



# CITY OF LOS ALAMITOS

## CODE INTERPRETATION FORM AND HANDOUT

Development Services Department  
3191 Katella Ave., Los Alamitos, CA 90720-5600  
Phone: (562) 431-3538 Fax: (562) 493-0678

**FOR OFFICE USE ONLY**  
Filing Fee: \$345.00

Date Received: \_\_\_\_\_

**PROJECT NAME:** \_\_\_\_\_

### APPLICANT:

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### APPLICANT'S REPRESENTATIVE:

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### PROPERTY OWNER(S):

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### SITE INFORMATION:

Address: \_\_\_\_\_  
APN: \_\_\_\_\_  
Current Use of Site: \_\_\_\_\_  
Zoning Designation: \_\_\_\_\_

### REQUIRED ATTACHMENTS AND INFORMATION:

This may include photos, site plans, title reports, elevations necessary for officials to fully understand the request.

**Narrative:** *(attach separate sheets if needed)* Describe the nature of the request:

### AUTHORIZING SIGNATURES:

I hereby certify that the information on this application and attachments are correct.

#### PROPERTY OWNER(S):

\_\_\_\_\_  
Print or Type Name Signature

#### APPLICANT(S) OR AUTHORIZED AGENT:

\_\_\_\_\_  
Print or Type Name Signature

## Chapter 17.02 Interpretation of Los Alamitos Zoning Code Provisions

### Sections:

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

### 17.02.010 Purpose and Intent

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

### 17.02.020 Rules of Interpretation

- A. Authority.** The Director has the authority to interpret provisions of this Zoning Code according to Section 17.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of this Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Planning Commission for a determination.
- B. Terminology.** When used in this Zoning Code, the following rules apply to all provisions.
- 1. Language.** The words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
  - 2. Tense.** The present tense includes the past and future tense, and the future tense includes the present.
  - 3. Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  - 4. Calculations**
    - a. Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. For projects eligible for a density bonus subject to Government Code Section 65915 or any successor statute, any fractional number of permitted density bonus units shall be rounded up to the next whole number.
    - b. Other Calculations.** For calculations required by this Zoning Code other than those described in subsections (4)(a) of this section, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/ decimal is 0.4 or more, and to the next lowest whole number when the fraction is less than 0.4.
  - 5. Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
  - 6. Local Reference.** "City" means the City of Los Alamitos, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
  - 7. Definitions.** As defined in Article 07 (Definitions) and/or as determined/interpreted by the Director.
  - 8. Abbreviated Titles and Phrases.** For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel and decision-making bodies are shortened in this Zoning Code.

- a. The Development Services Director is referred to as the "Director."
  - b. The City Council is referred to as the "Council."
  - c. The State of California is referred to as the "State."
  - d. The City of Los Alamitos Municipal Code is referred to as the "Municipal Code."
  - e. The California Subdivision Map Act is referred to as the "Map Act."
- C. Number of Days.** Whenever a number of days is specified in this Zoning Code, or in a permit, condition of approval, or notice issued or given as provided herein, the number of days shall be construed as calendar days, unless business days are specified. Time limits shall extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business, except as otherwise provided for by the Map Act.
- D. Minimum Requirements.** When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.
- E. Conflicting Requirements.** Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows.
1. **Zoning Code Provisions.** In the event of a conflict between the provisions of this Zoning Code, the most restrictive requirement shall apply.
  2. **Development Agreements or Specific Plans.** In the event of a conflict between the requirements of this Zoning Code and standards adopted as part of a Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
  3. **Municipal Code Provisions.** In the event of a conflict between requirements of this Zoning Code and other regulations of the City, the most restrictive shall apply.
  4. **Private Agreements.** It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate or annul an easement, covenant, or other agreement that existed when the ordinance codified in this Zoning Code became effective. This Zoning Code apply to land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of an agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement.
- F. Zoning Map Boundaries.** If there is uncertainty about the location of a zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty.
1. Where the Zoning Map shows a parcel or area within a particular zone, the zone shall extend to the centerline of an adjacent road, street, parkway, or highway.
  2. Where the exact boundaries of a zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be included within the zone that is more restrictive.
  3. The provisions of this Section shall not apply to acreage.
  4. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the Director shall determine the location of the boundary by using the scale appearing on the Zoning Map.
  5. Where a public street, alley, railroad, or other public right-of-way is officially vacated or abandoned, property that was within the former right-of-way shall be deemed to be included within the zone applicable to the property to which the abandoned right-of-way is being attached.

**G. Measurement of Height and Area Requirements.** When this Zoning Code requires that compliance to a standard is met by specific measurements and there is an ambiguity concerning the measurement, the Director shall decide as to the correct measurement.

### **17.02.030 Procedures for Interpretation**

- A. Authority of Director to Interpret; Referral to Commission.** Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.
- B. Request for Interpretation.** Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. Findings, Basis for Interpretation.** The issuance of an interpretation by the Director/Planning Commission shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.
- D. Record of Interpretation/Determinations.** All interpretations and determinations by the Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
1. Interpretations and determinations shall quote the provisions of the Zoning Code being interpreted, together with the applicability in the particular or general circumstances that caused the need for interpretations and the determination; and
  2. A provision of this Zoning Code that is determined by the director to need refinement or revision shall be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Director shall maintain a record of official interpretations as an appendix to this Zoning Code and indexed by the number of the Chapter or Section that is the subject of the interpretation.
- E. Referral of Interpretation.** The Director has the option of forwarding an interpretation or determination of the meaning or applicability of a provision of this Zoning Code directly to the Planning Commission for consideration.
- F. Appeals.** Any interpretation of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 17.60 (Appeals).