

## Changes to Chapter 21.15 Definitions

(NEW) 21.15.XXX Alcohol Exemption Permit. "Alcohol exemption permit" means a compliance determination by the Zoning Administrator that a Restaurant, which offers alcoholic beverages incidental to meal service shall be exempt from the Conditional Use Permit requirements of Chapters 21.32 and 21.33 of this Code because the applicant has agreed in writing to comply with all of the applicable criteria and conditions of **Section TBD**.

(NEW) 21.15.441 – California Department of Alcoholic Beverage Control (ABC). "California Department of Alcoholic Beverage Control (ABC) means the California State agency that regulates the permitting of alcoholic beverage sales, including the sale of beer, wine, and distilled spirits.

(NEW) 21.15.XXX "Determination of public convenience or necessity" means a procedure the City uses to approve alcoholic sales establishments in an area that the California Department of Alcoholic Beverage Control considers "high crime" or has too many licenses.

(AMEND) 21.15.1560 - Laundry. "Laundry" or Laundromat means an establishment to dry clean and/or wash and dry clothes brought in and carried away by the customer. This may include self-service or coin-operated facilities. ~~21.15.240 – Artist studio. "Artist studio" means a premises used for the creation of fine arts. An artist studio may contain living quarters as an accessory residential use (Section 21.15.063). When studio and residence are combined they are designated as "artist studio and residence" in the use table. (Ord. C-6895 § 2, 1991; Ord. C-6533 § 1 (part), 1988)~~

21.15.1576 - Live-Work unit. A unit that combines a work space and incidental residential occupancy by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential and work activities in compliance with the California Building Code.

(NEW) 21.15.XXX - Noise ordinance means Chapter 8.80 of the Long Beach Municipal Code.

(AMEND) 21.15.2310 - Restaurant. "Restaurant" means a commercial use engaged in the preparation and sale of food for immediate consumption. A restaurant includes a kitchen containing not less than a double sink, a range, an oven, and an exhaust canopy. Catering is an accessory use to a restaurant. ~~Uses that prepare and sell food without a full kitchen are a tavern if they sell alcoholic beverages for on-premises consumption, or a ready-to-eat food establishment if they do not sell alcohol for on-premises consumption. (Ord. C-6684 § 14, 1990; Ord. C-6533 § 1 (part), 1988)~~

(AMEND) 21.15.2320 - Restaurant, ~~dinner~~ Full-service. "Full-service" or "dinner restaurant" means a restaurant which provides ~~primarily table service to customers~~ food and beverage services to patrons who order and are served while seated and pay after eating and with limited takeout service. Full-service restaurant includes eating places authorized to sell beer, wine, and distilled spirits for consumption on-site under Type 47 Department of Alcoholic Beverage Control license and eating places that are authorized to sell beer and wine under a Type 41 License. (Ord. C-6533 § 1 (part), 1988)

(AMEND) 21.15.2420 - Secondhand store. "Secondhand store" means a retail establishment that buys, sells, and/or trades any premises used for the sale or handling of used goods, including through consignment, which may include ~~Secondhand store includes establishments for the sale or trade of used clothing, furniture, household goods, jewelry, household appliances, musical instruments, business machines and office equipment, hand tools, and similar items. and~~

~~appliances. Secondhand store~~ This definition does not include book stores, antique stores, sale of used farm or construction equipment, junk dealers, scrap/dismantling yards, sale of used cars or other vehicles, pawn shops, or establishments selling used jewelry, old coins and stamps.

(AMEND) 21.15.3000 - Tavern. Tavern includes bars, pubs, cocktail lounges and ~~the like~~ similar establishments that operate under a Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) and sell beer, wine and distilled spirits for consumption on the premises or Type 42 license (On-sale Beer and Wine-Public Premises) but do not necessarily sell food. Tavern also includes bars and pubs that operate under a a Type 40 license (On-sale Beer) and which sell sandwiches or snacks but not wine or distilled spirits. This use does not include Nightclubs as defined by these regulations or restaurants that operate under a Type 47 or Type 41 License.

(AMEND) 21.15.3015 - Thrift shop. ~~"Thrift shop" means a retail commercial land use, either for-profit or nonprofit, for the sale of used merchandise other than antiques, art, books, clothes, collectables, jewelry, photographic equipment and vehicles.~~ See Secondhand store.

## Changes to CHAPTER 21.21 - ADMINISTRATIVE PROCEDURES

### DIVISION III. - NOTICING OF HEARINGS

#### 21.21.302 - Noticing requirements for hearings.

- A. **General.** Notice shall be given for all hearings requiring notice as set forth in Table 21-1 not less than fourteen (14) days, nor more than forty-five (45) days prior to the hearing. In addition to the notice required by this Section, the City may give notice of the hearing in any other manner it deems necessary or desirable, but, in any event, notice shall be given by the means set forth in this Section.
- B. **For Noticing of Zone Changes and Other Specified Procedures.** For noticing of a zone change, conditional use permit, standards variance, administrative use permit, planned development district, local coastal permit, special setback lines, density bonus, or any other planning or zoning matter not otherwise specifically provided for herein:
1. **Owners and Occupants.** Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owner's duly authorized agent. One (1) notice of hearing shall also be mailed or delivered to each tenant household or to each commercial tenant as applicable, of the subject real property;
  2. **Project Applicant.** Notice shall be mailed or delivered to the project applicant;
  3. **Local Agencies.** Notice of the hearing shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
  4. **Public Notification Surrounding Property Owners.**
    - a. (1) For residential or commercial projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within ~~seven-three~~ hundred ~~and fifty~~ feet (~~75300'~~) of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all ~~tenant households or commercial~~ tenants, as applicable, of real property that is located within ~~threeseven~~ hundred ~~and fifty~~ feet (~~75300'~~) of the ~~residential or commercial~~ real property that is subject to the hearing.
    - (2) For all ~~industrial~~, institutional or City projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all ~~tenant households or commercial~~ tenants, as applicable, of real property that is located within one thousand feet (1,000') of the ~~institutional or City project~~ real property that is subject to the hearing.
    - (3) The notification radius for mailed notices shall be extended in the following circumstances:
      - i. Projects within 300-feet of any residential zone – extend radius 200 feet, for a notification radius of 500 feet
      - ii. Projects requesting reduced or shared parking: extend radius by 450 feet, for a notification radius of 750 feet
      - iii. When the use has a buffer requirement (such as a 500-foot separation), increase the notification radius to match the buffer requirement

(34) For notices on City-owned property in the Port of Long Beach and the Long Beach Airport, notices shall also be mailed and delivered to the leasehold interests on those properties. Notices sent to leaseholders shall count in determination of the twenty (20) notice minimum.

(45) In lieu of utilizing the assessment roll, the City may utilize records of the county assessor or tax collector which contain more recent information than the assessment roll. In no event shall less than a minimum of twenty (20) nearest property owners, or owners and leaseholders as specified above, be notified.

(55) Notice of the hearing shall also be mailed or delivered to resident managers of any multifamily residential rental units where the property owner is not an on-site occupant when the fact of nonoccupancy is known to the person charged with the responsibility of mailing or delivering notice.

(76) Measurement of the distance for notification pursuant to this Subsection shall begin at the property boundary of the real property that is the subject of the hearing.

~~-(8) Whenever the number of properties to whom notice would be mailed or delivered exceeds one thousand 1,000, the City may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation within the jurisdiction where the hearing is being conducted.~~

~~(9) All notices, regardless of radius, shall be posted to the City's website, along with other forms of electronic communication that are specified with an approved electronic communications policy.~~

b. In a City-initiated zoning remapping program, if the number of ~~owners-properties~~ to whom notice would be mailed or delivered pursuant to this Subsection is greater than one thousand (1,000), the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth ( 1/8 ) page in at least one (1) newspaper of general circulation within the local agency in which the proceeding is conducted at least ten (10) and not more than forty-five (45) days prior to the hearing; and

#### 5. **Posting.**

a. Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceedings. In addition, the applicant or owner of the real property which is the subject of the hearing shall post a sign of at least thirty inches (30") by forty inches (40") on each street face of the real property that is the subject of the hearing, the content of which sign shall be subject to the prior approval of development services staff.

b. Building height variance applicants shall erect story poles which accurately represent the full extent of the proposed structure to the satisfaction of the Director of Development Services, including decks and eaves, at least fourteen (14) calendar days prior to the first public hearing and remain in place through the end of the appeal period.

6. **Noticing of Actions in the Coastal Zone.** Additionally, when notice is required to be given for any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

#### C. **For noticing of a zoning ordinance amendment:**

1. **Publishing Advertisement.** Notice of the hearing shall be published pursuant to Section 6061 of the California Government Code in at least one (1) newspaper of general circulation within the City;

2. **Posting.** Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceeding;
3. **Mailing.** Notice of the hearing shall be mailed, together with all proposed changes, additions, modifications or deletions to all City libraries and to anyone requesting such notice; and
4. **Amendments in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

**D. For Noticing of Appeals:**

1. **Responsibility for Noticing.** A notice of the public hearing on the appeal shall be mailed by the Department of Development Services for appeals to the City Planning Commission, and by the City Clerk for appeals to the City Council.

The notice shall contain the same information as the original notice except that it shall also give the appellant's name and state that the hearing is an appeal.

2. **Persons to be Noticed.** Notice of the hearing shall be mailed to the applicant and to all persons entitled to mailed notice and to any known aggrieved person, as specified in Subsection 21.21.302.B, not less than ten (10) days prior to the hearing. A person shall not be considered aggrieved for purposes of receiving this notice if the only indication of interest is the signing of a petition unless that person indicates on the petition that he wishes to receive notice.
3. **Appeals in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

(ORD-09-0016, § 1, 2009; ORD-08-0020 § 1, 2008; Ord. C-7247 § 2, 1994; Ord. C-7032 § 7, 1992; Ord. C-6589 § 1, 1989)

**21.21.304 - Content of notices.**

All notices shall contain, as a minimum, the following information:

- A. The applicant's name;
- B. The filing date;
- C. The case number for the project;
- D. The location of the project, including an indication of whether it is in the coastal zone;
- E. An indication of whether the project is appealable to the Coastal Commission;
- F. A description of the project;
- G. The reason for the public hearing;
- H. The date, time and place of the public hearing;
- I. The general procedures for the hearing and the receipt of public comments;
- J. The means for appeal, including an appeal to the Coastal Commission when applicable; and
- K. A statement stating substantially the following:

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing".

(Ord. C-6533 § 1 (part), 1988)

21.21.306 - Evidence of notice.

- A. **Documentation.** When notice for any hearing is given pursuant to this Division, the following documentation shall be deemed sufficient to serve as proof that such notice was given pursuant to the requirements of law:
  - 1. **Publication.** When notice is given by publication, an affidavit of publication by the newspaper in which publication is made showing, among other things, the date or dates of publication;
  - 2. **Mailing or Delivery.** When notice is given by mailing or delivery, an affidavit or proof of mailing/delivery showing, among other things, the date or dates of mailing/delivery, the person making such mailing/delivery and the persons and entities to which mailing/delivery is made;
  - 3. **Posting.** When notice is given by posting, an affidavit or proof of posting showing, among other things, the date or dates of posting, the person making or causing such posting to be made and the location at which posting was made.
- B. **Official Files Required.** All documentation provided for in this Section shall be maintained in the official files of the hearing for which notice was given.
- C. **Failure to Provide Documentation or Receive Notice.** Failure of documentation to be prepared or maintained pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given nor shall the failure of any person or entity to receive notice given pursuant to this Division constitute grounds for any court to invalidate the actions of the City for which the notice was given.

(Ord. C-6533 § 1 (part), 1988)

## Addition to CHAPTER 21.25 - SPECIFIC PROCEDURES

### 21.25.905 – Administrative Land Use Review

This Section establishes procedures for conducting review of by-right land uses and structures to verify that any new or expanded use or structure complies with all of the applicable requirements of this Code.

- A. Applicability.** Administrative Land Use Review is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Code.
- B. Application.** Applications and fees for Administrative Land Use Review shall be submitted in accordance with the provisions set forth in Chapter 21.21.201, Application. The Zoning Administrator may request that the Administrative Land Use Review application be accompanied by a written narrative, plans and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Code and the requirements and conditions of any applicable Site Plan, Conditional Use Permit or Variance approval.
- C. Determination.** If the Zoning Administrator determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue written notice of the Administrative Land Use Review determination within 30 days of the date of receipt of a completed application. An approved Administrative Land Use Review may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.
- D. Exceptions.** Administrative Land Use Review is not required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any building or development code regulations.
- E. Appeals.** Administrative Land Use Review decisions are subject to the appeal provisions of Chapter 21.21, Appeals.

## Changes to CHAPTER 21.31 - RESIDENTIAL DISTRICTS

### DIVISION I. - PERMITTED USES

#### 21.31.110 - Permitted uses.

Table 31-1 indicates all uses permitted (Y), not permitted (N), permitted by conditional use permit (C), permitted as an accessory use (A) and permitted as a temporary use (T) in the residential zones. Permitted uses with an asterisk (\*) are subject to special development standards contained in Chapter 21.45 of this Title. Accessory uses, conditional uses and temporary uses also have special development standards, as set forth in Chapters 21.51, 21.52 and 21.53, respectively.

(Ord. C-7247 § 8, 1994; Ord. C-6933 § 12, 1991; Ord. C-6895 § 8, 1991; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

#### 21.31.120 - Prohibited uses.

All uses not listed in Table 31-1 as permitted uses, conditional uses, accessory uses or temporary uses, including recreational or other vehicles occupied as a dwelling unit, are prohibited in residential zone districts.

(Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

**Table 31-1  
Uses in Residential Zones**

Residential Zone District Land Use	R- 1- S	R- 1- M	R- 1- L	R- 1- N	R- 1-T	R- 2-S	R- 2- I	R- 2- L	R- 2- N	R- 2-A	R- 3- S	R- 3- 4	R- 3- T	R- 4- R	R- 4- N	R- 4- H(d )	R- 4- U	R- M	R - 4 - M	R P
Residential Uses																				
Single-family detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y
Single-family attached	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Duplex	N	N	N	N	Y(b )	Y(b )	Y	Y	Y	Y(c )	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Three-family dwelling	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y



Four-family dwelling		N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N	Y
Multi-family dwelling		N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
Townhouse		N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Modular or manufactured housing unit placed on a permanent foundation		Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	Y	Y	N
Mobile home park (as to unsold spaces) (see Section 21.52.243)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y	N
Subdivision of existing mobile home park (see Section 21.52.244)																				C	
Accessory dwelling unit (see Section 21.51.276 )	Limited accessory dwelling unit	A	A	A	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Conforming accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	N	N
Special group residence (senior citizen housing, handicapped housing, residential care facility, communal housing, convalescent hospital) (see Section		N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N

21.52.271)																					
Transitional Housing (e), (f)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Supportive Housing (e), (f)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Commercial Uses																					
Bed and breakfast inns (see Section 21.52.209)	N	N	N	N	N	N	N	N	N	N	N	N	N	A P	A P	A P	AP	A P	N	N	N
Office commercial (see Section 21.52.251)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	Y(a) (g)	C	N	N	N
Residential historic landmark buildings (see Section 21.52.265.5)	A P	A P	A P	A P	AP	AP	A P	A P	A P	AP	A P	A P	A P	A P	A P	A P	AP	A P	A P	N	A P

### Table 31-1

### Uses in Residential Zones

[illegible]



Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M	RP
Electrical distribution station (see Section 21.52.223)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	N
Group home (1—6 persons) (see Section 21.15.1200)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Home occupation (see Section 21.51.235)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Interim Parks																				
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	IP
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	IP
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y	IP

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M	RP
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N	IP
Private school (elementary) (see Section 21.52.263)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N	N

Recreational vehicles - parking and storage (see Section 21.41.276)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	N
Room rentals (see Section 21.51.270)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Sandwiched lot development (see Section 21.52.270)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N
Storage of chattel (see Section 21.51.290)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Trailer or dwelling unit used as home sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Vehicle parking and storage (see Sections 21.41.281 and 21.41.283)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

**Abbreviations:**

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. Refer to provisions in Chapter 21.52.

A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.

T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.

AP = Administrative use Permit required. Refer to provisions in Chapter 21.52.

IP = Interim park use permit required. Refer to provisions in Chapter 21.52.

Notes:

(a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.

(b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.

(c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.

(d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.

(e) This use does not include uses that meet the definition of "Residential care facility" or "Special group residences" as defined in Chapter 21.15.

(f) Development is subject to the density limits of the zoning district in which it is located.

(g) Adult-Use Cannabis Businesses prohibited.

( [ORD-17-0031](#) § 9(Exh. A), 2017; [ORD-17-0024](#) § 1(Exh. A), 2017; [ORD-16-0015](#) § 1(Exh. A), 2016; [ORD-15-0037](#) § 2(Att. A), 2015; ORD-11-0011 § 1(Exh. A), 2011; ORD-07-0019 § 1, 2007; ORD-06-0058 § 1(Att. 1), 2006; Ord. C-7629 § 3, 1999; Ord. C-7550 § 5, 1998; Ord. C-7399 § 3, 1996; Ord. C-7378 §§ 3, 4, 1995)

## Changes to CHAPTER 21.32 - COMMERCIAL DISTRICTS

### 21.32.010 - Purpose.

The commercial districts are established to create, preserve and enhance areas for a variety of commercial activity. The intent of this Chapter is to assure the compatible and mutually beneficial interaction of commercial uses with residential consumers, industrial suppliers, and the transportation system that ties all of the uses together.

(Ord. C-6684 § 42 (part), 1990: Ord. C-6533 § 1 (part), 1988)

### 21.32.020 - Districts established.

Twelve (12) commercial districts are established by this Chapter as follows:

#### A. **Commercial Zoning Districts Of General Applicability.**

1. The CO-Office Commercial District permits mixed residential and commercial uses along major arterial routes. This District implements Land Use District No. 8M of the General Plan.
2. The CH-Highway Commercial District preserves and enhances areas for automobile-oriented commercial uses. The District recognizes the need for many commercial uses to have large frontages and high visibility along major highways. This District implements Land Use District No. 8A of the General Plan.
3. The CT-Tourist and Entertainment Commercial District creates, preserves and enhances areas for the development of a major tourist and entertainment industry for the City. The District recognizes that such areas have special requirements for intense and unique uses, transportation linkages, and aesthetically pleasing environments.

#### B. **Neighborhood Commercial Zoning Districts.** The Neighborhood Commercial Zoning District provides small scale, neighborhood compatible uses. Scale is determined by the size of adjoining residential uses, the commercial lot size and the commercial street width. Special scale restrictions apply in these districts. There are three (3) types of Neighborhood Commercial Districts:

1. The Neighborhood Pedestrian (CNP) District is oriented towards serving pedestrians with buildings located at the front setback and parking behind the buildings.
2. The Neighborhood Automobile-Oriented (CNA) District is auto-oriented with buildings set back from the front property line and parking located between the building and the street.
3. The Neighborhood Commercial and Residential (CNR) District is a mixed-use district permitting small scale commercial uses and/or moderate density residential development at R-3-T densities.

#### C. **Community Commercial Zoning Districts.** The Community Commercial Zoning Districts provide medium scale uses which may require buffering to ensure compatibility with adjacent neighborhood uses. These districts are located on major or minor arterials, located on larger lot sizes and adjoining larger scale residential neighborhood uses or are buffered from smaller scale residential neighborhoods. There are four (4) types of Community Commercial Districts:

1. The Community Automobile-Oriented (CCA) District permits retail and service uses for an entire community including convenience and comparison shopping goods and associated services.

2. The Community Pedestrian-Oriented (CCP) District permits retail and service uses with a development character where buildings are built to the street property line and parking is to the side or the rear.
  3. The Community R-4-R (CCR) District is similar to the Community Auto-Oriented District, but also permits moderate density residential development at R-4-R densities.
  4. The Community R-4-N (CCN) District is similar to the Community Auto-Oriented District, but also permits medium density residential development at R-4-N densities.
- D. **Regional Commercial Zoning District.** The Regional Commercial District provides for large scale, mixed uses on large sites in activity centers. These sites are located on major arterial streets and regional traffic corridors. There is one (1) type of Regional Scale Zone:
1. The Regional Highway District (CHW) is a commercial use district for mixed scale commercial uses located along major arterial streets and regional traffic corridors. Residential use is not permitted.
- E. **Commercial Storage Zoning District.** The Commercial Storage (CS) District encourages storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses.

(Ord. C-7663 § 8, 1999: Ord. C-7047 § 7, 1992: Ord. C-6933 §§ 23, 24, 1991; Ord. C-6684 § 42 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.32.030 - Site plan review.

Site plan review shall be required pursuant to Division V of Chapter 21.25 (Specific Procedures).

(Ord. C-7326 § 12, 1995: Ord. C-7047 § 8, 1992: Ord. C-6684 § 42 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.32.035 - Adult Entertainment business.

Any business considered an "adult Entertainment business" as defined in Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45 (Special Development Standards).

(Ord. C-6684 § 42 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.32.040 - Reclassification of district.

Any reference to the CR (Retail Center) and CC (Commercial Corridor) Districts shall be treated as a reference to the CCA District.

(Ord. C-7663 § 9, 1999: Ord. C-6684 § 42 (part), 1990)

## DIVISION I. - PERMITTED USES

21.32.110 - Permitted uses.

The principal use in all commercial districts shall be commercial, although some districts are intended for mixed commercial and residential uses. Tables 32-1A and 32-1 indicate the classes of uses permitted



(Y), not permitted (N), permitted as a conditional use (C), permitted as an administrative use (AP), permitted as an accessory use (A), and permitted as a temporary use (T) in all districts. An asterisk (\*) indicates that a use is permitted subject to specific development standards outlined in Chapter 21.45 (Special Development Standards) of this Title.

(Ord. C-7663 § 10, 1999; Ord. C-7247 § 13, 1994; Ord. C-7127 § 2, 1993; Ord. C-7047 §§ 9, 10, 1992; Ord. C-6933 § 25, 1991; Ord. C-6895 §§ 12, 13, 1991; Ord. C-6822 § 12, 1990; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

#### 21.32.120 - Prohibited uses.

Any use not specifically permitted by Section 21.32.110, Tables 32-1A and 32-1, shall be prohibited, and no commercial uses shall be allowed outside of a building unless indicated as an outdoor use in Tables 32-1A and 32-1.

(Ord. C-7663 § 11, 1999; Ord. C-7127 § 2, 1993; Ord. C-7047 § 11, 1992; Ord. C-7040 § 1, 1992; Ord. C-6895 § 14, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

#### 21.32.130 - Transition between old and new commercial zones.

Tables 32-1A and 32-1 represent two (2) sets of commercial zones permitted uses. Table 32-1 contains new commercial zones adopted by the City Council on October 20, 1992. It is the intent of the City, within a specified period of time, to rezone all commercial properties from the zones in Table 32-1A to the zones in Table 32-1 and to repeal Table 32-1A when the rezoning of all commercial properties is complete.

During the "transitional period", all uses listed in the CNP, Neighborhood Pedestrian District, Table 32-1, either permitted by right (Y), by a conditional use permit (C), by an administrative use permit (AP), as an accessory use (A), or as a temporary use (T) shall be permitted in the same manner for properties located in the existing CO, CH and CT Zones in addition to those uses Otherwise permitted in the zone in question. If there is a conflict of the use regulation between the use table of the CNP Zone under Table 32-1 and that of an old commercial zone under Table 32-1A, the least restrictive zone shall govern. The "transitional period" shall be that period of time from and after the effective date of this Ordinance to December 31, 2000. On and after January 1, 2001, Table 32-1A shall be deemed repealed and of no further force and effect.

(Ord. C-7663 § 12, 1999; Ord. C-7326 § 13, 1995; Ord. C-7127 § 7, 1993)

**Table 32-1  
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcohol Beverage Manufacturing*	Y	Y	Y	Y	Y	Y	Y	Y	Y	<del>*Subject to special development standards</del> (See Section 21.45.114).
Accessory Tasting Room*	A	A	A	A	A	A	A	A	A	Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.

	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Sales	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	Note: The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales.
Off-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	For alcoholic beverage sales exempted from the CUP process, see <del>footnote (1)</del> <u>Section 21.XX.XXX</u>

Off-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	C	C	N/A	N/A	C	N	
On-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	
On-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	C	C	N/A	N/A	C	N	

	Neighborhood			Community				Regional	Other	
Automobile (Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	Note: All outdoor display, storage, service and repair of vehicles is subject to special standards (see Chapter 21.45).
Auto detailing	A	A	A	A	A	A	A	A	C	Accessory to an auto related use such as auto repair or car wash. Mobile businesses prohibited.
Auto detailing (with hand held machines only)	AP	AP	AP	Y	Y	Y	Y	Y	C	Mobile businesses prohibited.
Car wash	N	N	N	C	C	C	C	AP	C	
Diesel fuel sales	N	N	N	AP	AP	AP	AP	AP	N	See Section 21.52.222.
Gasoline sales	N	C	N	Y	Y	Y	Y	Y	N	

General auto repair (bodywork, painting, etc.)	N	N	N	N	N	N	N	C	N	
Limousine service (does not include auto repair)	N	N	N	Y	Y	AP	AP	Y	N	Nonconforming parking rights do not apply (see Section 21.27.070).
Minor auto repair, tune up and lube, smog test	N	N	N	C	C	C	C	Y	N	
Motorcycle/jet ski sales and repair	N	N	N	C	C	N	N	C	N	See also industrial zones, table 33-1.
Parking service-principal use	C	C	C	Y	C	Y	Y	Y	C	
Recreational vehicle storage	N	N	N	N	N	N	N	N	C	
Rental agency (does not include repair)	N	N	N	Y	Y	AP	AP	Y	N	Permitted near airport, hotels, etc. See applicable PD zones.
Sales (does not include auto repair)	N	N	N	N	N	N	N	Y	N	
Towing	N	N	N	A	A	A	A	A	A	Accessory to general and minor auto repair.
Vehicle parts (with installation); tire store	N	N	N	C	C	C	C	C	N	
Vehicle parts (without installation)	N	AP	N	AP	AP	AP	AP	Y	N	

	Neighborhood			Community				Regional	Other	
Billboards	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Billboards	N	N	N	N	N	N	N	C	C	Subject to special standards (see Chapter 21.54). Non-freeway-oriented billboards prohibited in CS district.

	Neighborhood			Community				Regional	Other	
Business Office Support	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Copy, fax, mail box, or supplies	Y	Y	Y	Y	Y	Y	Y	Y	N	
Equipment sales, rental, or repair	Y	Y	Y	Y	Y	Y	Y	Y	N	Also permitted in industrial zones (see table 33-1).
Offset printing	N	AP	N	AP	N	AP	AP	Y	N	

	Neighborhood			Community				Regional	Other	
Entertainment	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Amusement machines (4 or fewer)	A	A	A	A	A	A	A	A	A	See Section 21.51.205 (accessory uses).
Banquet room rental	A	A	A	A	A	A	A	A	N	Accessory to restaurant only (see Section 21.51.215).
Dancing (accessory use)	N	N	N	Y	Y	Y	Y	Y	N	Accessory to restaurant, tavern, club. City council hearing is required for new

										and transferred business licenses.
Drive-in theater	N	N	N	N	N	N	N	N	N	
Live or movie theater (w/100 seats or less)	AP	AP	AP	AP	AP	AP	AP	Y	N	For theaters w/more than 100 seats, see "Movie theater".

**Table 32-1  
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
<b>Entertainment (cont'd)</b>	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Mock boxing or wrestling	N	N	N	N	N	N	N	Y	N	City council hearing is required for new and transferred business licenses.
Movie theater (or live theater w/100+ seats)	N	N	N	C	C	C	C	C	N	
Pool tables (up to 3 tables)	A	A	A	A	A	A	A	A	N	Accessory to restaurant, tavern, club (see Section 21.51.260).
Private club, social club, nightclub, pool hall or hall rental within 500 ft. of district allowing residential uses	N	N	N	C	C	C	C	C	C	City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y	Y	Y	Y	Y	Y	Y	Y	N	City council hearing is required for new and transferred

										business licenses.
Other entertainment uses (arcade, bowling alley, computer arcade, miniature golf, tennis club, skating rink)	N	N	N	C	C	C	C	C	N	See Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades).

	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
ATM 1. Walk up or freestanding machine on interior of building; walk up machine on exterior of building	Y	Y	Y	Y	Y	Y	Y	Y	N	1., 2. Requires 2 (5 minute) parking spaces for each ATM machine. Spaces must be located within 100 ft. Such spaces may be existing required parking.
2. Freestanding machine, exterior	AP	AP	AP	AP	AP	AP	AP	AP	N	
3. Drive-thru machine	N	AP	N	AP	C	AP	AP	AP	N	3. For drive-thru machine see standards for drive-thru lane in Section 21.45.130.
Bank, credit union, savings and loan, commercial and industrial loans	AP	Y	Y	Y	Y	Y	Y	Y	N	Bank, credit union, and savings and loan in the CNP zone subject to standards in Section 21.52.208. *This does not include car title loans or signature loan businesses as a primary

										use.
Bus token issuance, payment of utility bills, distribution of government checks and food stamps, sale of phone cards	Y	Y	Y	Y	Y	Y	Y	Y	N	

**Table 32-1  
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
<b>Financial Services (cont'd)</b>	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Car title loans	N	N	N	C	C	C	C	C	N	Car title loan, check cashing, pay day loan and signature loan businesses are subject to standards in Sections 21.45.116 and 21.52.212.
Check cashing	N	N	N	C	C	C	C	C	N	
Money orders, money transfers	Y	Y	Y	Y	Y	Y	Y	Y	N	
Payday loans	N	N	N	C	C	C	C	C	N	
Signature loans	N	N	N	C	C	C	C	C	N	
Escrow, stocks and bonds broker	Y	Y	Y	Y	Y	Y	Y	Y	N	
All financial services not	N	N	N	C	C	C	C	C	N	



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**Table 32-1**  
**Uses In All Other Commercial Zoning Districts**

[illegible]

[illegible]

**Table 32-1**  
**Uses In All Other Commercial Zoning Districts**

[illegible]

equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic without boarding)										
Catering, party counseling (without trucks)	Y	Y	Y	Y	Y	Y	Y	Y	N	For catering with trucks, see industrial zones, table 33-1.
Fitness center/health club, dance/karate studio, fortunetelling	Y	Y	Y	Y	Y	Y	Y	Y	N	Limited to 5,000 square feet in neighborhood zones.
Gun repair shop	AP	AP	AP	AP	AP	AP	AP	Y	N	
House cleaning service	Y	Y	Y	Y	Y	Y	Y	Y	N	
Laundromat	<del>Y</del> AP	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> Y	N	<a href="#">See Section 21.52.???</a>
Laundry (commercial customers)	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Massage therapy	A	A	A	A	A	A	A	A	A	Special conditions (see Section 21.51.243). Special adult entertainment standards for massage parlor (see Section 21.45.110).
Recycling center	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Recycling collection center for cans and	N	N	N	AP	AP	AP	AP	AP	N	

bottles (staff attended)										
Recycling containers for cans and bottles	A	A	A	A	A	A	A	A	N	Accessory to a grocery store only (see Section 21.51.265)
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	N	N	C	C	C	C	Y	N	For small appliance repair, see "basic personal services".
Self-storage (indoor only)	N	N	N	N	N	N	N	N	C	
Shoe repair	Y	Y	Y	Y	Y	Y	Y	Y	N	
Shoeshine stand (indoor/outdoor)	A	A	A	A	A	A	A	A	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	Y	Y	Y	Y	Y	Y	Y	Y	N	<del>Subject to special development standards (see</del> See Section 21.45.166). Tattoo parlors shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.166.
Termite and pest control	N	N	N	N	N	N	N	C	N	See "miscellaneous storage of hazardous materials".
Veterinary clinic with boarding	N	N	N	C	C	C	C	C	N	See also "basic personal services".

All personal services not listed	AP	AP	AP	AP	AP	AP	AP	AP	N	
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	Neighborhood			Community				Regional	Other	
Professional Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractic, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, lab testing, photography, psychiatry, psychology, real estate, or tax preparation	Y	Y	Y	Y	Y	Y	Y	Y	N	
All professional offices not listed	AP	AP	AP	AP	AP	AP	AP	AP	N	

	Neighborhood			Community				Regional	Other	
Residential Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
<del>Artist studio with residence</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>N</del>	
Caretaker residence	AP	AP	AP	AP	AP	AP	AP	AP	AP	
Group home (care of 6 or less)	N	N	Y	N	N	Y	Y	N	N	
<u>Live-Work Units</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>See Section 21.52.204</u>
Residential care facility (care of 7 or more)	N	N	N	N	N	C	C	N	N	

Residential historic landmark building	*	*	*	*	*	*	*	*	*	See Section 21.52.265.5 for permitted uses and special conditions.
Senior and/or handicapped housing	N	N	N	N	N	C	C	N	N	
Special group housing (fraternity, sorority, convalescent home, convent, monastery, etc.)	N	N	N	N	N	C	C	C	N	
Single-family or multifamily residential	N	N	Y	N	N	Y	Y	N	N	See Table 32-3 for permitted densities.

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Vending carts	AP	AP	AP	AP	AP	AP	AP	AP	N	Special standards apply (see Section 21.45.170).
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	Neighborhood			Community				Regional	Other	
Retail Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Adult-Use Cannabis Dispensary	Y	Y	Y	Y	Y	Y	Y	Y	N	Subject to requirements in 5.92
Basic retail sales (except uses listed below)	Y	Y	Y	Y	Y	Y	Y	Y	N	Used clothing, antiques, art, books (new and used), coins, collectibles, jewelry, and trading cards are included in "Basic Retail."
Building supply or hardware store with lumber, drywall, or masonry	N	N	N	Y	Y	Y	Y	Y	N	For hardware store without lumber, drywall, or masonry, see "Basic Retail Sales."
Gun shop	AP	AP	AP	AP	AP	AP	AP	Y	N	
Major household appliances (refrig./stove/ etc.)	N	N	N	Y	Y	Y	Y	Y	N	
Manufacture of products sold on-site	A	A	A	A	A	A	A	A	A	See Section 21.51.240.
Merchandise mall, indoor swap meet	N	N	N	C	C	C	C	C	N	
Outdoor sales events (flea mkts./swap meet)	N	N	N	C	C	C	C	C	N	

Outdoor vending 1. Flower, plant, fruit, or vegetables in conjunction with sale of related products from a retail store	A	A	A	A	A	A	A	A	N	1. See Section 21.51.255.
2. Food carts	AP	AP	AP	AP	AP	AP	AP	AP	N	2. See Section 21.45.170.
3. Flower cart or news cart	Y	Y	Y	Y	Y	Y	Y	Y	Y	3. See Section 21.45.135.
4. Mobile food truck at construction sites	T	T	T	T	T	T	T	T	T	4. See Section 21.53.106.

	Neighborhood			Community				Regional	Other	
<b>Retail Services (cont'd)</b>	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Pawn shop	N	N	N	C	C	C	C	C	N	
<del>Thrift store,</del> <u>used secondhand store</u> <del>merchandise</del>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	<del>AP</del> <u>Y</u>	Y	N	<a href="#">See Section 21.52.281</a>  Also see note under "Basic Retail."
Vending machines	A	A	A	A	A	A	A	A	A	Accessory to existing retail sales. See Section 21.51.295.
<b>Temporary Lodging</b>										
Bed and breakfast inn	AP	AP	AP	AP	AP	AP	AP	AP	N	
Hotel	N	N	N	C	C	C	C	C	N	
Inn	N	N	N	AP	AP	AP	AP	N	N	



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helistops)										
Wireless telecommunications facilities	C	C	C	C	C	C	C	C	C	See Chapter 21.56
<b>Miscellaneous</b>										
Storage of hazardous materials accessory to principal use (such as pest control)	C	C	C	C	C	C	C	C	N	A conditional use permit is required only if amount of material stored exceeds 55 gal. of liquid, 500 lbs. of solids, 200 cubic ft. of compressed gas or any amount of acutely hazardous material.
Unattended Donation Box	A	A	A	A	A	A	A	A	A	Subject to accessory use standards (see Section 21.51.294). Unattended Donation Box shall be permitted in all Planned Development (PD) Districts and Specific Plan (SP) Districts allowing commercial uses, subject to Section 21.41.294.

**Abbreviations:**

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. For special conditions, see Chapter 21.52.

A = Accessory use. For special development standards, see Chapter 21.51.

AP = Administrative use permit required. For special conditions, see Chapter 21.52.

T = Temporary use subject to provisions contained in Chapter 21.53.

IP = Interim park use permit required. For special conditions, see Chapter 21.52.

Footnotes:

~~(1) The following alcoholic beverage sales may be exempted from the conditional use permit requirement:~~

~~a. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than thirty percent (30%) of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.~~

~~b. Florist with accessory sale of alcoholic beverages.~~

~~c. Existing legal, nonconforming uses.~~

(21) All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

( [ORD-17-0024](#) § 2(Exh. B), 2017; [ORD. 15-0019](#) §§ 1, 2, 2015; [ORD-15-0010](#) § 1, 2015; [ORD-13-0025](#) § 2(Exh. A), 2013; [ORD-13-0018](#) § 3(Exh. A), 2013; [ORD-13-0022](#) § 2, 2013; [ORD-13-0008](#) § 1, 2013; [ORD-12-0006](#) § 3, 2012; ORD-11-0011 § 2(Exh. B), 2011; ORD-07-0044 § 1, 2007; Ord. C-7904 §§ 2, 3, 2004; Ord. C-7881 § 2, 2003; Ord. C-7776 § 8, 2001; Ord. C-7729 §§ 4, 5, 2001; Ord. C-7663 § 42, 1999)

**Table 32-1A**  
**Uses In All Other Commercial Zoning Districts**

Use	CO	CH	CT
<b>Retail Sales</b>			
Antique furniture	Y	Y	Y
Audio equipment	N	Y	Y
Bakery (also see Ready-to-eat foods)	Y	Y	Y

Bicycle shop	Y	Y	Y
Book, stationery, video, card, gift or novelty shop	Y	Y	Y
Clothing store	Y	Y	Y
Coin, stamp, jewelry and art dealers	Y	Y	Y
Department store	N	N	Y
Discount store	N	Y	N
Drugstore	C	Y	Y
Floor and window covering	N	Y	Y
Florist, plant store (indoor)	Y	Y	Y
Flower and plant sales (outdoor)	A	A	A
Furniture store and accessories	N	Y	Y
Grocery	N	Y	Y
Hardware store (with building materials)	N	Y*	N
Hardware store (without building materials)	N	Y	Y
Hobby shop	Y	Y	Y
Itinerant vendor	T	T	T
Meat or fish market	Y	Y	Y
Merchandise mall	N	C	N
Motorcycle sale	N	C	N
Newspaper and magazine stands	Y	Y	Y

Outdoor fruit and vegetable sales	A	A	A
Outdoor sales events (flea markets, swap meets, and the like)	N	N	C
Pawn shops	N	C	N
Pet store (not including veterinarian)	N	Y	Y
Photographic equipment	Y	Y	Y
Sporting goods store	N	Y	N
Used merchandise (Other than antique furniture, audio equipment, clothing, coins, stamps, jewelry, art dealers, photographic equipment, and sporting goods)	N	C	N
Vehicle parts stores, tire stores and the like with installation	N	C	N
Vehicle parts stores, tire stores and the like without installation	N	Y	N
Vending machines	A	A	A
Manufacture of products sold on-site	A	A	A
All other retail uses	N	AP	AP
All retail uses allowed in CCA Zone if designated in General Plan (Land Use Element) as 8R	Y	N	N
<b>Alcohol Sales Uses</b>			
Alcohol sales uses (b)	N	C	C
<b>Automobile Uses</b>			
Auto service station, car wash, auto detailing	N	Y*	C*
Body work and painting	N	C*	N
General repair	N	C*	N
Rental (see vehicle rental—personal services)	-	-	-

Repair, tune-up and lube	N	Y*	N
Sales and installation of tires, batteries and accessories	N	C*	N
Sales (open)	N	Y	N
Sales (show room only)	N	Y	N

**Table 32-1A**  
**Uses In All Other Commercial Zoning Districts**

Use	CO	CH	CT
Towing	A	A	A
<b>Personal Services</b>			
Barber, beauty shops, manicure shops	Y	Y	Y
Bicycle repair	Y	Y	Y
Catering—on-site food preparation	A	A	A
Collection center for recyclables	AP	AP	AP
Dog and cat grooming	N	Y	Y
Laundromat (no on-site dry cleaning) – <a href="#">See 21.52.XXX</a>	N	Y	Y
Laundry, commercial customers	N	N	N
Laundry (including on-site cleaning with perchloroethylene or freon 12 systems)	Y	Y	Y
Locksmith	Y	Y	Y
Mail box rental	Y	Y	N
Masseuse/massage parlor	Y*	Y*	Y*

Office for home cleaning service	Y	Y	Y
Office for home improvement or repair uses (contractors, plumbers, electricians, carpenters and cabinetmakers with no on-site storage of materials)	N	Y	Y
Recycling centers for cans and bottles	N	N	N
Reducing salon, health or sports club	Y	Y	Y
Service and repair of home garden equipment	N	C	N
Service and repair of major household items	N	C	N
Shoe repair	Y	Y	Y
Shoe-shine parlor	A	A	A
Tailoring, millinery	Y	Y	Y
Tanning salon	Y	Y	Y
Tattoo parlor	N	C	C
Television, radio, stereo and small appliance repair	N	Y	Y
Termite and pest control	N	Y	Y
Vehicle rental services	C	Y*	C
Veterinary clinic (excluding grooming and pet store)	N	C	N
All other personal services	AP	AP	AP
All other personal services allowed in the CCA Zone in land use designations in General Plan (Land Use Element) for 8R	Y	N	N
<b>Professional Services</b>			
Accounting, tax preparation, bookkeeping	Y	Y	Y

Administrative office	Y	N	Y
Architect, contractor office (no vehicles or materials)	Y	Y	Y
Artist studio	Y	Y	Y
Artist studio with residence	AP	AP	AP
Computer program consulting services	Y	Y	Y
Insurance office	Y	Y	Y
Law office	Y	N	Y
Medical, dental, and psychiatric offices	Y	Y	Y
Real estate office, escrow office	Y	Y	Y
Yacht broker	Y	Y	Y
All other professional offices	Y	AP	Y
<b>Financial Services</b>			
Banks, savings and loans with drive-up windows, including commercial/industrial loan businesses	C	Y	C
Banks, savings and loans without drive-up windows, including commercial/industrial loan businesses	Y	Y	Y

<b>Use</b>	<b>CO</b>	<b>CH</b>	<b>CT</b>
Bus token issuance, payment of utility bills, distribution of government checks and food stamps, sale of phone cards	Y	Y	Y
Car title loans	C	C	C
Money orders, money transfers	Y	Y	Y



Signature loans	C	C	C
Stock or bond broker	Y	Y	Y
All other financial services	C	C	C
<b>Restaurants</b>			
Fast-food with drive-up window, 200 ft. or more from a district allowing residential uses	C	C	Y
Fast-food with drive-up window, less than 200 ft. from a district allowing residential use	C	C	C
Fast-food without drive-up window	Y	Y	Y
Outdoor dining	A	A	A
Ready-to-eat foods	N	Y	Y
Restaurant—dinner with the sale of alcoholic beverages not qualified for exemption (b)	C	C	C
Restaurant—dinner without the sale of alcoholic beverages (b)	Y	Y	Y
<b>Taverns</b>			
Taverns, bar, cocktail lounge, pub	C	C	C
<b>Entertainment Services</b>			
Amusement machine (4 or fewer)	A	A	A
Amusement park	N	N	C
Arcade	N	C	N
Conventions, exhibit and trade shows or fairs, including sales or rental of goods exhibited	N	N	Y
Cruise ship passenger terminal	N	N	N
Dancing—principal or accessory use	C	N	C

Drive-in theater	N	C	C
Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
Entertainment uses with the sale of alcoholic beverages other than those described above	C	N	Y
Hall rental	N	N	C
Mock boxing or wrestling	N	C	C
Movies, theaters, private clubs (with no dancing)	N	C	C
Musical entertainment	C	N	C
Open (outdoor) commercial recreation	N	N	C
Pool hall (4 or more tables)	N	C	C
Pool tables (up to 3 tables)	A	A	A
Radio and television broadcasting	N	N	Y
Skating rink	C	C	C
Stage shows	C	N	C
Temporary special outdoor events, including promotional events, fairs, carnivals, circuses, art shows, antique shows, outdoor sporting events, trade shows, outdoor sales and the like	T	T	T
Transportation facilities, including bus terminals, cabstands, limousine services, airport passenger terminals, blimp ports, heliports and helistops	N	A	C
All other entertainment services uses	N	C	C
<b>Commercial Storage</b>			
Commercial storage, including recreational vehicle storage	C	C	N

**Table 32-1A****Uses In All Other Commercial Zoning Districts**

Use	CO	CH	CT
<b>Parking</b>			
Open parking as principal use	Y	N	C
Parking structures (principal use)	C	N	C
<b>Business Support Services</b>			
Business support services (such as light printing, business equipment rental and repair)	Y	Y	Y
<b>Billboards</b>			
Mini-poster	N	Y(a)	N
Painted board	N	N	N
Poster	N	Y(a)	N
<b>Institutional Uses</b>			
Churches	Y	Y	C
Daycare center, preschool	Y	Y	Y
Elementary, secondary school (grades 1-8)	C	N	N
Mortuary	Y	Y	Y
Social service office	C	Y	N
Trade school	C	Y	N
Other institutional uses	AP	AP	AP
<b>Residential Use</b>			

Housing (c) R-3-T	Y	N	N
R-4-N	Y	N	Y
R-4-R	Y	N	Y
Active senior housing	C	N	C
Traditional senior housing	C	N	C
Other special group housing	C	N	C
Caretaker residence	AP	AP	AP
<b>Transient Housing</b>			
Hotel, motel, inn	C	C	C
Inn	C	N	C
Residential care facility	C	N	C
Bed and breakfast	AP	N	AP
<b>Interim Parks</b>			
Community gardens (see Section 21.52.260)	IP	IP	IP
Passive parks (see Section 21.45.155)	Y	Y	Y
Playgrounds (see Section 21.52.260)	IP	IP	IP
Recreational parks (see Section 21.52.260)	AP	AP	AP
Urban agriculture use (d)	Y	Y	Y
<b>Miscellaneous Uses</b>			
Cellular and personal communication services	C	C	C

Concession, Entertainment facility, other outdoor display	T	T	T
Construction trailer	T	T	T
Electrical distribution station	Y	Y	C
Trailer used for office, nightwatchman's quarters	AP	AP	AP
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C

Abbreviations:	Y=	Yes (permitted use).
	N =	Not permitted.
	C =	Conditional use permit required. Refer to Chapter 21.52.
	A =	Accessory use. For special development standards, refer to Chapter 21.51.
	T =	Temporary use, permitted subject to provisions contained in Chapter 21.53.
	AP =	Administrative use permit required. For special conditions refer to Chapter 21.52.
	IP =	Interim park use permit required. For special conditions refer to Chapter 21.52.
	* =	Special standards apply. Refer to Chapter 21.45.
Notes:	(a)	Billboards are subject to special development standards contained in Chapter 21.54.
	(b)	<del>The following</del> For alcoholic beverage sales <del>shall be</del> that are exempted from the conditional use permit requirement, <u>Section 21.XX.XXX.:</u>
		<del>1. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed</del>

		<del>bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than thirty percent (30%) of gross sales consisting of alcoholic beverage sales shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.</del>
		<del>2. Florist with accessory sale of alcoholic beverages.</del>
		<del>3. Existing legal, nonconforming uses.</del>
	(c)	Refer to Section 21.32.235 (Residential uses in commercial districts) for development standards. Residential zone designated as overlay zone will supersede the density and standards specified in Table 32-1.
	(d)	All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

( [ORD-17-0024](#) § 3(Exh. C), 2017; [ORD. 15-0019](#) §§ 3, 4, 2015; [ORD-13-0025](#) § 3(Exh. B), 2013; [ORD-13-0018](#) § 4(Exh. B), 2013; ORD-11-0011 § 3(Exh. C), 2011; Ord. C-7663 § 32, 1999; Ord. C-7399 §§ 4, 5, 1996; Ord. C-7378 §§ 9, 10, 1995)

## CHAPTER 21.52 - CONDITIONAL USES

### 21.52.010 - Purpose.

The City recognizes that certain types of land use, due to the nature of the use, require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or through the imposition of reasonable conditions, can be made compatible with surrounding uses. This Chapter establishes specific conditions which shall apply to uses permitted by a permit.

(Ord. C-6533 § 1 (part), 1988)

## DIVISION I. - GENERAL PROVISIONS

### 21.52.100 - General provisions.

The uses listed in Chapters 21.31 through 21.36 as conditional uses (C) or administrative uses (AP) or identified as administrative uses in Chapter 21.25, Division IV, shall be required to comply with the conditions listed in Division II of this Chapter. Upon granting a conditional or an administrative use permit, the hearing body shall impose the conditions outlined in this Chapter for the specified use unless those conditions are waived with written findings. The hearing body may impose additional conditions that are deemed reasonable and necessary in granting the permit. If no conditions are contained in this Chapter, the hearing body may impose conditions as necessary to implement the permit.

(Ord. C-7032 § 39, 1992; Ord. C-6533 § 1 (part), 1988)

## DIVISION II. - SPECIAL CONDITIONS FOR CONDITIONAL AND ADMINISTRATIVE USE PERMITS

### 21.52.200 - Conditional and administrative use development standards.

This Division contains the required conditions for specified conditional and administrative use permits.

(Ord. C-7032 § 41, 1992; Ord. C-6533 § 1 (part), 1988)

### 21.XX.XXX – Alcohol Exemption Permit

(1) The following alcoholic beverage sales may be exempted from the conditional use permit requirement:

a. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than thirty percent (30%) of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.

b. Florist with accessory sale of alcoholic beverages.

c. Existing legal, nonconforming uses.

21.52.201 - Alcoholic beverage sales uses.

The following conditions shall apply to all alcoholic beverage sales uses requiring a conditional use permit:

- 1) The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights;
- 2) The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police; The operator of the use shall prevent loitering or other activity in the parking lot or that would be a nuisance to adjacent uses and/or residential neighborhoods;
- 3) The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and
- 4)4) The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods

. (Ord. C-7032 § 42, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.203 - Arcade.

The following conditions shall apply to arcades:

- A. The site shall not be located within five hundred feet (500') of a residential district or a public school; and
- B. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking.

(Ord. C-7881 § 3, 2003; Ord. C-6533 § 1 (part), 1988)

21.52.~~204-XXX~~ -- Live-work Unit Artist's studio with residence.

The following conditions shall apply to administrative use permits for ~~artist's studio with residence~~live-work units:

- A. The minimum unit size is seven hundred fifty (750) square feet.
- B. Each unit shall have a separate entrance that is clearly identified to provide for emergency services.
- C. No more than thirty-three percent (33%) of any unit shall be used for exclusive residential purpose such as sleeping area, kitchen, bathroom and closet areas. The unit shall provide as a minimum full cooking and bathing facilities.



- D. All necessary building permits shall be obtained prior to the use of the space for residential occupancy.
- E. No mechanical equipment shall be used which generates noise higher than the noise standards established for residential uses (Chapter 8.80 of the Municipal Code).
- F. There shall be no outside operations, outside storage or outdoor display of materials or products.
- G. No toxic, explosive, flammable, combustible or corrosive materials are to be stored or used on the site in quantities or in a manner that violates any provision of the Uniform Fire Code. No etiologic or radioactive materials shall be used or stored on the site at any time.
- H. No process shall be used which is hazardous to public health, safety or welfare.
- I. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
- J. Not more than two (2) vehicles shall be used in the business. Only one (1) vehicle may be commercially licensed.
- K. The property owner shall record a covenant, prior to the issuance of a building permit, ensuring that the provisions of this Section are continually adhered to and that the Live-Work Unit remains consistent with the definition in Section 21.15.1576.

The Zoning Administrator may require the discontinuance of a work activity in a live-work unit ~~an artist's studio~~ with residence if as operated or maintained there has been a violation of any applicable condition or standard. The Zoning Administrator shall have the authority to prescribe additional conditions and standards of operation for any category of work activity in an artist's studio with residence.

(Ord. C-7729 § 9, 2001: Ord. C-7032 § 51, 1992)

#### 21.52.206 - Automobile related services.

The following conditions shall apply to auto repair shops, service stations, car washes, auto upholstery shops, auto parts and tire sales, camper installation businesses, van conversion businesses and the like:

- A. In the CB district, such uses shall be limited to locations inside parking structures;
- B. In the CR and CO zones, conditional use permits shall be limited to the expansion of existing nonconforming uses;
- C. Automobile service station uses shall be limited to: retail sales of fuel, oil and small vehicle parts;
- D. The proposed use shall not intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;
- E. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site;
- F. No curb cuts shall be permitted within forty feet (40') of any public roadway intersection;
- G. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair; and
- H. The site shall comply with all applicable development standards for open storage and repair uses specified in Chapter 21.45, "Special Development Standards".

(Ord. C-6533 § 1 (part), 1988)

21.52.208 - Bank, credit union, savings and loan.

The following conditions shall apply to a bank, credit union, or savings and loan located in the CNP (commercial neighborhood pedestrian oriented) zone:

- A. The project must comply with Section 21.32.230, "Design of Buildings".
- B. Drive-thru windows or drive-thru automated teller machines are prohibited.
- C. No new curb cuts shall be permitted for a new or existing bank, credit union, or savings and loan in local coastal planning area D (Second Street, between Livingston and Bayshore).
- D. Interior and exterior lighting, window displays, and other architectural features shall be included in the building street frontages to provide pedestrian interest during nonoperational hours.
- E. Projects in local coastal planning area D (Second Street, between Livingston and Bayshore) that qualify for the one-half ( $\frac{1}{2}$ ) rate parking standard pursuant to Subsection 21.41.226.A shall make their parking facilities available for public parking during nonoperational hours.

(Ord. C-7777 § 1, 2001; Ord. C-7729 § 13, 2001)

21.52.209 - Bed and breakfast inn.

The following conditions shall apply to bed and breakfast inns:

- A. The use shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood;
- B. Meals shall be served to registered guests only. No cooking facilities shall be permitted in guestrooms;
- C. The property owners shall live at the inn or on an adjoining property;
- D. Only short-term lodging may be provided. Monthly rentals shall be prohibited;
- E. No receptions, private parties or activities for which a fee is paid shall be permitted;
- F. A City business license shall be obtained as required by law. Two (2) parking spaces shall be provided for the operator plus one (1) space for each guestroom; and
- G. Guest parking may be provided either on-site or along the curb abutting the lot. Tandem parking is permitted provided not more than two (2) cars are parked in a tandem arrangement.

(Ord. C-6533 § 1 (part), 1988)

21.52.209.5 - Caretakers' residence.

The following conditions shall apply to administrative use permits for caretakers' residences:

- A. The living area shall not exceed twenty-five percent (25%) of the total floor area;
- B. Due to the lack of typical residential amenities in nonresidential zones, and potential hazardous materials, no one under the age of eighteen (18) shall be allowed to live in the residence.

(Ord. C-7032 § 52, 1992)

21.52.210 - Reserved.

**Editor's note**— ORD-11-0011 § 9, adopted June 7, 2011, repealed § 21.52.210, entitled "Cellular and personal communication services (with monopoles)", which derived from: Ord. C-6684 § 7, 1990; Ord. C-7399 § 14, 1996; and Ord. C-7500 § 18, 1997.

21.52.211 - Cemeteries, mortuaries, and crematoriums.

- A. The following conditions shall apply to cemeteries:
  - 1. The use shall be buffered visually from residential uses and districts; and
  - 2. The complete master plan, including future expansion, shall be submitted for site plan review, and specific building requests shall be indicated on the master site plan.
- B. The following conditions shall apply to mortuaries:
  - 1. Parking for viewing, ceremonial and other similar uses within the mortuary shall be calculated using the parking standard contained in Section 21.41, Table 41-1C, Public Assembly; and
  - 2. Site plan shall provide at least one (1) parking space on-site for loading purposes, either an enclosed parking space or under a porte cochere, regardless of the number of parking spaces required for assembly purposes.
- C. The following conditions shall apply to crematoriums:
  - 1. Crematoriums can be operated as stand-alone uses only within the IM or IG zone, and can be operated as accessory uses to a permitted mortuary or cemetery use;
  - 2. In any instance, any new cremation operating unit(s) and emissions control systems shall be located a minimum of six hundred feet (600') from any residential zoning district or existing school.

( [ORD-13-0022](#), § 1, 2013; Ord. C-6533 § 1 (part), 1988)

21.52.212 - Check cashing, pay day loans, car title loans, signature loans, and other financial services.

The following conditions shall apply to check cashing, pay day loans, car title loans, signature loans, and other financial services businesses:

- A. A Conditional Use Permit shall be required for check cashing, pay day loan, car title loan, and signature loan businesses. Alternative or other financial services are also required to obtain a Conditional Use Permit at the discretion of the Zoning Administrator.
- B. Check cashing, pay day loans, car title loans, signature loans and other financial service businesses as defined by the Long Beach Municipal Code shall not be located within:
  - 1. A one thousand three hundred twenty (1,320) foot radius of an approved check cashing, pay day loan, car title loan, signature loan, or other financial service business.
  - 2. The CNA, CNP, CNR, PD-6, PD-25, PD-29 or PD-30 or any industrial zoning districts. This includes other financial services and alternative types of lending services at the discretion of the Zoning Administrator.
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
- D. Exterior phones, security bars and roll up doors shall be prohibited.
- E. All fees and regulations associated with a loan or financial transaction shall be displayed near the cashier/checkstand and provided to the customer upon checkout.
- F. The hours of operation shall be stated in the application and shall be subject to review.

- G. Special Development Standards for check cashing, pay day loan, car title loan, signature loan, and other financial services found in Section 21.45.116 shall also apply.

( [ORD-13-0018](#), § 2, 2013; Ord. C-7663 § 40, 1999)

21.52.213 - Churches and other places designed and intended primarily for religious worship.

The following conditions shall apply to churches and other places designed and intended primarily for religious worship:

- A. In a residential zone, the proposed use may consist only of an expansion of an existing church or similar religious facility on the site or on the abutting site;
- B. A master plan for long range development shall be submitted;
- C. In a residential zone, the site shall be limited to forty thousand (40,000) square feet in size; and
- D. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.
- E. Parking shall be provided in accordance with Chapter 21.41. However, in recognition of the provisions of the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the Zoning Administrator shall provide reasonable relief from the parking requirements of Chapter 21.41 provided the Zoning Administrator finds that strict compliance with Chapter 21.41 would impose a substantial burden upon the religious exercise of a person or assembly, and that said relief is not detrimental to the health, safety or welfare of surrounding residential or other uses. Relief from parking requirements may include tandem or joint use parking where appropriate, or relief from the distance and guaranteed permanence requirements as set forth in Subsections 21.41.222.A and 21.41.222.B.

(ORD-07-0044 § 2, 2007; Ord. C-6533 § 1 (part), 1988)

21.52.216 - Collection center for recyclables.

The following conditions shall apply to collection centers for recyclables:

- A. The site shall be kept in a neat, sanitary and orderly condition;
- B. An attendant shall be on the site at all times when the facility is open for collection;
- C. All recyclable materials shall be stored in bins and shall not be visible to the public;
- D. The operator shall establish a charge free, twenty-four (24) hour telephone number for complaints, and shall post that number on each bin in a manner clearly visible to the public;
- E. Truck pick ups of recyclable materials shall be limited to the hours of eight (8:00) a.m. to eight (8:00) p.m.;
- F. The operator shall use state of the art noise abatement technology and procedures and shall at no time violate the City noise ordinance;
- G. The operator shall accept only California redeemable materials;
- H. The operator shall utilize no processing activities including crushing, shredding, grinding, blowing and the like; and
- I. The use shall not block or displace any parking spaces or landscaping that would be required if the site were developed under the regulations in place at the time of the hearing unless a standards variance is also granted.

(Ord. C-7040 § 3, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.219 - Commercial parking lot or structure—Nonresidential districts.

The following conditions shall apply to commercial parking lots or structures in nonresidential zoning districts:

- A. The use shall be permitted only if no other reasonable alternative use of the site exists during the time period covered by the permit;
- B. The use and design of the site shall not disrupt, impede or negatively affect pedestrian circulation, traffic circulation or public transportation;
- C. The use and design of the site shall not disrupt, impede or negatively affect the concentration of high intensity activities; and
- D. Attractive landscape buffering and screening shall be provided.

(Ord. C-6533 § 1 (part), 1988)

21.52.219.5 - Commercial recreation uses.

The following conditions shall apply to commercial recreation uses:

- A. The use is consistent with the intent of the park district, general plan, and any applicable specific plan; and
- B. The use does not permanently remove or encroach upon more than five percent (5%) of any existing park open space which may be developed within the site coverage restrictions, and the use does not impede public access to the park; and
- C. The use provides a needed public recreation service which otherwise would not be available to the public; and
- D. The use cannot reasonably be located to provide comparable public recreation service on private land appropriately zoned for such use.

(Ord. C-7826 § 4, 2002)

21.52.219.7 - Commercial storage/self-storage.

The following conditions shall apply to commercial storage/self-storage:

- A. Commercial storage/self-storage shall not be permitted or located in an existing business or office park.
- B. Commercial storage/self-storage shall only be permitted with a conditional use permit if the development site is impractical for industrial development due to such conditions as the shape or topography of the site, difficult vehicular access or close proximity to residential uses that would preclude industrial development uses.
- C. Storage spaces shall not be used for manufacturing, retail or wholesale selling, office, other business or service use or human habitation.
- D. Prefabricated shipping containers shall not be allowed to be on sites located within one thousand feet (1,000') from any property zoned for residential use, unless located or screened so as to not be visible from a public street.

- E. Building and roof design. The building and roof shall be designed to be compatible with surrounding development, especially nearby residential uses. Considerations include design elements that break up long, monotonous building and rooflines and elements that are compatible with the desired character of the zone.
- F. Building materials. The materials used for buildings, roofs, fences and other structures shall be compatible with the desired character of the zone and shall be visually pleasing, especially near residential uses.
- G. Street facades. The design and layout of the street side of the site shall provide a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in building walls, fencing, other structural elements, and landscaping. Access doors to individual storage units shall be located within a building or shall be screened from adjacent property or public rights-of-way.
- H. Landscaping. The landscaping on the site shall be abundant and shall provide an appropriate transition from public to private spaces, separate and buffer the buildings from other uses, and provide visual relief from stark, linear building walls.
- I. Fencing. Any proposed fencing shall be designed to be compatible with the desired character of the area and is especially sensitive to abutting residential uses. Use of rolled razor wire is prohibited adjacent to residential zones.
- J. Lighting. Exterior lighting shall not intrude on surrounding properties.
- K. Noise. The hours of operation and access to the storage units shall be limited to seven (7:00) a.m. to seven (7:00) p.m. Monday through Friday and nine (9:00) a.m. to five (5:00) p.m. on Saturday, Sunday and holidays. To further limit noise impacts, metal roll up doors shall be lubricated and maintained on a regular monthly basis.
- L. Security. Prior to the issuance of building permits, the project shall submit a security plan that will be subject to the review and approval of the Police Department.
- M. Loading. Provide adequate loading and unloading areas outside of fire lanes.

(Ord. C-7904 § 5, 2004)

#### 21.52.220 - Community correctional reentry centers.

- A. A complete application for a community correctional reentry center in an industrial zone shall include adequate evidence that the applicant has conducted a preapplication meeting for surrounding property owners and occupants. The applicant shall provide at least ten (10) days' notice of a preapplication meeting to all owners and occupants of real property within one thousand five hundred feet (1,500') of the real property which is the subject of the application, all neighborhood associations adjacent to, or within the vicinity of, the proposed use, any surrounding business association and the City's neighborhood resource center. The applicant shall provide proof of such notice and meeting through the use of certified mail and returned receipts issued by the United States Postal Service.
- B. The following conditions shall apply to community correctional reentry centers in the industrial zoning districts:
  - 1. Such uses shall provide educational and vocational training primarily focused on industrial employment.
  - 2. Such uses shall provide short-term lodging not to exceed one hundred twenty (120) days per inmate/trainee.
  - 3. Counseling and job placement services shall be provided for inmates/trainees of the facility only.

4. The use shall comply with all general conditions of special group residences, as set forth at Section 21.52.271 of this Chapter; provided, however, no such use, regardless of the size of the parcel housing such uses shall exceed fifty (50) beds and/or fifty (50) inmates/trainees at any given time.
5. The operator of the use shall only accept inmates/trainees who voluntarily apply for transfer to the community correctional reentry center.
6. No reentry center operator shall accept any inmate/trainee currently serving a sentence for conviction of any offense described in subdivision (c) of Penal Code Section 667.5 or subdivision (c) of Penal Code Section 1192.7, excluding the offense of burglary.
7. No reentry center operator shall accept any inmate/trainee who has more than one hundred twenty (120) days left to serve in a correctional facility.
8. No reentry center operator shall accept any inmate/trainee that has been convicted of an escape pursuant to Section 4532 of the Penal Code.
9. The facility shall be staffed twenty-four (24) hours a day, seven (7) days a week. A State parole agent shall be assigned to the site to monitor the inmates' activities. No inmate of the facility shall be permitted to utilize a private vehicle unless expressly authorized to do so by the California Department of Corrections pursuant to its rules and procedures governing such use. Any change in operations must be reviewed and approved by both the State and City prior to implementation of such change.

(Ord. C-7392 § 3, 1996)

#### 21.52.220.5 - Computer arcade.

The following conditions shall apply to computer arcades:

- A. Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight. The Planning Commission may consider extended hours of operation based on proximity to residential uses; and
- B. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking, including, but not limited to, the provision of a uniformed security guard at the site to the satisfaction of the Chief of Police if the Chief of Police determines it to be necessary due to increased police activity or calls for service at the site; and
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions; and
- D. Maximum number of machines available for public rental shall not exceed one (1) per thirty-five (35) square feet of net floor area; and
- E. Computer games of an adult nature depicting "specified anatomical areas" or "specified sexual activities", as these terms are defined in Chapter 21.15 (Definitions), shall not be installed on computer terminals or played by customers unless the locational restrictions of Section 21.45.110 (Special development standards - adult entertainment) are complied with; and
- F. If access to adult oriented web sites is allowed, a separate area, up to a maximum of twenty percent (20%) of computer terminals available for public rental, shall be set aside for adult viewing with the computers clearly marked as such and screened from view by minors. All other machines shall be marked prohibiting adult viewing;
- G. Provide interior lighting levels similar to commercial office standards during operating hours; and
- H. There shall be at least one (1) adult employee, eighteen (18) years of age or older, for each twenty (20) computer terminals available for public rental, or fraction thereof; and

- I. An interior waiting area for customers, at least five percent (5%) of the gross floor area in size, but not less than fifty (50) square feet, shall be provided near the entrance; and
- J. Headphones shall be provided for each computer terminal, in lieu of open speakers, to control noise at the site; and
- K. The operator shall provide parking at a ratio of one (1) space per 3.3 computer terminals or, when two (2) or more uses share a parking facility, demonstrate through a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap.

(Ord. C-7881 § 8, 2003)

#### 21.52.221 - Courtesy parking in residential districts.

The following conditions shall apply to courtesy parking in residential districts:

- A. The proposed site shall adjoin, abut or be adjacent to a commercial district;
- B. The parking lot shall extend not more than one hundred feet (100') into the residential district; and
- C. A six foot six inch (6'6") solid fence or wall and a five foot (5') wide landscaping buffer shall be provided along any property line abutting a residential use.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.222 - Diesel fuel sales.

The following conditions shall apply to diesel fuel sales, whether in conjunction with gasoline sales or not:

- A. Diesel fuel sales shall only be permitted on designated truck routes.
- B. A solid masonry wall not less than eight feet (8') in height shall be provided where the site abuts, or is across an alley from, a residential district.
- C. An on-site queuing lane no less than one hundred twenty feet (120') shall be provided on-site for each pump dispensing diesel fuel.
- D. A site circulation and queuing diagram prepared by a traffic engineer shall be submitted with the application demonstrating the feasibility of truck access to and from each pump dispensing diesel fuel.
- E. Local streets may not be used for vehicular access to pumps dispensing diesel fuel.
- F. No on-site idling shall be permitted for vehicles queuing for pumps dispensing diesel fuel.
- G. No overnight parking or on-site maintenance of truck tractors or truck trailers shall be permitted.
- H. No exterior telephones or security bars shall be permitted.
- I. Hours of operation shall be established and shall be appropriate based on adjacent land uses.

(Ord. C-7663 § 41, 1999)

#### 21.52.223 - Electrical distribution station—Residential districts.

The following conditions shall apply to electrical distribution stations in residential districts:

- A. The site shall be located on a major, secondary or minor highway;



- B. The site shall be developed according to the height and yard requirements of the district in which the site is located;
- C. The site shall be surrounded by a fence designed, treated and finished in a manner compatible with the adjacent residential uses. Such fence shall be placed behind the required landscaping along the street frontage. Fences up to twelve feet (12') in height may be allowed in side and rear yard areas if appropriate and necessary for the individual site;
- D. Landscaping equal to twice the requirement for a multifamily residential zone shall be provided; and
- E. All equipment and operations shall comply with applicable City noise regulations as set forth in Chapter 8.80 (Noise) of the Municipal Code.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.226 - Electrical distribution substations—Nonresidential districts.

The following conditions shall apply to electrical distribution substations in nonresidential zoning districts:

- A. All facilities shall be screened from public view by an attractive wall or fence.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.229 - Electronic message center signs.

In addition to the required findings for a conditional use permit (Section 21.25.206), the Planning Commission shall not approve a conditional use permit for an Electronic Message Center sign unless positive findings can be made for the following:

- A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.
- B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of any residential community it will be adjacent to or located in.
- C. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- D. The applicant has demonstrated that the proposed electronic message display surface is factory-certified as capable of complying with the brightness standards in Section 21.44.850.

( [ORD-13-0014](#), § 20, 2013; Ord. C-7500 § 24, 1997)

#### 21.52.231 - Fast-food restaurants.

The following conditions shall apply to fast-food restaurants:

- A. The site shall not adjoin or abut a residential use district;
- B. The proposed site shall not interrupt or intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;
- C. The use shall not constitute a nuisance to the area due to noise, litter, loitering, smoke or odor; and

- D. Order board speakers shall be oriented and directed away from adjacent residential uses.

(Ord. C-6533 § 1 (part), 1988)

21.52.231.5 - Fences in high crime districts.

The following conditions shall apply to fences which exceed three feet (3') in the front yard of residential lots located in high crime areas:

- A. The site shall be located in a "high crime" area (as defined by Section 21.15.1338);
- B. The fence shall enclose an existing or proposed multifamily (three (3) or more units) residential structure or any residential use located in a multifamily (R-3 or R-4) zone;
- C. The fence shall not exceed six feet six inches (6'6") in height;
- D. The fence design shall be open wrought iron or other metal pickets;
- E. The fence shall allow emergency egress;
- F. The fence design shall provide visitor, meter reader and emergency personnel access;
- G. The front yard shall have approved landscaping;
- H. The applicant shall restore any missing street trees; and
- I. The fence shall have self-closing, self-locking gates.

(Ord. C-7247 § 34, 1994)

21.52.232 - Fitness or health club, dance or karate studio and the like.

- A. The use shall demonstrate adequate parking for peak demand;
- B. The facility shall be limited to five thousand (5,000) square feet of gross usable floor area in neighborhood commercial zones (CNP, CNA and CNR).

(Ord. C-7047 § 33, 1992)

21.52.233 - Handicapped and traditional senior citizen housing.

The following conditions shall apply to housing for the handicapped and for senior citizens:

- A. In a residential zone, handicapped and senior citizen housing shall be limited to the density allowed in the underlying zone district multiplied by the number indicated in Table 52-1. In congregate care facilities, each bedroom with two (2) or fewer beds shall count as a dwelling unit in calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In nonresidential zones, densities shall be limited to one (1) dwelling unit per two hundred (200) square feet of lot area;
- B. Consideration of the conditional use permit shall address crime rate, scale and style of the proposed building in relation to other buildings within the immediate vicinity;
- C. The applicant shall provide evidence that the use will remain as senior citizen or handicapped housing through deed restriction or other method suitable to the Planning Commission. In the case of senior citizen housing that is constructed for sale or rental of individual units, apartments or condominiums, the applicant shall provide proof that the proposed project is fully compliant with the provisions of California Civil Code Section 51.3 or otherwise provide proof

that the provisions of Civil Code Section 51.3 are not applicable to the project. Failure to provide suitable proof and assurances to the Planning Commission will result in the denial of the density multiples provided for in Table 52-1;

- D. The facility shall be designed with appropriate grab bars in all hallways and bathtubs and/or showers and with nonslip surfaces in bathtubs and/or showers. The designs shall conform to the specifications of the U.S. Department of Housing and Urban Development for the applicable use;
- E. Each unit shall be equipped with an emergency signaling device to the on-site unit manager's office, if applicable, to the satisfaction of the Chief of Police;
- F. Each facility shall provide not less than three hundred (300) square feet of common recreational space;
- G. Each facility shall provide not less than one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150) square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space in addition to the three hundred (300) square feet required above;
- H. The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and
- I. Parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).

(Ord. C-7500 § 19, 1997; Ord. C-6822 § 19, 1990; Ord. C-6595 § 15, 1989; Ord. C-6533 § 1 (part), 1988)

Table 52-1	
Density Multiples for	
Handicapped and Senior Citizen Housing	
Use	Density Multiple
Handicapped, low rent	3.0
Handicapped, market rent	2.0
Senior citizen, low rent	3.0
Senior citizen, market rent	2.0
Senior citizen, congregate care, low rent	3.0
Senior citizen, congregate care, market rent	2.0

21.52.234 - Heliport or blimp port or helipads.

The following conditions shall apply to heliports or blimp ports and helipads:

- A. The Aeronautics Bureau of Public Works in consultation with the Federal Aeronautics Administration have found that the proposal presents no air space conflicts. Letters of agreement concerning airspace procedures, altitude and flight tracks, shall be submitted if necessary.
- B. The Fire Chief has found the use designed to safely handle any and all flammable and combustible materials to be handled on-site.
- C. The use will not adversely affect any residential neighborhood due to take-off, landing or overflight noise.
- D. The use is reasonably centrally located within an area of need so that no duplication of facilities will occur that could be avoided by use of another site.
- E. Only private, noncommercial heliports, blimp ports or helipads shall be allowed. Ticket sales or any common carrier-type functions are strictly prohibited.
- F. Only helipads, without support services, shall be allowed in the CB zone.

(Ord. C-6595 § 28, 1989)

21.52.235 - Hotels/motels.

- A. **Intent.** Long Beach strongly encourages the development and expansion of the travel industry for vacation, convention and business travel. Hotels and motels are an integral and desirable part of the travel industry. However, as hotels and motels can also be incompatible with nearby residential communities, and can also become inadequately designed permanent housing, it is necessary to provide site-by-site analysis and decisions of the nature and design of such business facilities. Also, as such uses provide a twenty-four (24) hour business environment, careful review is required to ensure compatibility with residential uses. All proposals for new hotels, motels or inns shall comply with the following conditions.
- B. **Intensity.** The density of rooms, intensity of facilities, and scale and design of buildings shall be harmonious with surrounding uses and development.
- C. **Location.** The location of the use shall be reasonably related to destinations of the traveling public, such as proximity to tourist attractions, convention facilities, business centers, the airport or cruise terminals, or medical centers and shall also be adequately buffered from any incompatible adjoining uses.
- D. **Crime.** The site shall not be associated with a location known to have a high concentration of reported crimes.
- E. **Design.** The design shall be attractive so as to present a positive image of Long Beach to the traveling public, shall be appropriate to transient occupancy without conversion to long-term occupancy (more than thirty (30) consecutive days), and, where appropriate, shall contribute to an active retail frontage by providing stores, coffee shops or convenience retail on the ground story of major streets. Enriched materials, roof overhangs, windows and doors with jams and sills, architectural protrusions and other detailing and lush landscaping are desirable in making the design attractive. All designs shall also comply with the privacy standards of Section 21.31.240.
- F. **Open Space.** The use shall provide not less than one hundred twenty-five (125) square feet of usable open space per guestroom, suite or unit. Not less than fifty (50) square feet of such open

space shall be private usable open space according to the provisions of Section 21.31.230. For buildings of three (3) stories or more, all open space may be common open space. Areas used for health clubs or recreation rooms may be counted as common usable open space.

- G. **Parking.** All parking designs shall provide through-flow circulation or maneuvering space in a cul-de-sac or "hammerhead" design to allow exiting in a forward direction when all parking spaces are full. Parking spaces shall be provided in adequate number to serve the use according to the following requirements: for hotels/motels less than sixty (60) rooms, suites or units, the minimum parking shall be not less than 1.25 spaces per guestroom, or per two (2) room suite or unit, and 2.00 spaces per suite or unit of three (3) or more rooms, plus parking figured separately for other facilities.

For hotels/motels of sixty (60) rooms or more, see Table 41-1C.

- H. **Security.** Project security shall be designed to the satisfaction of the Chief of Police and shall include surveillance of arrivals, departures, and parking areas from the office, and security hardware, alarms and lighting.

(Ord. C-6684 § 8, 1990)

#### 21.52.236 - Institutional and public assembly uses.

The following conditions shall apply to public assembly halls, private clubs and similar uses:

- A. A long-range development plan shall be submitted for the use;
- B. Any new construction shall be consistent with the long-range plan that has been approved by the Planning Commission;
- C. All buildings and uses shall be located and buffered to prevent intrusion upon surrounding uses, especially when the use adjoins, abuts or is adjacent to a residential district; and
- D. Abundant landscaping, ample building spacing, open space and high quality building design shall be provided.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.XXX - Laundromats

All new or expanded uses laundromats are required to comply with the following:

- A. Restriction of Over-Concentration of Laundromats. No new or expanded laundromat use shall be located closer than 500 feet from any existing laundromat as measured by closest radial distance between buildings.
- B. Standards. The following standards shall apply to all new or expanded Laundromat uses:
  - 1. On-Site Attendant. An employee shall be on the premises during all business hours.
  - 2. Security Cameras. Security cameras shall be operated on the premises during all business hours and recordings shall be maintained for a minimum of seven days.
  - 3. When located adjacent to or below a dwelling unit the following shall be minimized:
    - a. Noise shall not exceed the limits set forth in Chapter 8.80.
    - b. Vibrations shall not exceed the limits set forth in Chapter 8.80.
    - c. Venting shall be directed away from residential dwelling units.
  - 4. Transparency.

- a. A minimum of 60 percent of the building facade along a street or streets shall be glass (windows and/or doors).
  - b. Window Clarity. Ninety percent of area of windows shall re-main clear to allow views into the commercial space.
5. Exterior Illumination. Outdoor lighting shall be attached to the exterior of the building containing the laundromat establishment and operated after dusk so that the exterior of the premises are discernible.
6. Off-Site Impacts.
  - a. Litter and debris shall be cleared from the premises and the adjacent right -of-way and sidewalks of the property at least once daily or as needed to maintain a litter free environment.
  - b. Graffiti shall be removed from the exterior of the building with-in 72 hours of application.
  - c. At least two "No Loitering" signs shall be posted on the building facade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of two inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiterers who refuse to leave
  - d. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave.

21.52.240 - Legalization of dwelling units.

- A. The unit(s) in question must have been created before 1964 and continually occupied since that time without having been abandoned pursuant to Section 21.15.030;
- B. The unit must meet minimum Housing Code provisions; and
- C. The unit must not exceed six hundred forty (640) square feet.

(Ord. C-7032 § 53, 1992)

21.52.241 - Merchandise mall.

The following conditions shall apply to merchandise malls:

- A. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements). However, the required number of parking spaces may be reduced if the applicant can demonstrate to the satisfaction of the Planning Commission that a lower standard adequately satisfies the parking demand of a specific business. In no case shall less than five (5) parking spaces per one thousand (1,000) square feet be approved; and
- B. The applicant shall demonstrate to the satisfaction of the Planning Commission that tenants of the merchandise mall will pay applicable business license fees and sales taxes.

(Ord. C-6533 § 1 (part), 1988)

21.52.243 - Mobile home park.

The following conditions shall apply to mobile home parks:

- A. The mobile home park shall not exceed the density of the applicable zone district in which it is located; and
- B. The mobile home park shall comply with the development standards of the applicable subdivision for private streets and lot design.

(Ord. C-6533 § 1 (part), 1988)

21.52.244 - Subdivision of existing mobile home park.

The following special conditions shall apply to subdivision of an existing mobile home park:

- A. The mobile home park shall contain a minimum community area open space of two hundred (200) square feet per lot.
- B. The mobile home park shall have a minimum density of nine (9) units per acre.
- C. The mobile home park shall contain a minimum of one (1) guest parking space for each fifteen (15) lots.
- D. The mobile home park shall contain a minimum of one hundred (100) square feet of recreational vehicle storage per lot.
- E. The mobile home park shall have a minimum project setback of twenty (20) feet from any public street.
- F. RV storage and vehicle parking and storage shall be reserved for use by the owners/tenants of the mobile home park.

(ORD-07-0019 § 6, 2007)

21.52.246 - Motorcycle/jet ski sales and repair.

- A. All sales and repair activities shall comply with the standards of Chapter 21.45 (Special Development Standards).
- B. The applicant shall demonstrate an ability to control noise during engine testing to comply with City noise regulations Chapter 8.80 (Noise) and avoid neighborhood disturbances.

(Ord. C-7047 § 26, 1992: Ord. C-6533 § 1 (part), 1988)

21.52.247 - Building design in the CNP zone.

- A. The use will primarily serve the local community.
- B. The project must comply with Section 21.32.230 Design of buildings, to insure pedestrian orientation.
- C. Drive-thru lanes are prohibited.
- D. Existing curb cuts from the primary pedestrian thoroughfare must be closed and vehicular access taken from alleys and/or secondary streets.

(Ord. C-7729 § 10, 2001: Ord. C-7047 § 34, 1992)

21.52.249 - Nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons.

The following conditions shall apply to all nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons:

- A. A minimum of seventy-five (75) square feet of outdoor play area per child shall be provided on the site;
- B. In residential districts, no other similar facility may be located and operating within one-half (½) mile (2,640 feet) of the proposed site;
- C. The hours of operation shall be limited to the hours between six-~~thirty~~ (6:~~30~~00) a.m. and ~~six~~seven-thirty (~~67~~7:30) p.m.; and
- D. Adequate off-street loading spaces shall be provided to prevent adverse effects upon the neighborhood.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.251 - Office uses in residential districts.

The following conditions shall apply to office uses in residential districts:

- A. The total nonresidential use shall not exceed forty percent (40%) of the square footage of the building.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.256 - Outdoor sales events.

The following conditions shall apply to flea markets, swap meets, vehicle sales events and the like:

- A. All uses shall be compatible with adjacent uses; and
- B. The sale of used merchandise may be permitted; and
- C. Vehicle sales events may be permitted only in the institutional zone on sites five (5) acres or greater in size and only when sponsored by a church, school, educational institution or public or private nonprofit organization, and shall be conducted on the premises of such an organization; and
- D. The hours of operation shall be nine (9:00) a.m. to five (5:00) p.m. with the exception that setup shall be allowed as early as seven (7:00) a.m. and as late as seven (7:00) p.m. The Planning Commission may grant extended hours of operation based on the proximity to residential land uses; and
- E. The proposed frequency of events shall be stated in the application and subject to review; and
- F. The operator shall demonstrate to the satisfaction of the Planning Commission that applicable business license fees and sales taxes will be paid; and
- G. An event signage plan shall be submitted in the application and subject to review; and
- H. Adequate restroom facilities shall be provided on-site during hours of operation; and
- I. A parking plan shall be submitted in the application and subject to review. The hours of parking demand of the outdoor sales event shall not conflict with the hours of parking demand of the principal use on-site, if any, and shall be provided in accordance with the provisions of Chapter 21.41 (Off-street Parking and Loading Requirements); and
- J. The operator shall demonstrate an ability to control problems related to noise, loitering, and litter; and



- K. The operator shall provide a safety and security plan to the satisfaction of the Chief of Police; and
- L. The operator shall obtain all necessary permits from the Fire Department for the temporary structures for each outdoor sales event.

(Ord. C-7881 § 4, 2003; Ord. C-6533 § 1 (part), 1988)

21.52.257 - Parsonage.

The following conditions shall apply to administrative use permits for a parsonage: The living area shall not exceed twenty-five percent (25%) of the church floor area.

(Ord. C-7032 § 54, 1992)

21.52.259 - Pistol or rifle range.

The following conditions shall apply to pistol and rifle ranges:

- A. The use shall be soundproofed as necessary to avoid adverse impacts on nearby noise sensitive uses; and
- B. The operator shall incorporate safety measures into facility design as required by the Chief of Police.

(Ord. C-6533 § 1 (part), 1988)

21.52.260 - Interim playgrounds, urban agriculture use, community gardens and recreational parks.

The following shall apply to interim playgrounds, community gardens and recreational parks. A, B and C only apply to urban agriculture uses:

- A. Improvements for an interim playground/community garden/recreational park shall be limited to landscaping, irrigation systems, accessory buildings and structures.
- B. The following setbacks shall be the same apply to all accessory buildings and structures:
  - 1. Front. The front setback shall be the same as a principal structure in the applicable zoning district.
  - 2. Side. A four-foot (4') side setback is required when abutting a residential district otherwise none is required.
  - 3. Rear. A ten-foot (10') rear setback is required when abutting a residential district otherwise none is required.
- C. The maximum height of any accessory building shall be thirteen feet (13').
- D. The interim playground/community garden/recreational park hours of operation shall be seven-thirty (7:30) a.m. to dusk.
- E. Off-street parking shall not be required for an interim playground/community garden/recreational park.
- F. Adequate trash receptacles shall be provided and maintained for the life of the use.

( [ORD-17-0024](#) § 5, 2017; Ord. C-7378 § 28, 1995)

21.52.261 - Police training academy.

The following conditions shall apply to the police training academy use:

- A. The use shall be isolated from noise sensitive uses; and
- B. A master plan for future facility expansion shall be reviewed and approved with any specific building request.

(Ord. C-6533 § 1 (part), 1988)

21.52.263 - Private elementary and secondary schools.

The following conditions shall apply to private elementary and secondary schools:

- A. Such facilities shall be located on a major, secondary, or minor highway;
- B. Such facilities shall conform to the development standards of the district in which they are located including parking;
- C. In a residential zone, the site shall be limited to forty thousand (40,000) square feet in size; and
- D. An applicant seeking to convert an existing commercial building into school shall file a request with the Building Bureau for a special code compliance inspection. The report shall address all building code issues related to establishing a school in a commercial building. The report must be received by the Planning Bureau before an application for conditional use permit is considered complete.

(Ord. C-7378 § 20, 1995; Ord. C-6533 § 1 (part), 1988)

21.52.265 - Recycling collection center.

- A. Recycling collection centers located in any industrial district shall be limited to a maximum of five (5) years for any single approval.
- B. The use shall be compatible with surrounding existing uses.
- C. The operator shall take all reasonable steps to mitigate intrusive noise to adjacent residential uses.
- D. The site shall remain clean at all times.
- E. The entire site shall be paved.
- F. The site shall be screened with an eight-foot-high (8') solid wall.

(Ord. C-7360 § 8, 1995; Ord. C-7247 § 25, 1994; Ord. C-6684 § 9, 1990)

21.52.265.5 - Residential historical landmarks.

The following conditions shall apply to all residential historical landmarks seeking to establish a commercial use:

- A. The following commercial uses listed below may be allowed through the administrative use permit process (where the permitted use table for the applicable zone is more permissive than these provisions, then the applicable zone use table shall apply):
  - 1. Artist studio with residence pursuant to Section 21.52.204.
  - 2. Bed and breakfast pursuant to Section 21.52.209.

3. Daycare center/pre-school pursuant to Section 21.52.249.
  4. Professional school/business school.
  5. Professional services:
    - a. Administrative
    - b. Attorney
    - c. Consultant
    - d. Dental
    - e. Engineering/architectural
    - f. Finance
    - g. Insurance
    - h. Medical
    - i. Real estate
  6. Retail sales:
    - a. Antiques
    - b. Art gallery
    - c. Book dealer
    - d. Collectibles
- B. An applicant seeking to establish a commercial use in a residential historical landmark building shall file a request with the Building Bureau for a special code compliance inspection with reference to the State Historical Building Code. The resulting report shall address all building code issues with reference to the State Historical Building Code related to establishing the commercial use in a residential building. This report must be received by the Planning Bureau before an application for an administrative use permit is considered complete for processing.
- C. All required parking, as set forth in Chapter 21.41, Off-Street Parking and Loading Requirements, shall be provided to establish the proposed use.

(Ord. C-7378 § 29, 1995)

21.52.266 - Restaurant with alcoholic beverage sales.

The following conditions shall apply to restaurants selling alcoholic beverages of any kind:

- A. The operator of the use shall prevent loitering in any parking areas serving the use; and
- B. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) regardless of status of the previous use with regard to legal nonconforming parking.

(Ord. C-6533 § 1 (part), 1988)

21.52.269 - Restaurant in the R-4-H district.

The following conditions shall apply to restaurants in the R4-H zoning district:

- A. The public entrance shall be from the lobby of the residential building;

- B. No signs shall be placed outside the building; and
- C. Sale of alcoholic beverages in restaurants shall be limited by the following additional conditions:
  - 1. The operator of the use shall provide not less than ten (10) parking spaces per one thousand (1,000) square feet of dining area plus twenty-five (25) parking spaces per one thousand (1,000) square feet of lounge, bar or waiting area regardless of status of the previous use as to legal nonconforming parking.
  - 2. The operator of the use shall prevent loitering in any parking areas serving the use.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.270 - Sandwiched lot.

The development on the sandwiched lot shall be limited to R-4-R density and development standards.

(Ord. C-6895 § 32, 1991)

#### 21.52.~~281~~270.1 - Secondhand shops.

The following ~~conditions~~ shall apply to new secondhand/thrift shops and as a requirement for approval of any increase in the floor area of an existing shop the sale of used merchandise indicated in Table 32-1:

- A. All sales and display of merchandise shall be permitted only within a building;
- B. The building occupied by the use shall be improved to conform to the standards of the community. Exterior alterations to the premises and all signage must be designed and installed in compliance with all applicable City regulations and guidelines;
- C. The building and site shall be maintained in a neat, clean and orderly condition; ~~and~~
- D. Outside storage shall not be permitted; and
- E. The store shall not authorize the donation or drop-off of any goods while the store is closed.
- F. The operator shall post a notice in a visible location at any public entrance, which states that goods may not be deposited when the store is closed and listing hours when and where donations will be accepted.-

(Ord. C-7047 § 28, 1992; Ord. C-6533 § 1 (part), 1988)

#### 21.52.271 - Special group residence (board and care, convalescent home, half-way house, boardinghouse/lodginghouse, communal housing and the like).

The following conditions shall apply to special group residences including, but not limited to, board and care, convalescent home, half-way house, boardinghouse/lodginghouse and communal housing:

- A. **Density.** In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district multiplied by the number indicated in Table 52-2. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area;

- B. **Location.** In a residential district, no other similar facility may be in operation within one-half (1½) mile of the proposed project site. If the use is a fraternity or sorority, the use shall be sufficiently isolated from other residential uses so as not to potentially disturb the neighborhood;
- C. **Concerns.** Consideration of the conditional use permit shall address crime rate, concentration of similar uses, and the style and scale of the proposed building in relation to other buildings in the immediate vicinity;
- D. **Continuation of Use.** The applicant shall provide evidence that the use will remain as that use applied for through deed restriction or other method suitable to the Planning Commission;
- E. **Open Space.** Each facility shall provide not less than three hundred (300) square feet of common open space and one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150) square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space added to the required three hundred (300) square feet of common open space;
- F. **Public Transit Stop.** The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and
- G. **Parking.** Parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).

(Ord. C-6595 § 16, 1989; Ord. C-6533 § 1 (part), 1988)

Table 52-2	
Density Multiples for Special Group Residences	
Use	Density Multiple
Board and care home (limit of 50 beds)	2.0
Convalescent home (limit of 50 beds)	2.0
Boardinghouse/lodginghouse (limit of 50 beds)	2.0
Halfway house (limit of 50 beds)	2.0
Fraternity or sorority (limit of 50 beds)	2.0
Dormitory (limit of 50 beds)	2.0
Monastery, convent, communal housing, religious house (limit of 50 beds)	2.0

21.52.273 - Tattoo or fortunetelling services.

The following conditions shall apply to tattoo and fortunetelling services:

- A. No new fortunetelling or tattoo parlor uses shall be located within one thousand feet (1,000') of any existing adult entertainment, arcade, fortunetelling, tattoo parlor or tavern use; and
- B. Fortunetelling and tattoo parlors shall operate only between the hours of seven (7:00) a.m. and ten (10:00) p.m.

(Ord. C-6533 § 1 (part), 1988)

21.52.279 - Through-block commercial.

The following conditions shall apply to through-block commercial:

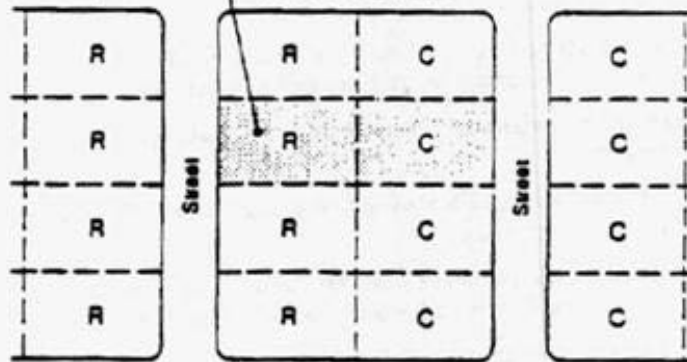
- A. The proposed site shall abut, adjoin or be adjacent to a commercial district, or a planned development district designated for commercial uses;
- B. The proposed site shall be developed as a unified site with an abutting, adjoining or adjacent commercially zoned site;
- C. Through-block commercial shall only be permitted on a property that has two (2) street frontages but is not a corner lot as illustrated in Figure 52-1;
- D. Vehicular and/or pedestrian access shall not be permitted from or across the residential street frontage;
- E. The site shall be developed according to the height and yard requirements of the residential district in which it is located;
- F. The commercial uses permitted shall be the same as those on the abutting, adjoining or adjacent commercial district with which the site is being developed;
- G. Any portion of the building or buildings visible from a public street, or abutting, adjoining or adjacent to a residential district shall be designed, treated and finished in a manner compatible with adjacent residential areas and with other visible sides of the building; and
- H. The yards facing residential uses shall be landscaped in a manner which protects the privacy and serenity of the residential uses.

(Ord. C-7247 § 26, 1994; Ord. C-7047 § 27, 1992; Ord. C-6684 § 40, 1990; Ord. C-6533 § 1 (part), 1988)

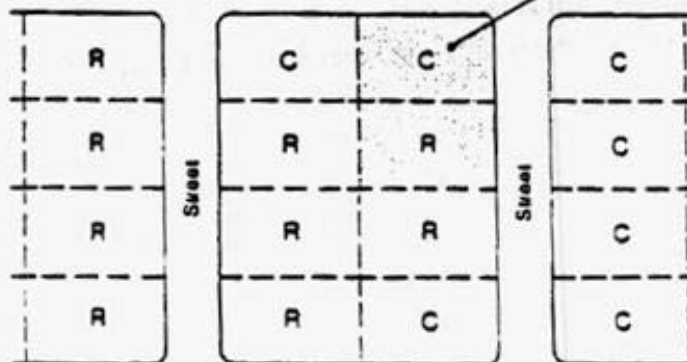
**Figure 52-1  
THROUGH-BLOCK COMMERCIAL**

**Section 21.52.279**

Permitted



Not Permitted



C • Commercial Use  
R • Residential Use

~~21.52.281—Thrift shops.~~

~~The following conditions shall apply to the sale of used merchandise indicated in Table 32-1:~~

- ~~A. All sales and display of merchandise shall be permitted only within a building;~~
- ~~B. The building occupied by the use shall be improved to conform to the standards of the community;~~
- ~~C. The building and site shall be maintained in a neat, clean and orderly condition; and~~
- ~~D. Outside storage shall not be permitted.~~

~~(Ord. C 7047 § 28, 1992; Ord. C 6533 § 1 (part), 1988)~~

#### 21.52.283 - Vehicle rental services.

The following conditions shall apply to vehicle rental service uses:

- A. In the CO and CB zones, only passenger vehicles and bicycle rentals shall be allowed;
- B. Any vehicle repair activities shall comply with the regulations pertaining to outdoor vehicle repair uses as set forth in Chapter 21.45 (Special Development Standards). However, in the CO, CT or CB zones, all repair work shall occur within a fully enclosed building; and
- C. In the CO zone, the project site must be within one-half (½) mile of the CB or CT zone, or five hundred (500) hotel rooms, or a passenger terminal of an airport, cruise ship or rail transit line.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.286 - Veterinary uses.

The following conditions shall apply to veterinary uses:

- A. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets, but exotic animals and species of equine are excluded;
- B. All activities must be confined within a building that is fully air-conditioned and sound-proofed to the standards of the noise ordinance, Chapter 8.80 of the Municipal Code; and
- C. The site shall not adjoin or abut a residential use district.

(Ord. C-6533 § 1 (part), 1988)

#### 21.52.410 - Special conditions—Industrial uses.

Certain industrial uses identified in Chapter 21.33 (Industrial Uses) are subject to conditional use permit review and approval. In addition to the standard considerations and findings required to approve a conditional use permit, the following additional considerations and findings shall be made:

- A. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose adverse health risks to persons working and living in the surrounding area.
- B. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title.
- C. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.



- D. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:
1. The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.
  2. The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.
  3. The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless appropriate soils remediation occurs as required by the City Engineer.

(Ord. C-7360 § 9, 1995; Ord. C-6533 § 1 (part), 1988)

21.52.610 - Uses in the Park (P) district.

Prior to the granting of a conditional use permit for uses in the park district, the following findings shall be made by the appropriate body:

- A. The use is consistent with the intent of the Park District, the General Plan, the local coastal program, and any applicable specific plan;
- B. The use does not permanently remove or impinge upon any significant public open space or impede public access thereto;
- C. For commercial recreation uses, the use provides a needed public recreation service which otherwise would not be available to the public; and
- D. For commercial recreation uses, the use cannot reasonably be located to provide comparable public recreation service on private land appropriately zoned for such use.

(Ord. C-7153 § 3, 1993; Ord. C-7032 § 43, 1992; Ord. C-6533 § 1 (part), 1988)