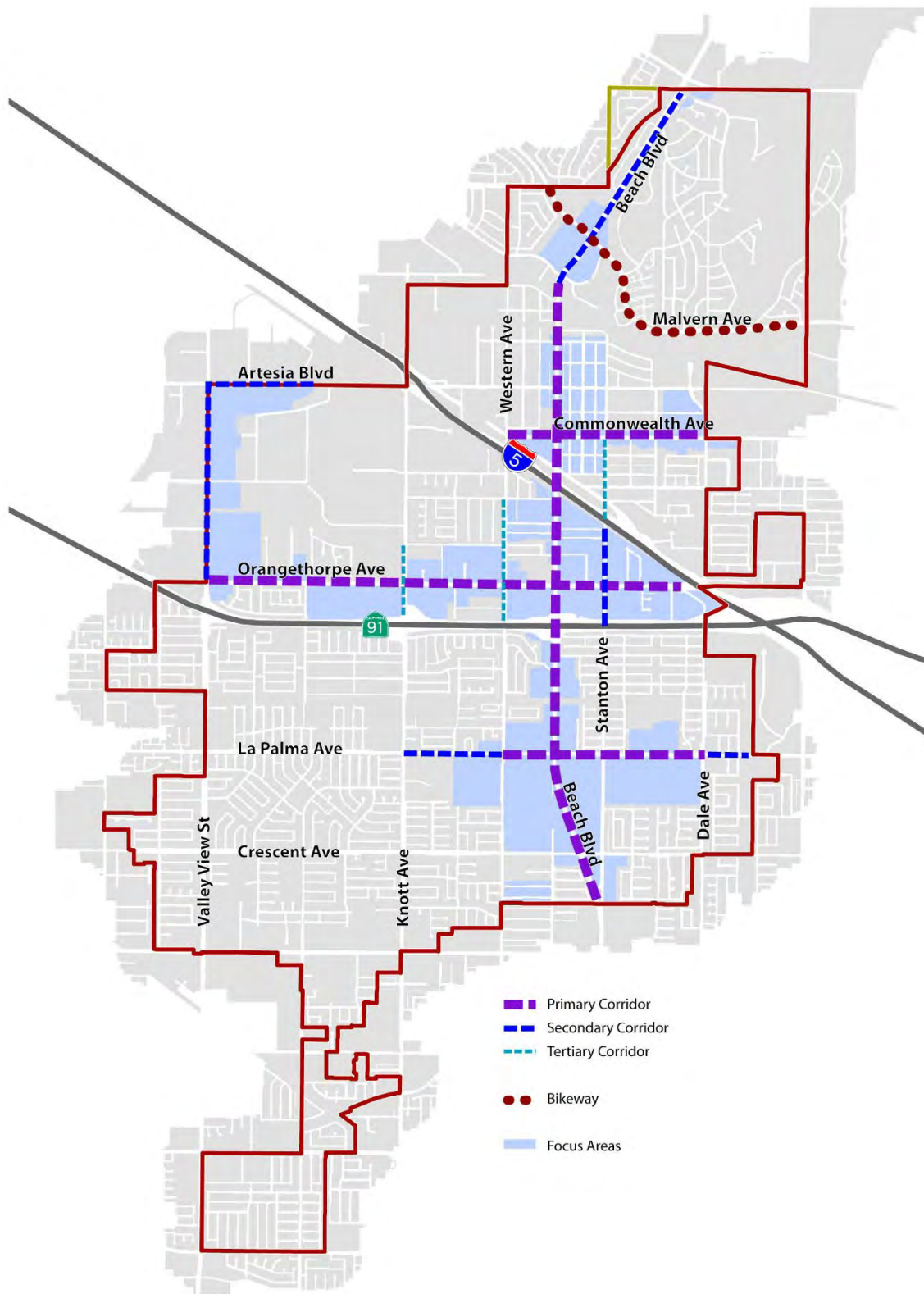
Typical District Gateway Signage (Secondary)

Exhibit LU-3, Buena Park Gateways



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Exhibit LU-4, Streetscape Improvement Corridors



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2.9.2 Streetscape

Buena Park's streetscape—the view from the road—is a powerful and immediate indicator of the community's image. The view from the road consists of many elements installed in public rights of way, including trees, landscaping in parkways and medians, street furniture (benches, trash receptacles, etc.) lighting, and utilities. Exhibit LU-4, Streetscape Improvement Corridors, identifies the priority corridors for streetscape improvements within the City.

For many people who pass through Buena Park, but are not residents, the view from the road (or potentially even from a bikeway) is often their primary impression of the City. For residents, the quality of the street environment has a more direct impact on their daily lives. Roads are a valuable public space asset and should be treated as such. People are touched daily by the quality, or lack thereof, that the streetscape presents. Additionally, the quality of the street environment affects property values throughout the City and sets a tone for special districts.



Physical features within the public right-of-way are controlled by the City, including their design, installation, and maintenance. This is an important responsibility considering how the quality of the street environment affects the City's image. Great care should be exercised in the evaluation of streetscape elements in terms of their aesthetic appeal and contribution to a positive community image and identify of focus areas.

This section looks at the City's streetscape image from the public realm—what people see from the street and sidewalk that is located in the public right-of-way. The following provides a description of the some of the various elements that comprise a vibrant public street environment. Recommended street sections that showcase the various elements for prominent corridors are included on pages 2-80 and 2-81.

STREET TREES

Street trees humanize the otherwise hard edge of the urban street environment. They help unify and identify an area, enhancing the public environment by creating comfortable outdoor spaces, shade for pedestrians, energy conservation benefits, spatial definition, traffic calming and focal breaks in streetscape monotony. They also contribute to fresher air and reduce reflected heat from buildings and pavement.



Street trees are essential to highlighting a unique identity and creating a comfortable walking environment

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The visual characteristics of street trees are important in their selection. Trees can be effective in strengthening the City's form by emphasizing major roadways and important districts, and by identifying neighborhoods and gateways. Street trees should be chosen based on the scale and importance of the roadway. Generally, larger trees are used for major roadways and smaller, pedestrian-scale trees are used within neighborhoods. Trees are also chosen for their water conserving, drought resistance, and maintenance qualities.

In neighborhoods, broad spreading, deciduous trees are preferable. These trees create an attractive canopy and provide shade in the summer while admitting sun in the winter. In commercial districts, it is important that street trees be both deciduous and evergreen, and provide a canopy that does not obscure business signage. Industrial districts are the most flexible in terms of compatible varieties.



Medians can serve as both aesthetic and safety elements in Buena Park's primary and secondary

MEDIANS

Landscaped medians serve many different functions. Medians help distinguish the City's most significant circulation routes and gateways and contribute to the City's image. Overall, medians can make streets more attractive and motorists more comfortable by reducing the perceived road width. Medians also increase safety by separating oncoming cars and offering pedestrian refuge areas where appropriate.

"A street is a spatial entity and not the residue between buildings." - Anonymous

STREET FURNISHINGS

Street "furniture" consists of the hardware items typically found along sidewalks for the convenience of the pedestrian and transit user. Items of street furniture include benches, trash receptacles, drinking fountains, bus shelters, shade structures, newspaper racks, information kiosks, and similar items aimed at creating a friendly, functional and aesthetically pleasing environment for pedestrians. The selection and appropriate placement of street furnishings, including special paving plays an important role in establishing a quality street environment and should strengthen the identity of the City and/or special district.

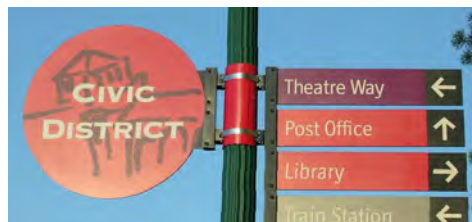
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Streetscape furniture and materials can contribute to the distinct character of the City and its special districts.

PUBLIC ART

Public art can capture the aspirations of the community and express the City's cultural and social heritage. Because of this, works of art in public places can contribute significantly to Buena Park's identity. Public art can stimulate creativity and imagination while adding a unique human dimension to the outdoor environment. Opportunities for public art in Buena Park include street furniture, infrastructure, signage, and freestanding art in public spaces or large open space.



Public art can help develop a strong sense of place that is uniquely "Buena Park".

Ingredients of an Attractive, Pedestrian-Friendly Street

While not all Buena Park streets and corridors can be designed exclusively for the pedestrian, including the following streetscape considerations should be evaluated in an effort to develop streets that respect and support pedestrians.



Separate Zones for Pedestrians and Automobiles



Buffer between Pedestrians and Moving Vehicles



Pedestrian Amenities and Comfort



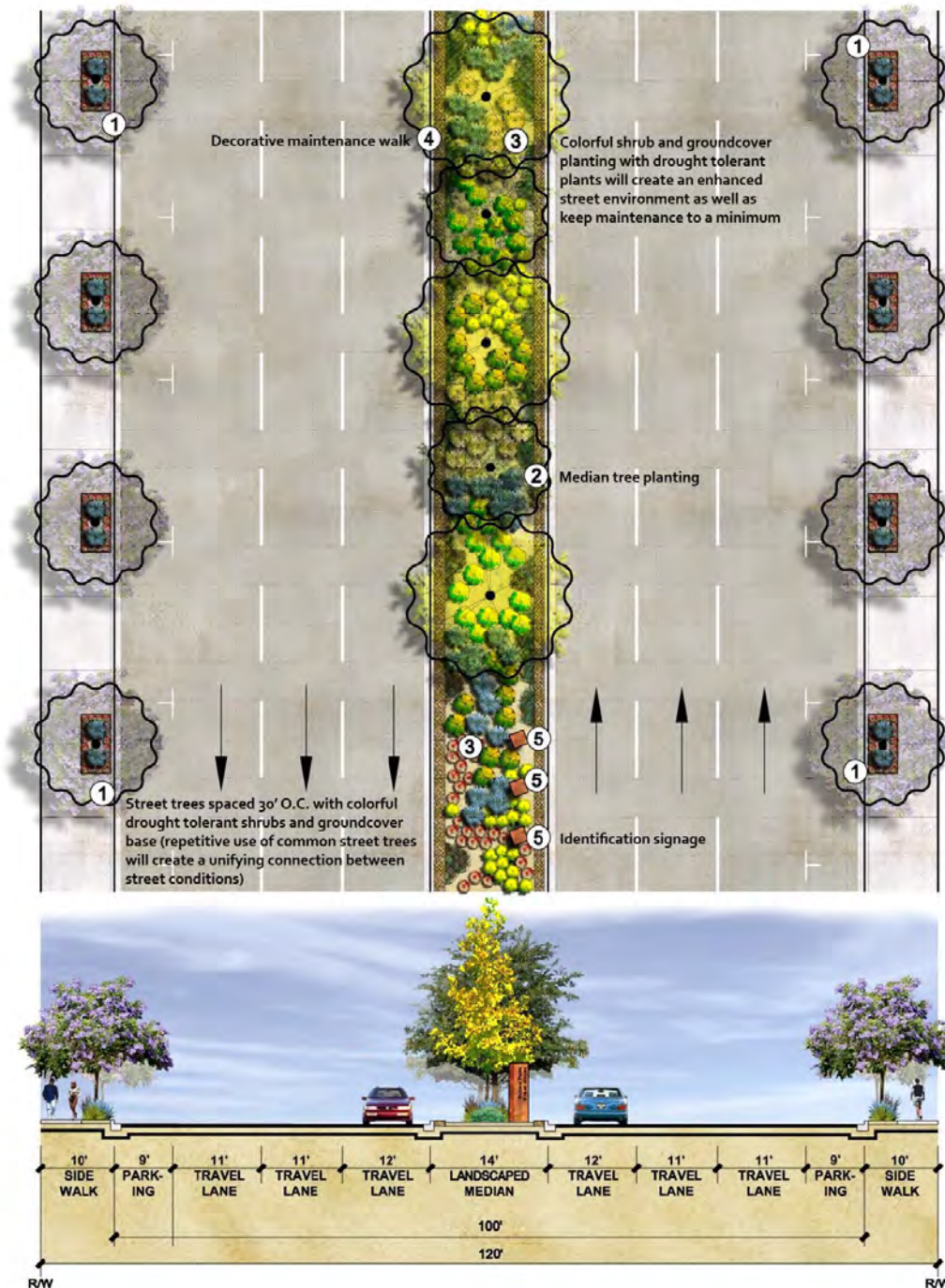
Frequent, Safe Pedestrian Crossings



Active Storefronts and Dining Along Sidewalks

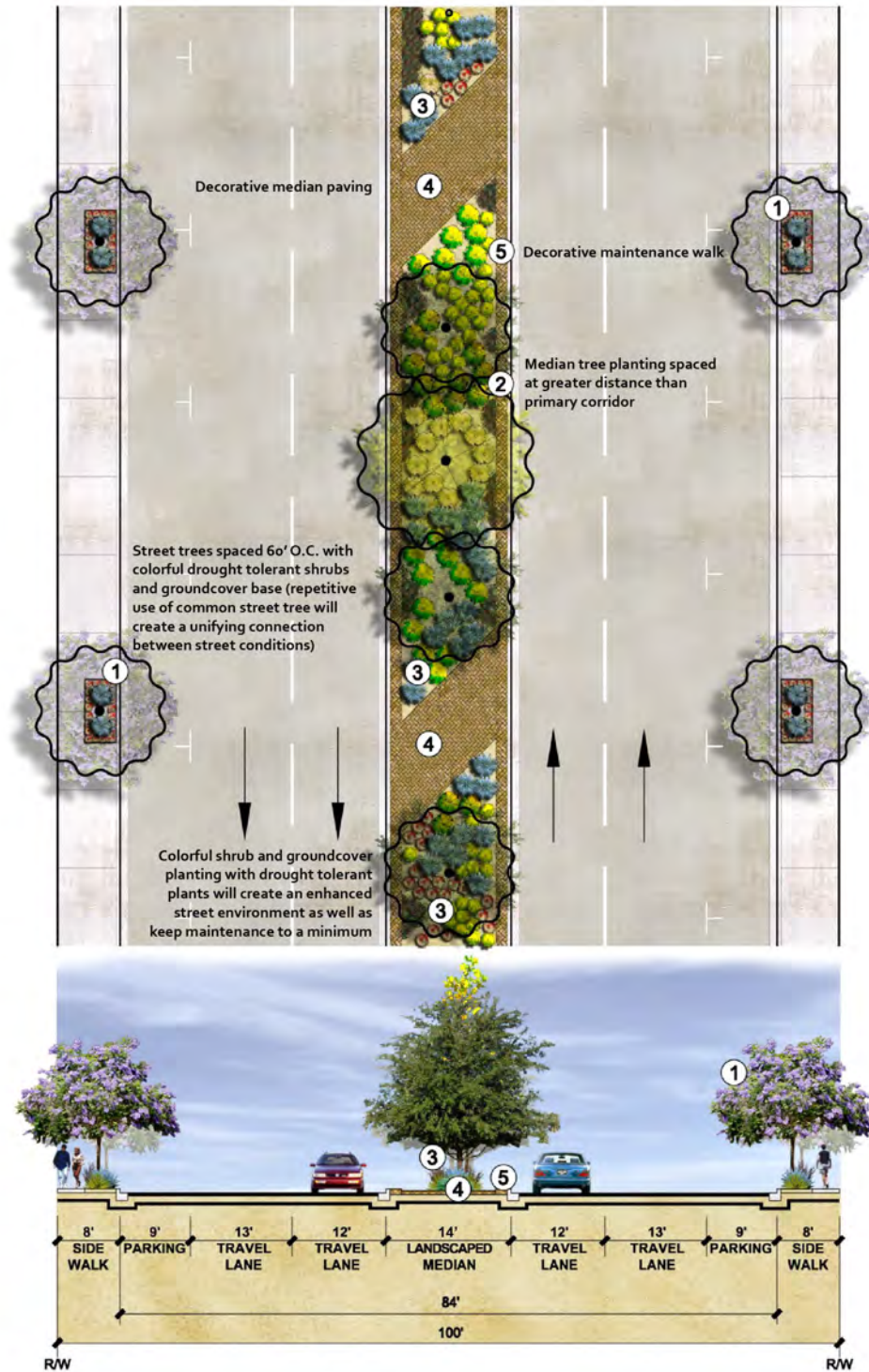
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Recommended Street Section for Prominent Corridors



Chapter 2 *Land Use and Community Design Element*

Recommended Street Section for Prominent Corridors



2.10 PRINCIPLES, GOALS, AND POLICIES

PRINCIPLE: BALANCING COMMUNITY CHANGE WITH THE EXISTING ENVIRONMENT

The principle of balancing community change with the existing environment is of great importance to the City of Buena Park. As Buena Park is a built-out community, change will occur on previously developed land. Therefore, this will require a strong connection in the relationship between future development and existing development. Future change should acknowledge the City's existing built and natural environment as well as provide a means to harmonize future needs with existing needs.

Goal LU-1: A complementary balance of land uses throughout the community.

Policy LU-1.1: Establish land use policies that encourage a balance of jobs and housing in Buena Park.

Policy LU-1.2: Ensure future development provides for a variety of commercial, industry, and housing that serve the spectrum of incomes within the region.

Policy LU-1.3: Establish a wide range of residential densities and non-residential intensities to encourage a wide range of development opportunities.

Policy LU-1.4: Provide for the development of complementary land uses, such as open space, recreation, and civic/service uses for all future residential and non-residential development.

Policy LU-1.5: Encourage the establishment of high-end retail and restaurants within the City.

Policy LU-1.6: Provide for the equitable distribution of affordable housing units throughout the development and the City.

Goal LU-2: Integration of open space resources with existing and future land uses.

Policy LU-2.1: Preserve public and private open space for active and passive recreational opportunities to enhance connectivity with neighborhoods.

Policy LU-2.2: Seek opportunities to improve and enhance Buena Park flood control facilities to protect the public health, safety, and welfare, while providing additional opportunities to connect various land uses throughout the City.

Policy LU-2.3: Encourage joint City/school use of school district owned properties for open space and recreational opportunities for local residents.

Policy LU-2.4: Seek opportunities to expand the use of easements for walking, biking, and recreation to enhance connectivity between a variety of land uses.

Policy LU-2.5: Require the incorporation of public open spaces, green infrastructure, and recreational amenities within the Housing Incentive Overlays to enhance quality of life,

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promote environmental sustainability, and provide opportunities for community interaction and relaxation.

Goal LU-3: Effective management of growth and change.

Policy LU-3.1: Ensure that development activities acknowledge the protection and enhancement of quality of life in the City's neighborhoods.

Policy LU-3.2: Ensure environmental and fiscal impacts are evaluated to minimize impacts to the physical environment and fiscal obligations of the City.

Policy LU-3.3: Ensure land use decisions consider impacts to infrastructure and service needs.

Policy LU-3.4: Target growth and new construction in infill areas by redeveloping underutilized commercial and industrial properties, especially within the Housing Incentive Overlays.

PRINCIPLE: NEIGHBORHOOD PRESERVATION THROUGH FOCUSED DEVELOPMENT

The City of Buena Park values its existing neighborhoods. Therefore, growth and change must respect the value of existing neighborhoods and provide opportunities for growth that consider neighborhood integrity. A policy establishing nodes of focused urban growth within Focus Areas and Housing Incentive Overlays will ensure existing neighborhood integrity.

Goal LU-4: Higher-density and intensity of development in designated focus areas and Housing Incentive Overlays.

Policy LU-4.1: Identify specific focus areas and Housing Incentive Overlay sites for transition and change to provide explicit policy guidance for land use, site and building design, and development in these areas.

Policy LU-4.2: Ensure future development addresses the preservation and enhancement of existing single-family neighborhoods when adjacent to areas of anticipated growth.

Policy LU-4.3: Promote the clustering of development adjacent to transportation facilities including amenities to encourage transportation and service nodes.

Policy LU-4.4: Expand the options and opportunities for underutilized sites by allowing for combinations of commercial uses and multi-family uses to encourage vibrant and walkable neighborhoods, while increasing the availability of housing.

Policy LU-4.5: Focus growth along major corridors, including Beach Boulevard and Orangethorpe Avenue and within close proximity to the Metro Link Train Station, I-5 Freeway, and CA-91 Freeway.

PRINCIPLE: RESIDENTIAL DEVELOPMENT

Residential development is the primary land use in the City of Buena Park. Policies and programs in the Land Use Element should be consistent with the Housing Element, which is updated more frequently pursuant to state law.

Goal LU-5: Compliance with state and regional housing mandates.

Policy LU-5.1: Ensure Buena Park is in compliance with applicable state and regional housing mandates.

Policy LU-5.2: Provide required monitoring of residential development activity.

Policy LU-5.3: Provide for monitoring of state housing legislation to ensure City compliance or to ensure the City's interest is represented.

Goal LU-6: A housing stock that meets the diverse needs of Buena Park's existing and future residents.

Policy LU-6.1: Provide for housing opportunities that address the needs of those who currently live or desire to live in Buena Park.

Policy LU-6.2: Preserve and enhance existing, viable single-family residential neighborhoods by prohibiting the intrusion of incompatible uses.

Policy LU-6.3: Locate affordable housing adjacent to jobs, retail, schools, open space, and public transportation.

Policy LU-6.4: Monitor the housing needs of the existing and future labor force and engage the business community to attract employees and new businesses to Buena Park.

Policy LU-6.5: Encourage integration of residential uses within mixed-use development.

Policy LU-6.6: Provide a wide range of housing options for Buena Park residents, including owner and rental housing adjacent to jobs, shopping, and transit.

Policy LU-6.7: Require a diverse range of percentages of new developments within the Housing Incentive Overlays to be allocated for affordable housing units to ensure housing options are available for individuals of all income levels, in compliance with State laws aimed at promoting socio-economic diversity within communities.

Policy LU-6.8: Use density bonuses and other incentives to facilitate the development of new housing for very low- and low-income households within the Housing Incentive Overlays.

Policy LU-6.9: Implement expedited permitting processes for affordable developments within the Housing Incentive Overlays to encourage developers to prioritize affordable housing projects, thus fostering additional residential growth while maintaining sites for all income levels.

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Policy LU-6.10: Support the enforcement of federal and State fair housing laws that prohibit discrimination in the sale, rental, and occupancy of housing on the bases of race, religion, color, ancestry, national origin, age, sex, sexual orientation, family type, handicap, minor children, or other protected status under State and federal law.

Goal LU-7: Preserve and enhance single-family residential uses.

Policy LU-7.1: Maintain and enhance the character of single-family residential neighborhoods.

Policy LU-7.2: Encourage the development of moderate- to upper-income single-family housing.

Policy LU-7.3: Encourage home ownership.

Policy LU-7.4: Protect neighborhoods from the encroachment of incompatible activities or land uses that may have negative impacts on residential living environments.

Policy LU-7.5: Locate and design garages and accessory structures/dwelling units so that they do not dominate the appearance of the dwelling from the street.

Policy LU-7.6: Encourage the integration of Accessory Dwelling Units in single-family residential areas in a manner that preserves the character and scale of the neighborhood. Ensure ADUs comply with state laws and local regulations.

Policy LU-7.7: Ensure all new developments in single-family residential areas comply with state housing laws, including SB-9 (Lot Splits), while implementing local measures to preserve and enhance the character, scale, and quality of these neighborhoods.

Goal LU-8: Affordable housing supply in the City is increased to meet the regional need and existing affordable housing stock is maintained.

Policy LU-8.1: Encourage a variety of creative methods for supplying affordable housing. Facilitate a mix of household income and affordability levels in residential projects citywide, with an emphasis on ensuring integration of affordable housing into every neighborhood.

Policy LU-8.2: Modify development processes to streamline and simplify the processing of entitlement permits, design review, building permits, and funding of affordable housing projects.

Policy LU-8.3: Ensure future development of housing distributes affordable units throughout the City and avoids overconcentration of affordable units.

Policy LU-8.4: Work with major employers, educational institutions, health care institutions, and other employers within Buena Park to facilitate and encourage the development of workforce housing.

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Policy LU-8.5: Support development and maintenance of affordable senior rental and ownership housing and supportive services that facilitate independence and the ability of seniors to remain in their homes and the community.

Policy LU-8.6: Support the development of permanent, affordable, and accessible housing that allows people with disabilities to live independent lives.

Policy LU-8.7: Encourage the development of mixed-use projects that incorporate affordable housing alongside commercial, retail, and office spaces to create dynamic, inclusive communities and increase access to amenities and services for residents.

Policy LU-8.8: Promote public-private partnerships to leverage funding and resources for mixed-income developments that blend market-rate and affordable housing, ensuring long-term affordability and social integration across all neighborhoods.

PRINCIPLE: INDUSTRIAL AND MANUFACTURING USES

Industrial and manufacturing uses have experienced significant change due to innovation, market competition, and regional factors such as land values and changes in regional logistics. Therefore, the City acknowledges that future land use policy should respond to a rapidly changing marketplace by providing flexible, market-responsive land use policy that maximizes the City's ability to capture jobs for the local workforce.

Goal LU-9: Promotion of quality industrial development that provides local employment opportunities.

Policy LU-9.1: Support redevelopment and transition of obsolete industrial and manufacturing sites for commercial, flex- tech, and/or mixed-use development, reflective of current market demand.

Policy LU-9.2: Promote quality design and development practices that reduce environmental impacts.

Policy LU-9.3: Encourage the consolidation of smaller industrial properties and the cooperation of individual property owners in order to provide opportunities for larger, integrated development, including reconfiguration of public streets where possible and appropriate, reducing fragmentation of design, access, circulation, parking, and signage within industrial areas of the City.

Policy LU-9.4: Discourage additional disaggregation of larger industrial properties and significant development or redevelopment of individual smaller parcels which have the potential of being combined within the adjacent parcels.

Goal LU-10: Land use policy that encourages job retention and attraction.

Policy LU-10.1: Encourage flexibility in land use regulations to respond to requirements of new and emerging business and industry types.

Policy LU-10.2: Ensure land use policy is supplemented by strong marketing, business retention and attraction efforts, and predictable, land use regulations.

PRINCIPLE: COMMERCIAL AND JOB-CREATING USES

A robust and diverse economy will increase the need for retail, office, and other job-creating uses that employ the local population and provide access to needed services. The City places strong emphasis on its ability to attract new commercial uses and promote the expansion of existing commercial uses.

Goal LU-11: Existing commercial areas that are preserved and enhanced while new commercial opportunities are expanded.

Policy LU-11.1: Promote business attraction, retention, and expansion to enhance the City's economic vitality.

Policy LU-11.2: Promote physical improvement of existing office and retail centers.

Policy LU-11.3: Encourage revitalization and enhancement of existing underperforming commercial areas through site planning and redevelopment to maximize use of existing development.

Policy LU-11.4: Discourage the construction of marginal, disjointed strip center commercial development within the City.

Policy LU-11.5: Encourage integrated development that incorporates commercial uses with housing.

Policy LU-11.6: Preserve the valuable resource of larger commercial properties by not allowing subdivision into smaller parcels unless accompanied by a Master Plan for ultimate development with integration of circulation, access, architectural design, and landscaping regardless of individual ownership.

Strip Commercial Centers

Strip commercial centers became very prominent throughout the United States as popularity of the automobile grew. With auto-independence, suburban neighborhoods had the ability to develop on the outskirts of a community. Major arterial thoroughfares lined with strip commercial uses provided the connection between residential suburbs and job centers located in a downtown district.

Strip commercial centers are clusters of small retail and/or office uses isolated from other uses along a major corridor. Their low-intensity development pattern results in single-story stores typically located at the rear of the property. Strip commercial is typically characterized by mundane building and site design and configuration, as well as minimal landscaping. Often, the scale of strip commercial centers is intended for customers seeking the goods or services of only one store, resulting in more total number of parking spaces needed along the entire strip than if parking were shared by a mix of uses. Major surface parking lots are generally located between the stores and the street-edge, reducing pedestrian and bicycle accessibility. Due to their vehicular-oriented characteristics, strip commercial centers have a significant number of driveways accessing the arterial that intersect with sidewalks. Their configuration also tends to provide few pedestrian connections to surrounding residential neighborhoods.



AUTO-ORIENTED CHARACTERISTICS

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Goal LU-12: Continued promotion of the Auto Center as an automotive sales corridor.

Policy LU-12.1: Promote the Auto Center as a regional automobile sales destination to retain existing dealerships and encourage new automobile dealerships to locate within the Auto Center.

PRINCIPLE: MANAGEMENT OF GROWTH AND CHANGE

It is essential that City growth and change be managed, including consideration of fiscal implications of land use decisions.

Goal LU-13: Fiscal impacts of growth and change are evaluated.

Policy LU-13.1: Ensure necessary capital improvements are in place prior to new development or completed concurrently.

Policy LU-13.2: Ensure that fiscal impacts associated with growth and change are evaluated to ensure City ability to provide vital services is not compromised.

Goal: LU-14: Proactive coordination with Regional Agencies.

Policy LU-14.1: Provide a strong role in the development of regional planning efforts by ensuring local land use issues are adequately addressed at the regional level.

Policy LU-14.2: Establish a strong role in the implementation of Proposition 1A with the California High Speed Rail Authority (CHSRA).

Policy LU-14.3: Continue coordination with the California Department of Transportation (Caltrans) related to the local impacts of change and development of the I-5 and SR-91 Freeways as well as other local transportation routes and areas of influence under the jurisdiction of Caltrans.

Policy LU-14.4: Continue coordination with the Orange County Transportation Authority (OCTA) to ensure regional and sub-regional transportation efforts reflect Buena Park's unique attributes.

Policy LU-14.5: Continue the City's role with the Orange County Council of Governments (OCCOG) including informing decision-makers about inter-governmental coordination, and representing the City at the sub-regional, regional, and state level.

Policy LU-14.6: Refer to the Airport Land Use Commission, for a determination of consistency with the Airport Environs Land Use Plan, any proposed development which would pierce the imaginary surfaces for the Fullerton Municipal Airport or the Joint Forces Training Base Los Alamitos, as defined in the Federal Aviation Regulation Part 77.

Policy LU-14.7: Building heights shall comply with FAR Part 77 Imaginary Surfaces for the Fullerton Municipal Airport or Joint Forces Training Base Los Alamitos.

PRINCIPLE: SUSTAINABLE LAND USE

Sustainable growth to meet the needs of current and future residents is important to the City of Buena Park. Coordination between land uses and transportation facilities and services will promote both economic and environmental sustainability.

Goal LU-15: Land uses that are connected and coordinated with existing and future transportation facilities.

Policy LU-15.1: Promote convenient and attractive pedestrian linkages across and along streets.

Policy LU-15.2: Continue to promote the creation of jobs and housing in proximity to the Buena Park Metrolink station.

Policy LU-15.3: Coordinate siting of future transportation facilities to maximize the development of transit-supportive land uses.

Policy LU-15.4: Encourage development of land uses that provide for multi-modal transportation options to reduce the demand for automobile use.

Policy LU-15.5: Encourage mixed-use and multi-family developments to be located in close proximity to essential services, such as schools, healthcare facilities, grocery stores, and public transportation, to reduce reliance on automobiles, improve accessibility, and enhance convenience for residents.

Policy LU-15.6: Implement streetscape enhancements such as widened sidewalks, street trees, pedestrian-scale lighting, benches, and public art installations to improve the visual appeal, comfort, and safety of pedestrian environments.

Goal LU-16: City-defined smart growth and sustainable community principles incorporated into future planning and development proposals.

Policy LU-16.1: Support sustainable activities at the local and regional level.

Policy LU-16.2: Encourage private development to incorporate City-defined sustainable principles in site development, building construction, and building systems.

Policy LU-16.3: Utilize land use change to encourage livability, access to services, efficient use of infrastructure, and access to transportation options.

Policy LU-16.4: Encourage land uses and improvements that reduce energy and water consumption, waste and noise generation, air quality impacts and support other comparable resource strategies for a sustainable Buena Park; including alternative energy generation, electric vehicle parking and charging, recycling, and similar facilities.

Policy LU-16.5: Require mixed-use and multi-family developments to adhere to sustainable design and construction practices, including energy efficiency measures, water conservation strategies, use of renewable materials, and implementation of green building standards, to minimize environmental impacts and promote long-term resilience.

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Policy LU-16.6: Prioritize walkability and connectivity by promoting pedestrian-friendly infrastructure, such as interconnected sidewalks, crosswalks, and pedestrian pathways, as well as safe and convenient access to public transportation options.

Goal LU-17: A physical environment that enhances aging in place.

Policy LU-17.1: Encourage a variety of employment, housing, entertainment, and recreational choices to enhance the opportunities for Buena Park residents to stay within the community throughout all stages of life.

Policy LU-17.2: Encourage the development of senior housing that has access to commercial services, health care facilities, community facilities, and public transit.

PRINCIPLE: ECONOMIC DEVELOPMENT

Land use is intimately related with economic development, as it provides the primary direction for the location and distribution of development. The effective location and distribution of land uses contribute to the fiscal well-being of the City. Therefore, economic considerations play a vital role in effective land use policy.

Goal LU-18: Development that promotes and enhances the fiscal health of the City.

Policy LU-18.1: Encourage zoning and other regulatory mechanisms to promote new development that contribute to the community's fiscal health.

Policy LU-18.2: Explore land use policies, processes, standards, and incentives to expand commerce and job creation within the City.

Policy LU-18.3: Promote development patterns that reduce infrastructure construction costs.

Policy LU-18.4: Continue to prioritize commercial and residential revitalization within the redevelopment project area.

PRINCIPLE: FOCUSED DEVELOPMENT STRATEGY

As a built-out City, growth and change in Buena Park will primarily occur as infill, redevelopment, and revitalization in key areas identified for change. This focused development strategy will be implemented through the establishment of specific focus areas with individualized approaches for each area.

Goal LU-19: A focused development strategy that emphasizes specialized Focus Area land use policies.

Central Buena Park Focus Area

Policy LU-19.1: Improve the quality of the pedestrian environment along Beach Boulevard to establish a walkable and highly accessible mixed-use environment.

Policy LU-19.2: Create an enhanced pedestrian environment that encourages linkages between residential and non-residential uses within Central Buena Park.

Policy LU-19.3: Encourage the development of publicly accessible spaces within and adjacent to private property to encourage a higher level of pedestrian utilization along Beach Boulevard.

Policy LU-19.4: Ensure that design and siting of new development along Beach Boulevard and Commonwealth Avenue addresses quality of life in adjacent residential neighborhoods.

Policy LU-19.5: Ensure strategic location of parking facilities along Beach Boulevard and Commonwealth Avenue to encourage convenient and accessible parking for commercial development.

Policy LU-19.6: Facilitate development of shared and/or joint-use parking facilities.

Policy LU-19.7: Encourage redevelopment of individually-owned, smaller lots by providing regulatory incentives encouraging the consolidation of lots to maximize development opportunities.

Orangethorpe Corridor East Focus Area

Policy LU-19.8: Promote streetscape and urban design improvements to enhance the area as the eastern gateway into the City.

Policy LU-19.9: Encourage high-profile, high quality development that provides visibility from the adjacent SR-91 and I-5 freeways.

Policy LU-19.10: Encourage the development of live-work units as a means of transition between high intensity commercial development and adjacent residential neighborhoods along Oregon Street and Indiana Street.

Policy LU-19.11: Maximize accessibility of non-residential uses along Kass Drive and Page Street to reduce conflicts with existing residential uses.

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Orangethorpe Corridor West Focus Area

Policy LU-19.12: Evaluate opportunities to introduce high-density residential development south of Melrose Street as a means to transition between commercial uses and existing single-family residential uses to the north.

Policy LU-19.13: Encourage the development of integrated campus-like commercial development through improved functional connectivity with Western Avenue and Knott Avenue.

Policy LU-19.14: Encourage the consolidation of long, narrow parcels fronting Orangethorpe Avenue to provide opportunities for larger, integrated campus developments.

Policy LU-19.15: Enhance the pedestrian environment through the development of streetscape and urban design that consolidates site ingress and egress.

Policy LU-19.16: Ensure that future development along Orangethorpe and Knott Avenue addresses the need for an enhanced pedestrian environment for adjacent school uses.

Entertainment Corridor Focus Area

Policy LU-19.17: Encourage development of the Mall with a mix of higher-density residential, entertainment, and commercial uses that complement and enhance Knott's Berry Farm and other entertainment uses.

Policy LU-19.18: Encourage the development of a variety of urban entertainment uses that encourage activity within the area.

Policy LU-19.19: Promote linkages to adjacent developments to promote the Entertainment Corridor as a pedestrian destination.

Policy LU-19.20: Continue to coordinate with Knott's Berry Farm to ensure potential new development or expansion of operations are compatible with adjacent land uses.

Entertainment Corridor North Focus Area

Policy LU-19.21: Continue to support Knott's Berry Farm as a centerpiece of the City's entertainment corridor through the establishment of uses and activities that complement and enhance its continued success as a regional attraction.

Policy LU-19.22: Encourage the development of a high-intensity urban entertainment activity center that strengthens physical and functional connectivity with the resort area.

Policy LU-19.23: Provide for a highly vitalized urban pedestrian environment through the establishment of pedestrian amenities and retail development along Beach Boulevard and Orangethorpe Avenue.

Policy LU-19.24: Expand and enhance supportive commercial, hospitality, and residential uses along Beach Boulevard and Orangethorpe Avenue that attract and complement the tourist industry.

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Policy LU-19.25: Promote linkages to adjacent developments to promote the Entertainment Corridor North as a pedestrian destination.

Policy LU-19.26: Encourage development of strategically located, joint-use parking facilities to establish a “park once” destination.

Policy LU-19.27: Incorporate high-density residential development as a component of retail and entertainment uses to provide additional housing opportunities for employees of the resort area.

Northwest Focus Area

Policy LU-19.28: Encourage the creation of large-scale, job-creating development.

Policy LU-19.29: Encourage the establishment of high-end corporate businesses through incentives, land use regulations, and other techniques.

Policy LU-19.30: Encourage high quality commercial development with direct access to Orangethorpe Avenue and Valley View Street.

Policy LU-19.31: Provide opportunities for limited supportive retail and dining development for the daytime employment population.

Policy LU-19.32: Improve regional accessibility to job-creating uses in the focus area through coordination with adjacent jurisdictions and Caltrans to improve connectivity at Valley View Street from the SR-91 and I-5 freeways.

Civic Center Focus Area

Policy LU-19.33: Encourage development of a mixed-use environment providing a balance of commercial, residential, and civic uses.

Policy LU-19.34: Establish stronger physical and functional connectivity with Beach Boulevard.

Policy LU-19.35: Ensure future development and redevelopment in the Civic Center area acknowledges preservation and enhancement of historic structures.

Policy LU-19.36: Enhance the civic identity along Beach Boulevard through streetscape and urban design improvements.

Commonwealth Corridor Focus Area

Policy LU-19.37: Establish a complementary mix of commercial and office development, incorporating job creation.

Policy LU-19.38: Encourage redevelopment of irregular lots along Commonwealth Avenue by providing regulatory incentives facilitating consolidation to maximize development opportunities.

Policy LU-19.39: Encourage strategic joint-use parking facilities to reduce the prevalence of ingress and egress along the Commonwealth corridor.

Policy LU-19.40: Ensure new development is designed and sited to buffer adjacent residential development from impacts associated with non-residential uses.

Policy LU-19.41: Ensure existing residential uses generally bounded by Dale Avenue, Artesia Boulevard, Whitaker Street, and Stanton Avenue are considered in the design and siting of future development along the Commonwealth Corridor.

Policy LU-19.42: Encourage streetscape and other urban design improvements to enhance Commonwealth Avenue as a primary eastern gateway into the City.

Policy LU-19.43: Encourage expansion and development of light industrial uses that provide additional employment opportunities.

Policy LU-19.44: Ensure new development and redevelopment are compatible with the Airport Environs Land Use Plan for the Fullerton Municipal Airport.

North Beach Boulevard Focus Area

Policy LU-19.45: Provide for a mix of job-creating uses and supportive retail development.

Policy LU-19.46: Ensure existing adjacent residential development along Beach Boulevard, La Mirada Boulevard, Malvern Avenue, and Stage Road is considered in the design and siting of future development.

Policy LU-19.47: Encourage street-oriented infill development focused at the intersection of Beach Boulevard and La Mirada Boulevard.

Policy LU-19.48: Provide for transitional landscaping and urban design features as transition to adjacent residential development to preserve neighborhood quality.

Fillmore/Jackson Focus Area

Policy LU-19.49: Encourage an improved physical environment that contributes to livability, safety, and crime reduction.

Policy LU-19.50: Provide for rehabilitation of existing residential structures. Policy LU-19.51: Encourage redevelopment opportunities within the area.

Goal LU-20: Focus Area Community Design Policies are Established and Implemented.

As a supplement to the Focus Area land use policies provided in the Land Use Element, the following Community Design policies address specific community design considerations for each of the General Plan Focus Areas.

Central Buena Park Focus Area

Policy LU-20.1: Promote a clearly defined regional entry statement from Beach Boulevard at the I-5 freeway.

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Policy LU-20.2: Promote appropriate statements to define neighborhood entries along 4th Street, Fullerton Avenue, Artesia Boulevard, Homewood Avenue, and Darlington Avenue.

Policy LU-20.3: Encourage the development of public amenities along Beach Boulevard to strengthen pedestrian comfort.

Policy LU-20.4: Consider an entry statement along Beach Boulevard to define a northern entry into the Central Buena Park focus area.

Orangethorpe Corridor East Focus Area

Policy LU-20.5: Consider entry monumentation and streetscape enhancements at Orangethorpe Avenue and the I-5 freeway to define the area as a primary eastern gateway into the City.

Policy LU-20.6: Encourage the use of landscape and urban design treatments at neighborhood entries along Oregon Street and Indiana Avenue to clearly define single-family residential areas.

Policy LU-20.7: Encourage quality design and development of manufacturing and office uses to enhance visibility from Orangethorpe Avenue.

Orangethorpe Corridor West Focus Area

Policy LU-20.8: Incorporate landscaping and urban design improvements adjacent to Knott Avenue and Orangethorpe Avenue to promote a walkable environment.

Policy LU-20.9: Consider improvements to Melrose Street to improve pedestrian accessibility.

Entertainment Corridor Focus Area

Policy LU-20.10: Encourage landscaping, unique streetscapes, and the integration of public art to enhance the area as a one of a kind entertainment destination.

Policy LU-20.11: Encourage bold and creative signage and urban design on private property to support the area theme.

Policy LU-20.12: Create an enhanced pedestrian environment that encourages linkages between the Mall, Knott's Berry Farm, and other visitor-serving uses along Beach Boulevard.

Policy LU-20.13: Consider a high-profile themed entry statement at Beach Boulevard and Crescent Avenue to promote a sense of arrival and place.

Entertainment Corridor North Focus Area

Policy LU-20.14: Consider a high-profile entry statement at Beach Boulevard and the SR-91 freeway to define the Beach Boulevard corridor as a primary regional entertainment and tourist center.

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Policy LU-20.15: Encourage the development of bold, highly visual signage, streetscape, and urban design on private property to further define the regional significance of the focus area.

Policy LU-20.16: Enhance the intersection of Beach Boulevard and Orangethorpe Avenue through the use of decorative paving, streetscape furniture, sidewalks, and landscaping.

Policy LU-20.17: Encourage quality design and development to enhance visibility from the SR-91 freeway.

Northwest Focus Area

Policy LU-20.18: Promote Orangethorpe Avenue and Valley View Street as the primary western gateway into the City through the establishment of monumentation, landscaping, and hardscape improvements.

Policy LU-20.19: Encourage the development of generous, high-quality landscaping along the public right-of-way to establish a corporate identity for the focus area.

Policy LU-20.20: Provide for transitional landscaping and buffering on the south side of Orangethorpe Avenue to ensure preservation and enhancement of existing single-family neighborhoods.

Civic Center Focus Area

Policy LU-20.21: Encourage the continued revitalization of residential units along Pinchot Court and 11th Street through structural improvements, landscaping, and streetscape to complement the Civic Center complex.

Policy LU-20.22: Encourage the preservation and enhancement of historic residential structures in the area generally bounded by 11th Street, Western Avenue, 9th Street, and Beach Boulevard through clearly identifying neighborhood boundaries, encouraging private improvements and maintaining and enhancing the existing public right-of-way.

Policy LU-20.23: Consider a strong entry statement at Beach Boulevard and the I-5 freeway, through landscaping, signage, and monumentation to define the area as the community's civic core.

Commonwealth Corridor Focus Area

Policy LU-20.24: Ensure the siting and design of new structures along Dale Street minimize potential impacts from adjacent aviation operations.

Policy LU-20.25: Consider a strong eastern entry gateway statement at Commonwealth Avenue and Dale Street to define entry into the City.

Policy LU-20.26: Promote streetscape and urban design improvements along 4th Street and Indiana Avenue that define residential neighborhoods and provide for transitions between non-residential and residential uses.

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North Beach Boulevard Focus Area

Policy LU-20.27: Consider a prominent intersection statement at Beach Boulevard and La Mirada Boulevard/Malvern Avenue.

Policy LU-20.28: Encourage street adjacent development along Beach Boulevard to encourage pedestrian utilization and accessibility by adjacent residents.

Policy LU-20.29: Provide for transitional landscape treatments to preserve neighborhoods adjacent to Malvern Avenue and La Mirada Boulevard.

Fillmore-Jackson Focus Area

Policy LU-20.30: Encourage Crime Prevention through Environmental Design (CPTED) techniques to encourage a safe and physically pleasing environment.

Policy LU-20.31: Encourage rehabilitation of existing residential structures through variations in color, hardscape, and building materials.

Policy LU-20.32: Encourage improvements to alleyways adjacent to Fillmore Drive and Jackson Way to enhance safety through hardscape, landscape, lighting, and other techniques.

Policy LU-20.33: Encourage the development of open space and recreational facilities to meet the needs of existing residents.

Policy LU-20.34: Facilitate redevelopment of the area to provide a modern urban contemporary development with associated amenities.

PRINCIPLE: COMMUNITY IDENTITY

The “view from the road” is one powerful indicator of the City’s image. Opportunities exist to improve the City’s street environment and public realm to create and enhance the sense of place.

Goal LU-21: Distinctive and attractive design of the public realm that promotes a positive image and identity.

Policy LU-21.1: Focus on improving the appearance of corridors in the City by implementing landscaping, enhanced paving, unique streetscape amenities, appropriately-scaled lighting, and placement of utility connections underground.

Policy LU-21.2: Support the development of a comprehensive gateway program, including a hierarchy of entry monuments and wayfinding signage throughout the City.

Policy LU-21.3: Support landscaping treatments that complement a comprehensive streetscape program and that maximize water conservation through plant species and irrigation techniques.

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Policy LU-21.4: Strive to develop a system of key landmarks that contribute to the character and image of the City, and encourage new buildings and/or monuments to function as neighborhood or district markers.

Goal LU-22: New development and redevelopment that contributes to a positive visual image of the City.

Policy LU-22.1: Support development in focus areas that encourages a mix of land uses, central gathering spaces, walkable streets, interesting architecture, and public art.

Policy LU-22.2: Promote good quality design that considers site and building scale and mass that enhances the experience of employees and customers.

Policy LU-22.3: Support the use of form-based codes in special districts and corridors to ensure that new development and redevelopment is consistent with the desired identity of the City.

Policy LU-22.4: Ensure that commercial signs do not detract from the City's high-quality image, while recognizing the need for effective business identification.

Policy LU-22.5: Continue to preserve historically-significant buildings and neighborhoods.

Policy LU-22.6: Encourage that new and adaptively re-used buildings are designed to respect and complement the defining built form, massing, scale, and modulation, of their contextual setting.

Policy LU-22.7: Design each building as a high-quality, long term addition to the City's urban fabric; exterior design and buildings material shall exhibit permanence and quality, minimize maintenance concerns, and extend the life of the building.

PRINCIPLE: SOCIAL INTERACTION

The physical character of a City can support or hinder social interaction. Opportunities exist in Buena Park to encourage social interaction by improving connectivity between uses, providing public gathering areas and spaces, and encouraging pedestrian-oriented development.

Goal LU-23: New development and redevelopment that fosters social interaction, connectivity, and sense of place.

Policy LU-23.1: Encourage connectivity between focus areas, nodes, and neighborhoods through visually-interesting and logical networks of paths that provide access for pedestrians, bicyclists, motorists, and transit patrons.

Policy LU-23.2: Encourage the development of a variety of public gathering places, such as community centers, mixed-use plazas or courtyards, and parks and open space, which meet the needs of residents and visitors.

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Policy LU-23.3: Encourage new commercial development and remodeling of existing commercial buildings to provide maximum window exposure for passers-by and minimize “blank wall” exposure.

Policy LU-23.4: Prioritize the development of walkable neighborhoods within the Housing Opportunities Overlay by incorporating pedestrian-friendly design elements, such as wide sidewalks, well-defined crosswalks, pedestrian-scale lighting, and street furniture, fostering safe and convenient walking routes between residential units and nearby amenities.

Policy LU-23.5: Promote building entrance orientation that prioritizes pedestrian accessibility and street interaction, with active ground-floor uses facing public streets and sidewalks.

Policy LU-23.6: Require that mixed-use projects provide on-site amenities that contribute to the living environment of residents such as courtyards, outdoor barbecues, and recreation facilities.

PRINCIPLE: ATTRACTIVE NEIGHBORHOODS

Neighborhood aesthetics contribute to overall resident satisfaction and community livability. Opportunities exist in Buena Park to enhance and protect existing neighborhoods, as well as ensure new neighborhoods are well-designed.

Goal LU-24: Existing and new neighborhoods that are attractive, well-maintained, and promote unique identities.

Policy LU-24.1: Promote public gathering spaces or community centers, recreational opportunities, and social programs within existing neighborhoods.

Policy LU-24.2: Continue to emphasize maintenance of the City public right-of-way, including street resurfacing, landscaping, lighting, and removal of litter or graffiti.

Policy LU-24.3: Support development and implementation of a uniform street tree program in residential neighborhoods and main boulevards that will ultimately provide shade canopies across roadways and provide inviting and walkable parkways.

Policy LU-24.4: Encourage homeowners' associations and neighborhoods to maintain existing housing tract entrance signs in an attractive manner and encourage the placement of new signs at the entrance of developments that do not have identification.

PRINCIPLE: COMMUNITY SAFETY

The physical design of a project can have a profound effect on public safety by addressing potential for associated criminal activity. Projects can enhance user safety through design to reduce opportunities for criminal activity.

Goal LU-25: A safe place to live, work, and play.

Policy LU-25.1: Incorporate public safety considerations into community design.

Final EIR:

https://www.buenapark.com/Document_center/City%20Departments/Community%20development/Planning%20Division/2021%20Housing%20Element%20Update/Final%20EIR%20-%20Combined.pdf

Statement of Overriding Considerations:

https://www.buenapark.com/Document_center/City%20Departments/Community%20development/Planning%20Division/2021%20Housing%20Element%20Update/Findings%20of%20Fact%20and%20Statement%20of%20Overriding%20Considerations.pdf