

# **DIVISION 11 – REGULATIONS APPLICABLE FOR SPECIFIC USES**

## **CHAPTER 17.110 – STANDARDS FOR SPECIFIC RESIDENTIAL USES**

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### **17.110.010 – Purpose.**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific residential uses and activities that are permitted or conditionally permitted in some or all residential zoning districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

### **17.110.020 – Accessory Buildings.**

- A. **Height.** Accessory buildings located in any residential zone shall not exceed one (1) story and 16 feet in height.
- B. **Floor Area.** The total area for all accessory buildings shall not exceed 800 square feet per residential property. If there is more than one (1) detached single-family dwelling on a property, the total area for accessory buildings shall not exceed 600 square feet per dwelling.
- C. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the maximum floor area of the accessory building. In addition, the lot coverage and square footage shall be included in the maximum lot coverage and FAR of the underlying zoning district.
- D. **Location.** Accessory buildings located in any residential zone shall not be located at a distance less than 50 percent of the depth of the lot from the front lot line, or 50 feet, whichever is less.

- E. **Setbacks.** Accessory buildings located in any residential zone shall have a minimum side and rear yard setback of four (4) feet. On a corner lot, the setbacks shall meet the minimum required of the underlying zoning district.
- F. **Design.** The exterior design shall have the same architectural style as the primary dwelling or multiple-family structure(s). In addition, it shall use the same materials, colors, exterior finishes, roof form and windows/doors. Accessory structures shall comply with Chapter 17.140 (Design Guidelines) of this Title. This shall not apply to structures for animal enclosures and related activities, greenhouses or conservatories.
- G. **Bathrooms and Other Plumbing.** Plumbing for bathrooms, washer hookups and other plumbing are permitted as part of an accessory building located in One-family Dwelling (R-1A, R-1B and R-1C) zoning districts, provided that all of the following conditions are met:
  1. The property may not be part of a Planned Residential Development (PRD), contain an Accessory Dwelling Unit (ADU), Junior ADU or urban dwelling, or have a legal nonconforming guest house with a kitchen or bathroom;
  2. The structure is consistent with the design of the dwelling and complies with all other requirements of this Section; and
  3. For bathrooms with showers or bathtubs, a covenant shall be signed and recorded against the property by the property owner stating that the structure will not be converted to an ADU or urban dwelling without obtaining necessary permits from the City and paying any required fees.
- H. See Chapter 17.12 (Rurban Homestead Overlay District) of this Title for additional standards and requirements for accessory buildings within the Rurban Homestead Overlay District (RHOD).

**17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.**

- A. **Purpose.** The Accessory Dwelling Units (ADUs) and Junior ADU regulations set forth in this Section are established to comply with the state standards and requirements set forth in Sections 65852.2 and 65852.22 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with State law and shall be interpreted to be compatible with State enactments.
- B. **Applications:**
  1. ADUs/Junior ADUs submitted separately with existing improvements. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an ADU or a Junior ADU which complies with this Section within 60 days from the date the City receives a completed application. There must be an existing single-family or primary dwelling or multiple-family structure on the subject property.
  2. ADUs/Junior ADUs submitted with other proposed new improvements. If the permit application to create an ADU or a Junior ADU is submitted with a permit application to create a new single-family dwelling on the subject property, the City may delay acting on the permit application for the ADU or the Junior ADU until the City acts on the permit

application to create the new single-family dwelling. The application to create the ADU or Junior ADU shall be considered without discretionary review or hearing.

- ADUs/Junior ADUs shall be subject to the requirements of this Section and approval of a Zoning Clearance.

**C. Permitted Zoning Districts, Maximum Number of Units and Minimum Lot Size:**

- ADUs/Junior ADUs outlined in Table 17.110-1 shall be permitted in any residentially zoned or M/MU zoned lot that includes a proposed or existing dwelling, subject to the requirements of this Section (notwithstanding Subsection (V)):

Table 17.110-1 – Accessory Dwelling Units			
Zoning:	Existing or Proposed Structures On-Site:	# of ADUs Permitted:	# of Junior ADUs Permitted:
Single-family	Single-family structure	One attached ADU	One Junior ADU
		One detached ADU	One Junior ADU
Single-family, multi-family or M/MU	More than 1 single-family structure on one lot/parcel	Two attached ADUs <u>or</u> Junior ADUs total <sup>1</sup>	
		One detached ADU	One Junior ADU
Single-family	Multi-family structure(s)	Two detached ADUs and up to 25% of the existing units in a multi-family structure, provided each ADU is created by converting existing non-livable space <sup>2</sup>	None
Multi-family or M/MU	Multi-family structure(s)		None

- There shall be no minimum lot size to establish an ADU or Junior ADU.
- No ADU or Junior ADU shall be permitted on a property developed with an urban dwelling as outlined in Section 17.110.520 of this Chapter.

**D. Configuration:**

- An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. An ADU may be either located within a proposed or existing primary dwelling or multiple-family structure, or detached from the proposed or existing primary dwelling or multiple-family structure. A Junior

<sup>1</sup> Provided the two attached ADUs or Junior ADUs are attached to different single-family structures.

<sup>2</sup> Multiple-family structures that are proposed to be developed with an ADU within the units must still comply with the minimum size of dwelling units set forth in Chapter 17.24. Portions of existing multiple-family structures used as non-habitable space (such as boiler rooms, storage rooms, attics, basements, garages) may be converted into ADUs.

ADU shall be attached to the existing or proposed primary dwelling or multiple-family structure.

2. For purposes of this Subsection, “attached” shall mean the ADU or Junior ADU shares a wall with the existing or proposed primary dwelling or the multiple-family structure, with both sides of the wall being habitable space. ADUs or Junior ADUs shall not be connected to the existing or proposed primary dwelling or multiple-family structure solely by a patio cover, breezeway or similar roofed area.

**E. Unit Size:**

1. Junior ADU (new or converted). The maximum square footage for a Junior ADU shall be 500 square feet.
2. Attached ADU (new). The total square footage of an attached ADU shall not exceed 50 percent of the existing or proposed primary dwelling. In addition, the attached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
3. Detached ADU (new). The maximum square footage for a detached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
4. Conversion of an existing accessory structure. There shall be no size limit.
5. Efficiency Unit. Notwithstanding this Subsection, and as required under state law, an efficiency unit, meeting the criteria defined in Section 17958.1 of the California Health and Safety Code, shall be permitted. An efficiency unit is a unit for occupancy by no more than two (2) persons which has a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities.

**F. Building Height.** A detached ADU shall not exceed a height of 16 feet.

**G. Setbacks.** The minimum interior side yard and rear yard setback for a detached ADU shall be four (4) feet, unless the ADU is:

1. Converted from an existing legal or legal nonconforming structure; or
2. A new structure constructed in the same location and to the same dimensions as an existing legal or legal nonconforming structure.

**H. Parking Requirements:**

1. No parking shall be required for a Junior ADU.
2. One (1) parking space shall be required for each ADU bedroom or ADU unit, whichever is less. Such required parking shall supplement additional parking requirements for the existing dwelling. Such parking does not need to be enclosed and may be provided as tandem parking on an existing driveway.
3. When a garage, carport, or covered parking structure is demolished, in conjunction with or separate of the construction of an ADU or Junior ADU, replacement of the lost off-

street covered parking shall not be required to be replaced. If replacement parking is proposed, it shall be on the same property as the primary dwelling.

4. Notwithstanding this Subsection, parking requirements shall not apply to ADUs in any of the following circumstances:
  - a. The ADU is located within one-half ( $\frac{1}{2}$ ) mile of public transit. For purposes of this Section, “public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
  - b. The ADU is located within the proposed or existing primary dwelling or an accessory building;
  - c. When on-street parking permits are required but not offered to the occupant of the ADU; or
  - d. When there is a car sharing vehicle located within one (1) block of the ADU.
- I. **Driveways.** If a property is proposed to be developed with a detached ADU, and the property has one (1) existing driveway, a second driveway shall not be permitted, unless the proposed second driveway is accessed from an alley. If the property has two (2) existing driveways, the second driveway may remain.
- J. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the FAR limits of the underlying zoning district.
- K. **Density.** ADUs shall not exceed the maximum allowable density identified in the City’s General Plan for the lot in which the ADU is proposed. However, an ADU that conforms to this Section shall be deemed an accessory use or an accessory building. Therefore, it shall not be considered to exceed the allowable density for the lot upon which it is located. It shall be deemed to be a residential use that is consistent with the existing General Plan and zoning district for the lot.
- L. **Limitations to Sell, Convey or Rent an ADU:**
  1. Detached ADUs shall not be sold or otherwise conveyed separate from the primary residence, except as otherwise provided in Section 65852.26 of the California Government Code.
  2. Attached ADUs or Junior ADUs shall not be sold or otherwise conveyed separate from the primary residence.
  3. The rental of ADUs or Junior ADU shall be for a duration longer than 30 consecutive calendar days. Short-term rentals shall be prohibited.
- M. **Design:**
  1. For attached ADUs and Junior ADUs, the entrance shall be located on the side or rear of the primary dwelling. The additional entrance is prohibited from being located on the

front of the primary dwelling unit, facing the public right-of-way. In addition, there shall be no exterior staircase leading to or from an attached ADU or Junior ADU.

2. For detached ADUs, the entrance shall not face, or be visible from the public right-of-way.
  3. For ADUs converted from a garage or other existing accessory buildings, the garage door shall be removed and replaced with building doors, windows and/or other design features that are consistent with the overall architectural design of the ADU and the primary dwelling. In addition, a three (3) foot wide planter shall be installed between the ADU and any driveway.
  4. ADUs and Junior ADUs shall comply with Chapter 17.140 (Design Guidelines) of this Title.
  5. ADUs and Junior ADUs shall comply with Chapters 17.72 (Landscape Regulations) and 17.74 (Water Efficiency) of this Title.
- N. **Occupancy.** For new construction, the primary dwelling shall receive a Certificate of Occupancy at the same time or prior to the ADU or Junior ADU receiving a Certificate of Occupancy.
- O. **Building, Fire and Other Codes.** All ADUs shall comply with all provisions of the El Monte Municipal Code (EMMC) pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
- P. **Sprinklers.** ADUs shall not be required to install fire sprinklers if they are not required for the existing single-family dwelling.
- Q. **Nonconforming Zoning Conditions.** The correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or a Junior ADU.
- R. **Request for Delay of Building Enforcement.** Subject to compliance with Section 17980.12 of the California Health and Safety Code, upon request by an owner of an ADU, the City shall delay enforcement of building and zoning standards for five (5) years if not necessary to protect health and safety for any ADU built before January 1, 2020.
- S. **Owner Occupancy Requirement – Junior ADUs and ADUs:**
1. Junior ADU: Either the existing primary dwelling or Junior ADU on a lot shall be occupied by the owner of the property, unless the owner is another governmental agency, land trust, or housing organization. A covenant shall be signed and recorded against the property by the property owner stating that the existing primary dwelling or Junior ADU will be occupied by the property owner.
  2. All other ADUs: Effective January 1, 2025, either the existing primary dwelling or ADU on a lot shall be occupied by the owner of the property. Such restriction shall apply to ADUs permitted as of January 2, 2025.

**T. Fees/Utility Connections:**

1. The property owner shall pay all applicable impact fees related to an ADU 750 square feet or larger, including but not limited to, parks, traffic, water and sewer impact fees. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.
2. No new or separate utility connection or related fees or capacity charges shall be required for an ADU described in Subsection (V)(1)(a) below, unless such ADU was constructed with a new single-family dwelling.
3. For ADUs not described in Subsection (V)(1)(a) below, a new or separate utility connection may be required and related fees or capacity charges shall be proportionate to the burden of the proposed ADU based upon either its square feet or number of its drainage fixture unit (“DFU”) values, upon the water or sewage system. Such fees or charges shall not exceed the reasonable cost of providing service.

**U. Other Development Standards.** For all other development standards not specified in this Section, the development standards of the base zoning shall apply.

**V. Exempt Units.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (S), the City shall ministerially approve an application for a building permit within a residential or mixed-use zoning district to create any of the following units:

1. Single-Family.

- a. One (1) attached ADU (created within an existing or proposed primary dwelling or accessory building) or Junior ADU per lot with a proposed or existing single-family dwelling, if all of the following apply:
  - i. The ADU or Junior ADU is entirely within the square footage of an existing or proposed single-family dwelling, or the ADU is entirely within the square footage of an existing or proposed accessory building.
  - ii. The attached ADU created within an existing primary dwelling or accessory building, may be permitted beyond the physical dimensions of the existing primary dwelling or accessory building by an addition of up to 150 square feet. Any such addition shall be limited to accommodating ingress and egress.
  - iii. The maximum square footage for the attached ADU shall not exceed 800 square feet or 50 percent of the existing or proposed primary dwelling, whichever is less.
  - iv. The minimum interior side and rear yard setbacks shall be sufficient for fire and safety.
  - v. The attached ADU or Junior ADU shall have exterior access from the proposed or existing primary dwelling.
  - vi. The Junior ADU shall comply with the requirements of Section 65852.22 of the California Government Code.

- b. One (1) detached, new construction, ADU per lot with a proposed or existing primary dwelling, if all of the following apply:
  - i. The minimum interior side yard and rear yard setbacks shall be four (4) feet.
  - ii. The maximum square footage for the ADU shall be 800 square feet.
  - iii. The maximum height of the ADU shall be 16 feet.
  - iv. The ADU may be combined with a Junior ADU described in Subsection (V)(1)(a).
- 2. Multiple-family, including multiple-family in mixed-use zoning districts:
  - a. Attached ADUs to an existing multiple-family structure:
    - i. Multiple ADUs within portions of existing multiple-family structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with state building standards for dwellings.
    - ii. ADUs equal to a maximum of 25 percent of the existing dwelling units in the existing multiple-family structure, with a minimum of one (1) ADU per existing multiple-family building. Fractions shall be rounded down to the nearest whole number.
  - b. Detached ADUs on a lot with an existing multiple-family structure:
    - i. A maximum of two (2) ADUs shall be permitted.
    - i. The maximum square footage for the ADU shall be 800 square feet.
    - ii. The maximum height of the ADU shall be 16 feet.
    - iii. The minimum interior side yard and rear yard setbacks shall be four (4) feet.

**17.110.040 – Home Occupation Businesses.**

- A. **Purpose.** The provisions set forth in this Section are intended to allow the conduct of businesses in residential dwellings, which are incidental to and compatible with surrounding uses in permitted zoning districts.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit home occupation businesses, subject to the requirements of this Section.
- C. **Development Standards:**
  - 1. A home occupation business shall be conducted entirely within a residential dwelling structure and shall occupy no more than 500 square feet of floor area. This maximum floor area shall include on-site storage areas and any portion of the home occupation business that is located within an accessory building. No outside storage shall be permitted.



2. Trucks and vans may be used for the home occupation business, provided the vehicles do not exceed a height of seven (7) feet and can fit within a parking stall of 8'6" wide by 18 feet deep.
3. On-site signs advertising a home occupation business shall not be allowed. Paper and electronic advertisements are allowed (including business cards), provided they do not include the address of the home occupation business.

**D. Operational Standards:**

1. For rental property, the property owner's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation business.
2. There shall be no items sold on-site other than products crafted on the premises. Items manufactured off-site may be sold through mail order or through the internet as long as the home occupation business (including storage area) does not exceed 500 square feet of floor area. This floor area maximum can be exceeded if the storage area is located off-site.
3. A home occupation business shall not allow any clients or customers without prior appointments. Client/customer appointments are limited to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday.
4. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

- E. Prohibited Activities.** Adult entertainment establishments, commercial cannabis activities (except as permitted in Chapter 8.78 (Personal Cannabis Cultivation) of the EMMC), firearms sales, fireworks sales, manufacturing, munitions sales and vehicle repairs. In addition, any activity or use, as determined by the Community Development Director, that is deemed noncompatible with residential uses and/or have the possibility of affecting the health or safety of residents. This includes uses that have the potential to create dust, glare, heat, noise, odor, smoke, traffic and/or vibration. In addition, this includes uses that may be deemed hazardous because of the materials or products used, the processes conducted or the wastes created.

**17.110.050 – Live/Work Units.**

- A. **Purpose.** To provide for the appropriate development of units which incorporate both living and working space. To ensure that each live/work unit contains an area designated for productive uses and entrepreneurial activities as a component of a dwelling unit. Ensure that the exterior design of live/work units is compatible with the exterior design of commercial, industrial, and residential buildings in the area.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit live/work units, subject to the requirements of this Section.

**C. Permitted Uses:**

1. Permitted uses. Table 17.110-2 prescribes the land use regulations in live/work units. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
2. Unlisted uses. Any land use not listed in Table 17.110-2 is not permitted in live/work units, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.110-2 – Permitted Uses – Live/Work Units		
Land Use		Notes
Home occupation business	P	
Schools and education institutions –		
Specialized education and training	P	Limited to five (5) students at any time
Tutoring and education centers	P	
Offices –		
Ancillary	P	
Administrative, business professional	P	
Medical	P	Limited to chiropractors, acupuncturists, physical therapists, and counselors/ psychotherapists. Limited to one (1) patient at any time.
Personal service use, general	P	For personal fitness and training facilities, limited to three (3) customers at any time. For all other uses, limited to one (1) customer at any time. Excludes dry cleaning services.

Key: P Use permitted by-right.

**C. Development Standards:**

1. Ground floor height. The minimum height shall be nine (9) feet floor-to-floor.
2. Work area access. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit. The entrance should be built at the same grade as the sidewalk, to minimize the need for ramps.
3. Access within the live/work units. The living space shall be contiguous with the working space, with direct access between the two (2) areas.
4. Residential access. Access to individual units should be from common access areas (e.g. lobby entrance) or private entrances along another façade.

5. Emergency access. Access to each unit shall be clearly identified to provide for emergency services.
6. Projections. Projecting element such as balconies, roof overhangs, shade structures and bay windows on upper floor may project up to four (4) feet into a street yard setback.

**D. Operational Standards:**

1. For rental property, the property owner's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation business.
2. No portion of a live/work unit shall be separately sold or rented.
3. The owner/operator of the live/work unit shall comply with all performance standards outlined in Chapter 17.50 (Performance Standards) of this Title.
4. All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.
5. Up to two (2) additional persons who do not reside in the live/work unit may work in the unit.
6. Client and customer visits to live/work units are allowed. Hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m. on Monday through Saturday and 8:00 a.m. to 8:00 p.m. on Sunday.
7. A live/work unit shall not be converted entirely to a residential use or entirely to a nonresidential use.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for live/work units.

**17.110.060 – Mixed-use Projects – Vertical or Horizontal.**

- A. **Purpose.** To promote pedestrian friendly development that include a mixture of residential and nonresidential uses. Developments are to be of high quality, compact and walkable. The range of nonresidential uses includes offices, retail, food and beverage establishment and services mixed. Developments may be vertical (with housing above nonresidential uses) or horizontal, with housing and nonresidential on the same property, but in separate buildings.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit mixed-use vertical or horizontal developments, subject to the requirements of this Section.
- C. **Permitted Nonresidential Uses:**
  1. Properties within one-quarter (¼) mile of a Major Transit Intersection (MTI) and in the General Commercial (C-3) zoning district. For horizontal mixed-use, permitted uses shall be limited to those denoted with an "\*" in Table 17.40-1 (Permitted Uses – Commercial Zoning Districts) of this Title.

2. M/MU zoning district. For vertical mixed-use, permitted uses shall be limited to those denoted with an "\*" in Table 17.30-1 (Permitted Uses – Mixed/Multiuse Zoning District) of this Title. For horizontal mixed-use, any use listed in Table 17.30-1 may be permitted.
3. Gateway Specific Plan. For vertical mixed-use, permitted uses shall be limited to those denoted with an "\*" in Table 17.131-2 (Permitted Uses – Gateway Specific Plan) of this Title.
4. Downtown Specific Plan. For vertical mixed-use, permitted uses shall be limited to those denoted with an "\*" in Table 17.134-1 (Permitted Uses – Downtown Specific Plan) of this Title. For horizontal mixed-use, any use listed in the Subarea in Table 17.134-1 may be permitted.

**D. Development Standards:**

1. Architectural details and materials:
  - a. Architectural style and use of quality materials shall be compatible and consistent throughout the entire project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project.
  - b. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be broken down by architectural features.
  - c. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
2. Building entrances:
  - a. Nonresidential entrances. Each unit shall have a separate pedestrian entrance for use by tenants and the public which faces the public right-of-way or a public open space area.
  - b. Residential entrances. For vertical mixed-use buildings, entrances to individual residential units shall not be permitted along a street frontage. Instead, the units shall be accessed from shared entrances (e.g. a lobby). For residential-only buildings, the units may be accessed individually or from shared entrances.
  - c. Design. Entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.
3. Pedestrian access:
  - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).

- b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and nonresidential uses and parking areas.
  - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories and similar items to create a pleasant pedestrian experience.
  - d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
4. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:
- a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - c. Eliminate areas of concealment, hiding places and dead spaces.
  - d. Access control barriers (e.g. gates and doorways with access codes) separate commercial and residential uses. This shall also be incorporated in parking areas.
5. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
6. Parking regulations. Residential parking shall be secured and separated from nonresidential parking.
7. Signage regulations:
- a. The nonresidential portion of project shall follow the sign standards of multiuse zoning districts. The residential portion of the project shall follow the sign standards of multiple-family residential uses.
  - b. A Master Sign Program shall be required.
  - c. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**E. Operational Standards:**

1. A joint Tenants and Owners Association (TOA) should be established for the well-being of each residential and nonresidential tenant and owner. In addition to the requirements outlined in Section 17.50.120 (Performance Standards – Property Maintenance) of this Title, the Covenants, Conditions, and Restrictions (CC&Rs) for the TOA, shall incorporate the following:
  - a. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
  - b. Noise notification procedures;
  - c. Relationship between uses regarding association representation;
  - d. Voting procedures; and
  - e. Procedures for solving problems that may arise between the different types of uses or residents.
2. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place before 7:00 a.m. and after 10:00 p.m. on any day of the week.
3. Noise disclosure notification:
  - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The disclosure of the potential noise impacts of living in a mixed-use development shall be included in all deeds or lease agreements.
  - b. The covenants, conditions, and restrictions shall require that the residents acknowledge receipt of the written noise disclosure notification. Their signatures shall confirm receipt and acceptance of the noise disclosure.

**17.110.070 – Religious Institutions, Housing Developments.**

*Reserved*

**17.110.080 – Single Room Occupancy (SRO) Facilities.**

- A. **Purpose.** It is the purpose of this Section to regulate the development and operation of single room occupancy (SRO) facilities. SRO units provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit SRO developments, subject to the requirements of this Section.

**C. Development Standards:**

1. Each SRO facility shall comply with the minimum standards of this Section and all applicable development standards of the property's underlying zoning district.
2. Each unit shall be a minimum 150 square feet and a maximum 400 square feet.
3. Each unit shall accommodate a maximum of two (2) persons, including children.
4. Tenancy shall be a minimum 30 days and maximum period of 12 months.

**D. Required Amenities:**

1. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub and/or shower.
2. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches.
3. Each unit shall have a separate closet.
4. Laundry facilities must be provided in a separate enclosed room at the ratio of one (1) washer and one (1) dryer for every 20 units, with a minimum of one (1) washer and one (1) dryer provided on each floor of the SRO facility.
5. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
6. Projects with ten (10) or more units shall provide on-site management. A project with less than ten (10) units may provide a management office off-site.

**17.110.090 – Transitional Uses.**

A. **Purpose.** To provide flexibility with existing commercial and manufacturing uses located in residential zoning district. Transitional uses may be limited to offices uses and other neighborhood serving uses that do not generate excessive noise or traffic.

B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit transitional uses, subject to the requirements of this Section.

**C. Permitted Uses:**

1. Table 17.110-3 prescribes the land use regulations for transitional uses. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
2. Unlisted permitted uses. Any land use not listed in Table 17.110-3 is not permitted, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

**D. Operational Standards:**

1. An approved transitional use may continue in perpetuity, so long as it remains otherwise lawful, subject to the provisions of this Section.

Table 17.110-3 – Permitted Uses – Transitional Uses	
Land Use	Notes
Coffeehouse or café	Excludes ancillary entertainment.
Retail use	Limited to 3,500 sq. ft. in gross floor area. Excludes convenience store or minimart and alcohol sales.
Schools and education institutions –	
Specialized education and training	Limited to five (5) students at any time.
Tutoring and education centers	
Offices –	
Ancillary	
Administrative, business professional	
Medical	Limited to chiropractors, physical therapists, acupuncturists and counselors/psychotherapists.
Personal service use, general	With the exception of clothing rental shops, locksmiths and metaphysical stores, all other personal service uses shall be by appointment only. Excludes dry cleaning services.

2. If the commercial use converts to a residential use or other conforming use, it cannot thereafter convert to a nonconforming commercial use.
  3. This Section only applies to existing structures; new projects must adhere to current applicable zoning.
  4. The Conditional Use Permit or Minor Use Permit may limit signage, hours of operation and other operational standards. Improvements to the building may be required, such as new/replaced doors, windows and updated facades, provided no additional square footage is added. In addition, improvements to the property may be required, such as parking lot improvements and new landscaping.
- E. **Limitations.** Applications to request a new transitional use will only be accepted up to December 31, 2026. Thereafter, the use and property shall be subject to the nonconforming provisions outlined in Chapter 17.16 (Nonconforming Provisions) of this Title.
- F. **Additional Findings.** In addition to the required findings outlined in Chapter 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
1. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and



2. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, walls and fencing, building facades, trash enclosures and the Americans with Disabilities Act (ADA) accessibility.

**17.110.100 – Urban Dwellings.**

- A. **Purpose.** The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 65852.21 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with State law and shall be interpreted to be compatible with State enactments.
- B. **Applications:**
1. One (1) urban dwelling on a property with an existing primary dwelling. One (1) application shall be submitted.
  2. One (1) urban dwelling on a property with a proposed primary dwelling. One (1) application shall be submitted. The City may delay acting on the portion of the application for the urban dwelling until the City acts on the portion of the application to develop the new primary dwelling.
  3. Two (2) urban dwellings on a property that is vacant or proposed to be vacant. One (1) application shall be submitted.
  4. Concurrent applications for one (1) or two (2) urban dwellings and an urban lot split as outlined in Section 17.110.110 (Standards for Specific Residential uses – Urban Lot Splits) of this Title. The City shall act on the urban lot split at the same time or before acting on the application for the urban dwelling.
  5. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an urban dwelling, subject to the requirements of this Section.
- C. **Permitted Zoning Districts.** Urban dwellings shall only be permitted in One-Family Dwelling (R-1A or R-1B) zoning districts.
- D. **Development Standards:** Table 17.110-4 prescribes the land use regulations for urban dwellings.

Table 17.110-4 – Development Standards – Urban Dwellings		
Development Standard	Existing or Proposed Primary Single-family Dwelling	Existing Vacant or Proposed Vacant Parcel
Maximum number of urban dwelling units <sup>3</sup>	1 permitted	Up to 2 permitted
Maximum unit size	800 sq. ft. for the urban dwelling	800 sq. ft. for each urban dwelling

<sup>3</sup> If the property is developed with 2 or more single-family, multiple-family dwellings, an Accessory Dwelling Unit (ADU) or Junior ADU, no urban dwelling(s) shall be permitted.

Table 17.110-4 – Development Standards – Urban Dwellings (continued)			
Development Standard	Existing or Proposed Primary Single-family Dwelling		Existing Vacant or Proposed Vacant Parcel
Building height	Underlying zone for the primary dwelling and 1 story and 16 ft. for the urban dwelling		1-story and 16 ft. for the urban dwellings
Configuration	Attached <sup>4</sup>	Detached	Attached or detached
Building separation	None	Minimum 10 ft. if detached	Minimum 10 ft. if detached
Minimum setbacks	Underlying zone	Front: 50% of the parcel depth or 50 ft, whichever is less. Street side: underlying zone Interior side & rear: 4 ft.	Front & street side: underlying zone Interior side & rear: 4 ft.
Driveways	If the property has 1 existing driveway, a second driveway shall not be permitted, unless the second driveway is accessed from an alley. If the property has 2 existing driveways, the second driveway may remain.		Limited to 1 driveway
Minimum private open space for each urban dwelling	200 sq. ft. Minimum dimension of ten (10) ft. in each direction.		R-1A zone: 200 sq. ft. R-1B or R-1C zones: 300 sq. ft. Minimum dimensions of ten (10) ft. in each direction.
Minimum Parking	<p>Primary dwelling: underlying zone</p> <p>Urban dwelling:</p> <ul style="list-style-type: none"> <li>• 1 tandem open space per urban dwelling.</li> <li>• No parking if property within ½-mile (walking distance) of a High Transit Corridor or Major Transit Stop (MTS)<sup>5</sup>, or within 1 block of a car sharing vehicle location.</li> </ul> <p>If no on-site parking is proposed as permissible in this table, the property owner shall submit all necessary documentation to confirm compliance with one of the circumstances.</p> <p>If the City were to implement limitations on overnight parking, none of the dwellings shall be eligible for overnight parking permits.</p>		

<sup>4</sup> Attached shall mean the urban dwelling shares a wall with the existing or proposed primary single-family dwelling, with both sides of the wall being habitable space. An urban dwelling shall not be connected to an existing or proposed primary single-family dwelling solely by a patio cover, breezeway or similar roofed area.

<sup>5</sup> High Quality Transit Corridor as defined in Section 21155(b) of the Public Resources Code; MTS as defined in Section 21064.3 of the Public Resources Code.

Table 17.110-4 – Development Standards – Urban Dwellings (continued)		
Development Standard	Existing or Proposed Primary Single-family Dwelling	Existing Vacant or Proposed Vacant Parcel
Minimum private open space for each urban dwelling	200 sq. ft. Minimum dimension of ten (10) ft. in each direction.	R-1A zone: 200 sq. ft. R-1B or R-1C zones: 300 sq. ft. Minimum dimensions of 10 ft. in each direction.
Lot coverage and Floor Area Ratio (FAR)	The roofed area of an urban dwelling shall be included in the maximum lot coverage and the square footage of an urban dwelling shall be included in the FAR limits of the underlying zone.	

**E. Design Standards – Primary Single-family Dwelling and one (1) Urban Dwelling:**

1. Exterior. The urban dwelling’s exterior design shall be compatible with all other structures on the property in terms of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors.
2. Street elevations. The urban dwelling’s elevations that are visible from the public right-of-way must provide windows or other architectural features that are compatible with the existing primary single-family dwelling.
3. Entrances:
  - a. For an attached urban dwelling, the entrance shall be located on the side or rear of the primary single-family dwelling. The entrance shall not face the front yard or street side yard (for corner properties). In addition, there shall be no exterior staircase leading to or from an urban dwelling.
  - b. For a detached urban dwelling, the entrance shall not face or be visible from the public right-of-way.
4. For an urban dwelling attached to a garage, there shall be no direct access from the garage to the urban dwelling.
5. Urban dwellings shall comply with Chapter 17.140 (Design Guidelines) of this Title.

**F. Design Standards – Two (2) Urban Dwellings:**

1. Exterior. The urban dwellings’ exterior design shall be compatible with each other in terms of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors.
2. Entrances. Only one (1) entrance to an urban dwelling may face a public or private street. The entrance for the second urban dwelling shall not face or be visible from a public or private street, whether attached or detached.

3. Street elevations. Street elevations must include at least two (2) of the following: porch, canopy, bay window, awning, chimney or courtyard. A porch or courtyard must be a minimum five (5) feet deep.
  4. Materials. All structures must have at least two (2) exterior building wall materials. Examples include: stucco; wood; rock/stone; hand-painted tile; brick or clinker brick. Window and door trim do not count as a second material. Materials made from foam covered by stucco shall not be permitted.
  5. Colors. Buildings must include at least two (2) colors, one (1) for the main wall color and another for architectural trim pieces.
  6. Design Guidelines. Urban dwellings shall comply with Chapter 17.140 (Design Guidelines) of this Title.
- G. **Occupancy.** For new construction, the primary single-family dwelling shall receive a Certificate of Occupancy at the same time or prior to the urban dwelling receiving a Certificate of Occupancy.
- H. **Building, Fire and Other Codes.** All urban dwellings shall comply with all provisions of the EMMC pertaining to water, sewer, electrical, drainage, and fire and emergency services to the property on which the urban dwelling will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
- I. **Other Development Standards.** For all other development standards not specified in this Section, the development standards of the base zoning shall apply.
- J. **Fees/Utility Connections:**
1. Impact fees. The applicant shall pay all applicable impact fees for each new dwelling, including but not limited to: parks; traffic; water and sewer. Such fees shall be charged at the same rate as a new single-family dwelling.
  2. Utilities. New or separate utility connection shall be required, including all related fees or capacity charges. Such fees shall be charged at the same rate as a new single-family dwelling.
- K. **Limitations to Develop, Sell, Convey or Rent an Urban Dwelling:**
1. Historic properties. Any proposed urban dwelling shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section 5020.1 of the Public Resources Code), or within a property that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
  2. Demolition:
    - a. The following types of housing shall not be demolished or altered to accommodate an urban dwelling:

- i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;
    - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
    - iii. Housing that has been occupied by a tenant within the past three (3) years.
  - b. A residential dwelling that has been vacant and/or owner occupied for the past three (3) years may be fully demolished. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.
- 3. Accessory Dwelling Units (ADUs) and Junior ADUs. An urban dwelling shall not be permitted if the property is already developed with an ADU and/or Junior ADU. In addition, if an urban dwelling is developed on the property, no ADU or Junior ADU shall be permitted thereafter.
- 4. Separate conveyance. The urban dwelling shall not be sold or otherwise conveyed separately from any other dwelling on the property; and
- 5. Short term rentals. The urban dwelling shall not be rented for any duration less than 30 consecutive calendar days.
- L. **Disclosures:** The following disclosures shall be recorded on the property and proof of the recordation shall be provided to the City prior to final occupancy:
  - 1. The dwellings shall not be used for short term rentals;
  - 2. The property (or properties if there was an urban lot split) shall not be further subdivided in the future (through an urban lot split or other process);
  - 3. The urban dwelling shall not be sold or otherwise conveyed separate from any other dwelling on the property;
  - 4. The driveway easement shall remain in place and both property owners shall be equally responsible to maintain, repair and repave the driveway;
- M. **Exemptions to Objective Standards.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (L) above, the City shall ministerially approve an application for a building permit within a One-family Dwelling (R-1A and R-1B) zoning district to create any of the following units:
  - 1. If the property is vacant and two (2) urban dwellings are proposed, the City shall approve an average size of up to 800 square feet for each urban dwelling (i.e. 1,600 square feet total).
  - 2. If the property is developed with one (1) primary dwelling, the City shall approval an urban dwelling of up to 800 square feet.

3. If the above cannot be accommodated because of property constraints, the City shall provide relief to the development standards of this Section (without requiring a Variance or Minor Variance), in the following descending order in order of priority (i.e. relief shall be provided through (a) maximum FAR first and then (b) lot coverage, and so on) only to the extent necessary to allow the development of no more than two (2) residential units on a lot pursuant to this Section that are each 800 square feet in floor area:
  - a. Maximum Floor Area Ratio (FAR) for the property.
  - b. Maximum lot coverage for the property.
  - c. Minimum building separation for a detached urban dwelling.
  - d. Requirement for enclosed parking spaces may be partially or fully replaced with unenclosed parking spaces;
  - e. Minimum front yard setback for the rear urban dwelling(s) may be reduced to four (4) feet;
  - f. Height. The overall height may be increased to two (2) stories with a maximum top plate of 18 feet and a maximum overall height of 25 feet, provided the following standards are met:
    - i. The front yard, street side yard and interior side yard shall be step backed an additional five (5) feet from the line of the first floor;
    - ii. The rear yard shall have a setback of ten (10) feet for the rear urban dwelling(s);
    - iii. There shall be no exterior staircase leading to or from an urban dwelling; and
    - iv. There shall be no balconies or decks.
  - g. Minimum open space requirements may be reduced, eliminated and/or have reduced dimensions.
  - h. Minimum parking requirements for the urban dwellings may be reduced or eliminated.
  - i. Additional height. If a third story is needed to accommodate the minimum square footage, it shall be completely subterranean (with exception to the minimum opening requirements for light and ventilation per the most recently adopted California Building Code).
  - j. Other standards as determined by the Community Development Director.

**17.110.110 – Urban Lot Splits.**

- A. **Purpose.** The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 66411.7 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with State law and shall be interpreted to be compatible with State enactments.

**B. Applications:**

1. Concurrent applications for an urban lot split and one (1) or two (2) urban dwellings as outlined in Section 17.110.100 (Standards for Specific Residential uses – Urban Dwellings) of this Title. The City shall act on the urban lot split at the same time or before acting on the application for the urban dwelling.
2. An urban lot split shall be subject to a Tentative Parcel Map as outlined in Chapter 16.12 (Subdivisions – Tentative Parcel Maps) of the EMMC and conform to all applicable objective requirements of the Subdivision Map Act. Notwithstanding the foregoing, the following shall not be required:
  - a. The City shall not require any dedication of right-of-way;
  - b. The City shall not require the construction of any offsite improvements; and
  - c. The City shall ministerially, and without discretionary review or a hearing, act on the application for an urban lot split, subject to the requirements of this Section.

**C. Permitted Zoning Districts.** Urban lot splits shall only be permitted in One-Family Dwelling (R-1A and R-1B) zoning districts.

**D. Number and Lot Size:**

1. Number of urban lots. The parcel map subdividing an existing parcel shall create no more than two (2) parcels. Both parcels shall be considered new parcels.
2. Size of urban lots. One (1) parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
3. Minimum urban lot size. Both newly created parcels shall have a minimum size of 1,200 square feet.

**E. Parcel Configuration:**

1. The lot split line shall be parallel (i.e. a straight line) to the street property line. If the street property line curves, the lot split line may have the same or similar curve radius or may be straight; and
2. An access easement shall be recorded providing street access for the rear parcel.

**F. Owner Occupancy Requirements.** The applicant for an urban lot split shall sign an affidavit stating they intend to occupy one (1) of the dwelling units as their principal residence for a minimum of three (3) years from the date of the approval of the urban lot split. The property owner must provide for an inspection every six (6) months for the first three (3) years to ensure the property owner is living onsite.

**G. Nonconforming Zoning Conditions.** The City shall not require, as a condition for approval to create an urban lot split, the correction of a nonconforming zoning condition.

**H. Limitations to Urban Lot Splits:**

1. Historic properties. Any proposed urban lot split shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section

5020.1 of the Public Resources Code), or within a property that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

2. Demolition:
  - a. The following types of housing shall not be demolished or altered to accommodate an urban lot split:
    - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;
    - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
    - iii. Housing that has been occupied by a tenant within the past three (3) years.
  - b. A residential dwelling unit that has been vacant and/or owner occupied for the past three (3) years, may be fully demolished. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.
3. Existing housing. An urban lot split shall not be permitted for a property that is currently developed with four (4) or more housing units.
4. New construction. Any new dwelling constructed on either of the new parcels shall be limited to an urban dwelling as outlined in Section 17.110.100 of this Chapter.
5. Development of adjacent parcels. Neither the owner or any person acting in concert with the owner of the parcel being subdivided may subdivide an adjacent parcel using an urban lot split as provided for in this Section.
6. Only residential uses shall be allowed on a lot created by an urban lot split.
- I. **Urban Dwelling Standards.** Refer to Section 17.110.100 of this Chapter for development standards to develop urban dwellings on the newly created urban lots.
- J. **Two (2) Unit Maximum, Including ADUs and Junior ADUs.** More than two (2) units are not permitted on a parcel created through an urban lot split. In the context of an urban lot split, "unit" means any dwelling unit, including, but not limited to: an urban dwelling created pursuant to Government Code Section 65852.21; a primary dwelling; an ADU as defined in Government Code Section 65852.2; or a Junior ADU as defined in Government Code Section 65852.22.

#### **17.110.120 – Urban Housing Developments.**

- A. **Purpose.** To promote developments at high densities in close proximity to transit stations and along major transit corridors. The goal is to create neighborhoods that are walkable with retail, food and beverage establishment and entertainment uses.



B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit urban housing, subject to the requirements of this Section.

C. **Development Standards:**

1. Minimum density. The project shall have a minimum density of 35 units per acre. The maximum density shall be the maximum permitted in the underlying zoning district.
2. Architectural details and materials:
  - a. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
  - b. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
3. Building entrances. Units may be accessed individually or from shared entrances (e.g. a lobby).
4. Pedestrian access:
  - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).
  - b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and parking areas.
  - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including: seating; pedestrian area lighting; special paving; public art; water features; common open space; directories; and similar items to create a pleasant pedestrian experience.
  - d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
5. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:
  - a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.

- c. Eliminate areas of concealment, hiding places and dead spaces.
- 6. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
- 7. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**D. Operational Standards:**

- 1. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of an urban housing project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place before 7:00 a.m. and after 10:00 p.m. on any day of the week.
- 2. Noise disclosure notification:
  - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The disclosure of the potential noise impacts of living in an urban housing development shall be included in all deeds or lease agreements.
  - b. The covenants, conditions, and restrictions shall require that the residents acknowledge their receipt of the written noise disclosure notification. Their signatures shall confirm receipt and acceptance of the noise disclosure.

## **CHAPTER 17.112 – STANDARDS FOR SPECIFIC NONRESIDENTIAL USES**

### **Sections.**

- 17.112.010 – Purpose.
- 17.112.020 – Adult Entertainment Establishments.
- 17.112.030 – Alcohol Sales Uses.
- 17.112.040 – Alternative Financial Establishments.
- 17.112.050 – Automated Teller Machines (ATMs).
- 17.112.060 – Collection Containers.
- 17.112.070 – Correctional Facilities.
- 17.112.080 – Drive-thru Businesses.
- 17.112.090 – Emergency Shelters.
- 17.112.100 – Hotels or Motels.
- 17.112.110 – Low Barrier Navigation Centers.
- 17.112.120 – Multiple-tenant Commercial Centers.
- 17.112.130 – Outdoor Seating/Dining Areas.
- 17.112.140 – Pawnbrokers or Pawnshops.
- 17.112.150 – Personal Service Uses (General, Restricted and Massage).
- 17.112.160 – Recycling Facilities.
- 17.112.170 – Secondhand Vendors.
- 17.112.180 – Significant Tobacco Retailers.
- 17.112.190 – Vehicle Sales and Leases.
- 17.112.200 – Vehicle Repair Facilities.
- 17.112.210 – Vehicle Service Stations.
- 17.112.220 – Vehicle Washing Facilities.

### **17.112.010 – Purpose.**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific uses and activities that are permitted or conditionally permitted in some or all zoning districts. These provisions are supplemental standards and requirements to minimize the potential adverse impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

### **17.112.020 – Adult Entertainment Establishments.**

#### **A. Purpose:**

1. The purpose and intent of this Section is to regulate adult entertainment establishments which, unless closely regulated, may have serious negative secondary effects on properties within the vicinity of an adult entertainment establishment, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas; interference with residential property owners' enjoyment of their property as a result of increases in crime, litter, noise and vandalism; higher crime rates; and blighting conditions such as lower

maintenance levels of commercial properties, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these potential adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult entertainment establishment.

2. It is neither the intent nor the effect of this Section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Section to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult entertainment establishment to their intended market.
  3. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City Ordinance or any statute of the state of California regarding public nuisance, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
  4. Notwithstanding any provision of Title 9 (Public Peace, Morals and Safety) of the EMMC, the regulations set forth under this Section shall apply specifically to adult entertainment establishments.
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit adult entertainment establishments, subject to the requirements of this Section.
- C. **Applicability.** This Section shall apply to adult entertainment establishments, as defined in Chapter 17.150 (Use Definitions) of this Title.
- D. **Exempt Businesses.** This Section shall not apply to any of the following businesses or activities:
1. Any massage establishment holding a valid massage establishment certificate and whose owner(s) and manager(s) are also the holders of valid operating certificates, all issued in accordance with the provisions of Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC;
  2. Any massage practitioner holding a valid state certificate and in full compliance with all requirements, restrictions and obligations set forth under Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC; and
  3. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the State of California to practice such art or profession under the provisions of the Business and Professions Code or any other applicable state law.
- E. **Development Standards:**
1. Separation requirements from sensitive uses. Any adult entertainment establishment shall be a minimum 250 feet from any of the following:

- a. Any residential zoning district, whether in the City, in an adjoining City or within an unincorporated area;
  - b. Any residential use in any zoning district;
  - c. Public recreation facilities;
  - d. Public or private K-12 schools, public or private preschools and child daycare centers;
  - e. Community centers and libraries; and
  - f. Religious institutions.
2. Separation requirements from another adult entertainment establishment. Any adult entertainment establishment shall be a minimum 750 feet from another adult entertainment establishment, whether in the City, in an adjoining City or within an unincorporated area (provided the adult business was legally established).
  3. Each such adult entertainment establishment must, prior to commencement or continuation or substantial enlargement of such business, first apply for and receive an adult business license in accordance with the provisions of Chapter 5.98 (Adult Business License Regulations) of the EMMC.

**F. Operational Standards:**

1. Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
2. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
3. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
4. No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
5. Each adult entertainment business shall be provided with a manager’s station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.
6. The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the adult entertainment business to which any patron is allowed access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager’s stations designated, then the interior of the adult entertainment business shall be configured in

such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is allowed access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

7. No individual viewing area may be occupied by more than one person at any one time. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
  8. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two (2) foot candles (of light on the floor surface).
- G. **Signage Regulations.** Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for adult entertainment establishments.
- H. **Misdemeanor Offenses.** In addition to all other offenses specified in this Section, this Title and state statutes, an adult entertainment establishment shall be subject to the following restrictions:
1. Notwithstanding that it is not a criminal offense for a person to operate or cause to be operated an adult entertainment establishment to be in violation of the nudity limitation set forth in Chapter 5.98 (Adult Business License Regulations) of the EMMC, it is unlawful and a misdemeanor to establish, substantially enlarge or operate an adult entertainment establishment within the City without first complying with the provisions of this Section.
  2. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment outside of the zoning districts specified in Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit adult entertainment establishments.
  3. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment in violation of the locational development standards set forth in Subsection 17.112.020(E) of this Section.
  4. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of more than one (1) adult entertainment establishment within the same building, structure or portion thereof, or cause the increase of floor area of any adult entertainment establishment in any building, structure or portion thereof containing another adult entertainment establishment.
  5. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of a sex supermarket/sex mini-mall as defined in Chapter 17.150 (Use Definitions) of this Title.

I. **Penalties:**

1. Violations/penalties. Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this Section shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than \$1,000.00 and/or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provision of this Section shall constitute a separate offense for each and every day during which such violation is committed, permitted, caused or continued.
2. Administrative penalties. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Section may be subject to administrative penalties, as set forth by City Ordinance.

J. **Civil Injunction.** The violation of any provision of this Section shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

K. **Public Nuisance.** In addition to the penalties set forth above, any adult entertainment establishment which is operating in violation of this Section or any provision thereof, or Chapter 5.98 (Adult Business License Regulations) of the EMMC, or any provision thereof, is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

**17.112.030 – Alcohol Sales Uses.**

A. **Off-site Alcohol Sales:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit off-site alcohol sales, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall apply to all uses that sells alcohol for off-site consumption.
3. Development standards:
  - a. Retail stores that sell alcohol and are less than 5,000 square feet of gross floor area:
    - i. If the proposed alcohol sales business will be within 500 feet of a public or private school (grades K-12), a notice shall be mailed to the school principal a minimum 30 days prior to the scheduled hearing. The principal shall be given a minimum 15 days to protest the request in writing. The protest should be taken into consideration by the Director of Community Development upon developing a recommendation and the Planning Commission upon rendering a decision.
  - b. All liquor stores, regardless of their gross floor area:
    - i. The proposed alcohol sales business shall be a minimum 500 feet from a public recreation facility, community center and public or private school (K-12); and

- ii. The proposed alcohol sales business shall be a minimum 500 feet from any existing liquor store.
  - c. All other uses that sell alcohol for off-site consumption. This Subsection shall not apply.
5. Operating standards. The following shall apply:
- a. Alcohol consumption on premises prohibited. Consumption of alcoholic beverages inside any retail alcohol sales business, outside the building, or elsewhere outside on the premises shall be prohibited.
  - b. Sales activities. Alcoholic beverages shall not be sold outside the exterior walls of the retail alcohol sales business or from drive-up or walk-up service windows.
  - c. Litter and graffiti. The owner/operator shall:
    - i. Maintain the exterior of the premises, including signs and accessory buildings, free of litter and graffiti at all times; and
    - ii. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises.
  - d. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside the building as a condition of approval through the Conditional Use Permit process.
  - e. Sales training:
    - i. Personnel. Owners, operators, and managers of businesses selling alcoholic beverages shall complete a Licensee Education on Alcohol and Drugs (LEAD) program sponsored by the Department of Alcoholic Beverage Control (ABC).
    - ii. Records. Records of each owner's and operator's successful completion of the LEAD training program shall be maintained on the premises and shall be presented to a representative of the City upon request
6. Signs. Signs shall comply with Chapter 17.80 (Signage Regulations). In addition, the following shall apply:
- a. Window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior; and
  - b. Loitering, open container, and other signs specified by the Alcoholic Beverage Control (ABC) Act shall be posted as required by the ABC.
7. Additional Findings. In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
- a. The crime rate in the reporting service area is not significantly higher compared to other areas of the City. In addition, the numbers of alcohol-related calls for service,



crimes, or arrests in the reporting service area are not significantly higher compared to other areas of the City; and

- b. The proposed retail alcohol sales business will not significantly contribute to an undue proliferation of retail alcohol sales businesses in an area where additional retail alcohol sales businesses would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering and traffic problems.

**B. On-site Alcohol Sales:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit on-site alcohol sales, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall apply to all uses that sells alcohol for on-site consumption.
3. Exemption. The requirement(s) of this Subsection shall not apply to proposed on-site alcohol sales businesses in the Gateway Specific Plan (SP-1) and Downtown Specific Plan (SP-4).
4. Additional Finding. In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following finding shall also be made:
  - a. The proposed alcohol sales business will not significantly contribute to an undue proliferation of alcohol sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering and traffic problems.

**17.112.040 – Alternative Financial Establishments.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit alternative financial establishments, subject to the requirements of this Section.
- B. **Separation Requirement.** Any new alternative financial establishment business shall be a minimum 1,000 feet from an existing alternative financial establishment business.

**17.112.050 – Automated Teller Machines (ATMs).**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit ATM facilities, subject to the requirements of this Section.
- B. **Development and Operational Standards:**
  1. Visibility. ATM facilities within a building and walk-up ATM facilities shall be highly visible from the public right-of-way.
  2. Design. Walk-up ATM facilities that are stand-alone structures shall incorporate the on-site building's architectural design, materials and colors.

3. Privacy. ATM facilities on the exterior wall of a building and facing a walkway shall have a three (3) foot deep privacy area between the ATM and the walkway.
4. Lighting. Adequate lighting shall be provided to maintain visibility of the area for safety purposes.
5. Maintenance. A refuse container shall be accessible immediately adjacent to the ATM.
6. Future removal. When walk-up facilities are removed, the structure's façade shall have a finished appearance consistent with the existing structure.

**17.112.060 – Collection Containers.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit collection containers, subject to the requirements of this Section.
- B. **Applicability.** This Section shall apply to adult entertainment establishments, as defined in Chapter 17.150 (Use Definitions) of this Title.
- C. **Exemptions.** This Subsection shall not apply to the following:
  1. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building or otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth below.
  2. Refuse or recycling containers that comply with the provisions of this Title.
- D. **Development Standards:**
  1. Separation requirements. A property with a new collection container shall be a minimum 500 feet from another property with an existing collection container.
  2. Maximum number. A maximum of one (1) collection container shall be located on any property.
  3. Residential uses. Collection containers shall not be located on a property which has a residential use. In addition, the collection container area shall be set back a minimum 100 feet from any residentially zoned property.
  4. Vacant properties. Collection containers shall not be located on a vacant property.
  5. Location on property. No collection container shall be located within a required landscaping area, parking space and within 20 feet of a street property line.
  6. Minimum access requirements. Collection containers shall not be located to block or impede access to driveways, parking areas, pedestrian and disabled access routes, emergency access, building ingress and egress, refuse storage facilities.
  7. Physical attributes. All collection containers, shall:
    - a. Be fabricated of durable and waterproof materials;
    - b. Be placed on ground that is paved with durable cement;

- c. Have a tamper-resistant locking mechanism for all collection openings;
  - d. Not be electrically or hydraulically powered or otherwise mechanized; and
  - e. Not be considered a fixture of the site or an improvement to real property.
8. Height. A small collection container shall be no taller than seven (7) feet and a large collection container shall be no taller than 12 feet above the finished grade of the parcel on which it is located.
  9. Collection containers shall have the following information conspicuously displayed in at least two (2) inch type visible from the front of the collection container:
    - a. The name, address, 24-hour telephone number and email address of the operator of the collection container and the agent for the property owner;
    - b. The type of materials that may be deposited;
    - c. For small collection containers: a notice stating that no material shall be left outside the collection container. For large collection containers: a statement that no items may be left for collection unless an attendant is on duty; and
    - d. A sticker, certificate or other form of identification from the Planning Division with the permit number and date of City approval or inspection.

**E. Operational Standards:**

1. Maintenance. Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
2. Minimum service. Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in of this Code.
3. Solid waste and hazardous materials. Collection containers shall not be used for the collection of solid waste and/or any hazardous materials except as authorized by of this Code or other applicable law.
4. Reporting requirements. The operators of the collection containers shall report all tonnage collected within City limits on an annual basis by June 1 of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System i) and any related successor laws or regulations in order to properly account for the city's waste diversion and recycling efforts.
5. Attendants. Large collection containers shall have an attendant present at the container at all times that items are being received.

6. Enforcement. Any conditions that are in violation of this Section must be remedied or abated within 48 hours of being reported to the operator or property owner.

**17.112.070 – Correctional Facilities.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit correctional facilities, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Separation requirements from sensitive uses. Any correctional facility shall be set back from the following uses:
    - a. Minimum 500 feet from any community care use;
    - b. Minimum 1,000 feet from public or private K-12 schools, public or private preschools, child daycare centers and libraries;
    - c. Minimum 1,000 feet from public recreation facilities and community centers; and
    - d. Minimum one-half (½) mile from another correctional facility.
  2. Sleeping space. A correctional facility shall provide a minimum of 60 square feet of sleeping space per bed/resident, not including the square footage provided for Subsections (3) through (6) below.
  3. Multi-purpose space. A minimum ten (10) square feet of multi-purpose space per bed/resident shall be provided. Multi-purpose space shall be used for games and activities, visiting, television lounge, meetings and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict. In addition, the facility shall provide an exercise area of at least 500 square feet, not including required yards and required landscape areas.
  4. Storage space. A minimum eight (8) cubic feet of closet and drawer space per bed/resident shall be provided. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.
  5. Dining areas. A minimum 15 square feet of dining area per bed/resident shall be provided, not including kitchen areas.
  6. Restroom facilities. A minimum one (1) toilet and wash basin for every eight (8) beds/residents shall be provided. In addition, a minimum one (1) shower or bathtub for every 12 beds/residents shall be provided. The correctional facility shall provide individual privacy for all toilet, shower, and bath areas.
- C. **Employment and Training Requirements.** Correctional facility residents shall be regularly employed, regularly attending job training or regularly attending a learning institution.
- D. **Dispatch Calls.** A correctional facility may be liable for City Police Department costs related to dispatch calls, up to a maximum of \$500.00 per dispatch call. This shall apply if the Police Department determines that the dispatch call was the result of a crime or alleged crime that resulted in a police report or enforcement agency investigation.

**E. Electronic and Written Record Maintenance:**

1. List of residents. The correctional facility shall maintain a list of all facility residents, which shall detail the sentences and offenses precipitating each resident's stay at the facility. In addition, the facility shall maintain a list of residents returned to higher security federal, state or county prison or jail for violation of facility rules and/or parole. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
2. Electronic and written records. The correctional facility shall maintain electronic and written records, including but not limited to, Department of Motor Vehicle registration and licensing pertaining to all vehicles driven by residents of the facility. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
3. Surveillance system. The correctional facility shall install recorded camera surveillance systems as approved by the City. The installation of such recorded camera surveillance systems shall be a condition precedent to the City's issuance of a Certificate of Occupancy for the facility. Such systems shall be set up for a 45-day rotation period. All video recordings shall be kept onsite for at least five (5) years from the date of recordings. The recordings shall be made available to the City within 15 calendar days of the City presenting a written request.
4. Failure to timely make electronic and written records available to the City, as provided for in this Section, within the time period allowed shall result in the assessment of a \$500.00 penalty due to the City per day until the requested records are made available.

**F. Personnel Requirements:**

1. All correctional facility personnel shall be trained in accordance with Title 15, Sections 11-358 of the California Code of Regulations and maintained at levels mandated by the Federal Bureau of Prisons.
2. Correctional facilities shall provide at least two Cardiopulmonary Resuscitation (CPR) trained, uniformed custodial guards or monitors on duty at all times on facility premises. CPR training must be made in accordance with the most current American Heart Association CPR guidelines.

**G. Excludable Offences.** A correctional facility shall not accept persons that were convicted of any of the following offenses, as are defined in the California Penal Code, to be facility residents or personnel:

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- |  |  |
|--|--|
| ● Arson                                      | ● Holding of a hostage by a prisoner           |
| ● Assault with a deadly weapon               | ● Kidnapping                                   |
| ● Assault by a life prisoner on a non-inmate | ● Lewd act on a child                          |
| ● Assault with a deadly weapon by an inmate  | ● Mayhem                                       |
|  | ● Murder                                       |
|  | ● Personal infliction of a great bodily injury |

- Assault with intent to rape or rob;
- Exploding a destructive device with intent to injure, murder, cause mayhem or great bodily injury
- Any felony punishable by death or life imprisonment
- Forcible oral copulation
- Forcible penetration by foreign object
- Forcible sodomy
- Grand theft using a firearm
- Personal use of a deadly weapon or a firearm
- Rape
- Robbery (including bank robbery)
- Sale or possession for sale of a controlled substance
- Selling and/or furnishing drugs to a minor
- Vehicular manslaughter
- Voluntary manslaughter

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- An attempt to commit any of the crimes listed above;
  - Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under California Penal Code Section 290, and also offenses involving child pornography as described in California Penal Code Sections 311 through 312.3;
  - Any person convicted of a crime whom the sentencing judge deems unacceptable for community access; and
  - Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.
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H. **Repeat Residence Prohibition.** Correctional facilities shall not accept persons to be facility residents that have previously resided in any correctional facility within the City limits and were subsequently released, after service of his or her sentence, or returned to federal, state or county prison or jail for violation of correctional facility rules and/or parole.

**17.112.080 – Drive-thru Businesses.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit drive-thru businesses, subject to the requirements of this Section.
- B. **Applicability.** This Section applies to drive-thru food or beverage establishments and drive-thru service or retail uses (e.g. banks, pharmacies, etc.). The drive-thru may be ancillary to the main business or the primary form of the business. This Section shall not apply to vehicle related activities (e.g. vehicle washing facilities).
- C. **Development Standards:**
1. Drive-thru site orientation. In multiuse zoning districts, the drive-thru aisle shall be inwardly focused within the property and located away from adjoining streets. In all other zones, this is highly encouraged, when feasible.
  2. Pedestrian walkways. Such walkways should not intersect the drive-thru access aisle. When they are permitted, they shall be clearly visible and emphasized by enhanced paving or markings.

3. Parking. The provisions of drive-thru and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
4. Vehicle stacking requirements:
  - a. Food or beverage establishment. A minimum two (2) waiting vehicles before the order window and a minimum two (2) waiting vehicles before the pick-up window. A minimum of three (3) vehicles if there is only one (1) window.
  - b. Pharmacy. A minimum two (2) waiting vehicles before the pick-up window.
  - c. Financial institution. A minimum one (1) waiting vehicle before the Automated Teller Machine (ATM). If two (2) or more drive-thru ATMs are provided, waiting vehicle areas are not required.
  - d. All other uses. As required per the Conditional Use Permit or Minor Use Permit.
  - e. Queuing study. The vehicle stacking requirements listed in Subsections (a), (b), (c) and (d) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.
5. Drive-thru aisle. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
6. Landscaping. The area between the drive-thru aisle and adjacent sidewalks, roadways, driveways or parking areas shall be separated by curbing and landscaping. Such landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet high to provide visibility.
7. Adjacent to residential properties. A minimum six (6) feet high solid decorative masonry wall shall be constructed on each property line that adjoins a residentially zoned property. A minimum five (5) feet deep landscape planter shall be provided between the wall and any parking or driveway.

**D. Operational Standards:**

1. Noise. All amplified equipment (e.g. menu board speakers) shall be located so as not to adversely impact adjoining uses. Outdoor piped music shall be prohibited.
2. Refuse. The applicant shall provide a litter pick-up schedule and a map of the clean-up area. Outdoor refuse bins shall be incorporated throughout the parking lot.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for drive-thru businesses.

F. **Additional Findings.** In addition to the required findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the following findings shall also be made:

1. The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses; and
2. The proposed location of the drive-thru business will not result in adverse impacts on the surrounding area, after giving consideration to the site plan, litter clean-up plan and business operations plan.

**17.112.090 – Emergency Shelters.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit emergency shelters, subject to the requirements of this Section.

B. **Development Standards:**

1. Separation requirements:
  - a. The shelter shall be a minimum 300 feet from any existing emergency shelter or low barrier navigation center.
  - b. The shelter shall be a minimum 300 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.
2. Waiting areas. The shelter shall include an interior waiting area near the main entrance. It shall have an area of five (5) square feet per bed, with a minimum area of 100 square feet.
3. Amenities. The shelter may include amenities for clients. This may include, but is not limited to, private toilet and/or shower facilities, bicycle parking, indoor and/or outdoor recreation area, laundry facilities, kitchen/dining facilities, counseling centers and job placement centers.

C. **Operational Standards:**

1. Client information. The center shall include a system for entering information regarding client stays, client demographics, client income and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
2. Alcohol and illegal drugs. The shelter shall prohibit the on-site use of alcohol and illegal drugs. Management shall expel clients from the facility if found to be using alcohol or illegal drugs.
3. Management plan. The application for a shelter shall be accompanied by a management plan, which should incorporate the following: hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for



on-site or off-site supportive services, on-site and off-site security procedures and protocols for communications with local law enforcement agencies and surrounding property owners.

**17.112.100 – Hotels or Motels.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit hotels or motels, subject to the requirements of this Section.
- B. **Applicability.** This Section shall apply to hotels or motels, as defined in Chapter 17.150 (Use Definitions) of this Title.
- C. **Maximum Floor Area Ratio (FAR).** Hotels and motels with 100 or more rooms may request an FAR bonus of up to ten (10) percent, provided the additional square footage is evaluated for any potential environmental impacts (and mitigated to less than significant levels).
- D. **Development Standards:**
  - 1. Lot size. The minimum lot size shall be 30,000 square feet and the minimum lot width shall be 150 feet. This standard shall not apply for projects within the Downtown Specific Plan (SP-4).
  - 2. Lobby. The minimum interior lobby size shall be 400 square feet, exclusive of any office area.
  - 3. Guest amenities. One (1) or more amenity area(s) shall be provided for each hotel or motel facility. This shall be a minimum of 25 square feet of amenity space per guestroom, or 2,500 square feet, whichever is less. A minimum 50 percent shall be outdoors and a minimum 25 percent shall be indoors. Examples include patios, playground equipment, swimming pools, tennis courts, exercise rooms and saunas.
  - 4. Minimum stay. Hotel and motel guest rooms shall not be provided on less than a daily basis.
  - 5. Manager unit. An on-site manager’s dwelling unit shall be provided for each hotel or motel facility having fewer than 75 rooms. Such dwelling shall contain a minimum of one (1) bedroom and a maximum of two (2) bedrooms.
- E. **Ancillary Uses:** Ancillary uses are permitted as follows:
  - 1. Hotel guests only. Hotel facilities/ancillary uses limited for hotel guest use only may include the guest amenities listed in Subsection (C) above, continental breakfast areas, business concierge service areas and meeting rooms.
  - 2. Hotel and other guests. Hotel facilities/ancillary uses open to the public may include the restaurants, lounge/bar areas, gift shops, conference rooms and banquet facilities.
- F. **Signage Regulations:**
  - 1. A Master Sign Program shall be required.

2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for hotels and motels.

**17.112.110 – Low Barrier Navigation Centers.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit low barrier navigation centers, subject to the requirements of this Section.

B. **Development Standards:**

1. Separation requirements:

- a. The center shall be a minimum 300 feet from any existing low barrier navigation center or emergency shelter.
- b. The center shall be a minimum 300 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.

2. Waiting areas. The center shall include an interior waiting area near the main entrance. It shall have an area of five (5) square feet per bed, with a minimum area of 100 square feet.

3. Low Barrier Best Practices. The center shall incorporate best practices to reduce barriers for clients. This may include, but is not limited to, the presence of partners (if it is not a population-specific site, such as for survivors of domestic violence), accommodate persons with a disability, presence of pets, storage areas for personal possessions and privacy screening around beds that are in a dormitory setting.

4. Amenities. The center may include amenities for clients. This may include, but is not limited to, private toilet and/or shower facilities, bicycle parking, indoor and/or outdoor recreation area, laundry facilities, kitchen/dining facilities, counseling centers and job placement centers.

C. **Operational Standards:**

1. Coordinated entry system. The center shall include a coordinated entry system, so that staff may conduct assessments and provide services to connect people to permanent housing. A coordinated entry system means a centralized assessment system developed pursuant to the applicable provisions of Section 65662 of the Code of Federal Regulations, and any related requirements, designed to coordinate program participant intake, assessment and referrals.

2. Client information. The center shall include a system for entering information regarding client stays, client demographics, client income and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

3. Housing first components. The center shall comply with Section 8255 of Chapter 6.5 of Division 8 of the California Welfare and Institutions Code.

4. Management plan. The application for a center shall be accompanied by a management plan, which should incorporate the following: hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, house rules regarding use of alcohol and drugs, on-site and off-site security procedures and protocols for communications with local law enforcement agencies and surrounding property owners.
- D. **Repeal.** This Section shall remain in effect only until January 1, 2021, and as of that date is repealed.

**17.112.120 – Multiple-tenant Commercial Centers.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit multiple-tenant commercial centers, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Lot size. The minimum lot size shall be 20,000 square feet and the minimum lot width shall be 150 feet. This standard shall not apply to vertical mixed-use projects.
  2. Tenant sizes. One (1) anchor tenant shall occupy a minimum 20 percent of the total building square footage or 3,500 square feet, whichever is less. This standard shall not apply to vertical mixed-use projects.
  3. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**17.112.130 – Outdoor Seating/Dining Areas.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit outdoor seating/dining. Outdoor seating/dining may occur as ancillary to any existing or proposed food or beverage establishment use or as a primary use.
- B. **Development Standards:**
  1. Setbacks. Outdoor seating/dining areas shall be set back a minimum 20 feet from any residentially zoning district.
  2. Design. The design and appearance of the outdoor seating/dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure.
  3. Furniture. Furniture shall include durable tables, chairs and refuse bins that match each other. Perimeter fencing on private property is encouraged. Suitable materials include picket, wood lattice and decorative metal fencing. For outdoor seating/dining areas visible from the public right-of-way, perimeter fencing shall not exceed a height of 42 inches. In all other areas, perimeter fencing shall not exceed a height of six (6) feet. The

use of folding banquet tables, metal folding chairs and/or chain link fencing shall not be permitted.

4. Seasonal needs. Umbrellas and sail shade structures are encouraged. Pop-up canopies and party tents may only be used in outdoor seating/dining areas not visible from the public right-of-way. The use of water misters and heat lamps are permitted.
5. Landscaping and lighting. The use of landscaping is encouraged. This can be incorporated with the perimeter fencing (e.g. hanging flower boxes), potted plants and shrubs and/or table centerpieces. Accent lighting is also encouraged (e.g. white hanging lights). However, bright spotlights, spinning or flashing lights shall not be permitted.
6. Public Property. Outdoor seating/dining on public property shall require approval of an Encroachment Permit by the Public Works Director.

**C. Operational Standards:**

1. Hours of operation. Hours of operation for outdoor seating/dining areas shall coincide with those of the associated food or beverage establishment.
2. Outdoor bar prohibited. A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside seating/dining area.
3. Noise. Amplified sound (e.g., music, television, etc.) shall not be audible beyond the property line.
4. Maintenance. The operator shall maintain the outdoor seating/dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, umbrellas and other related furniture. An adequate number of refuse bins shall be provided to serve the outdoor seating/dining area.

**17.112.140 – Pawnbrokers or Pawnshops.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit pawnbrokers or pawnshops, subject to the requirements of this Section.
- B. **Separation Requirement.** Any new pawnshop shall be a minimum 1,000 feet from an existing pawnshop.

**17.112.150 – Personal Service Uses.**

**A. Personal Service, General and Restricted:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit personal service general and restricted, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall not apply to dry cleaning services, locksmiths, modeling agencies.
3. Development and operational standards:

- a. Interior space. There shall be no partitions in excess of four (4) feet in height in the interior of the premises, except for appropriate interior partitions for (i) a maximum of two (2) restrooms; and (ii) a maximum of one (1) storage room and one (1) office not to exceed 25 percent of the gross floor area.
- b. Visibility. The front of the premises shall not be covered with blinds, curtains, window coverings or temporary window signs that block visibility into and through the facility.

**B. Personal Service, Massage:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit personal service massage, subject to the requirements of this Subsection.
2. Separation requirement. Any new massage business shall be a minimum 1,000 feet from an existing massage business.
3. Other EMMC requirements. Refer to Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC for additional requirements.

**17.112.160 – Recycling Facilities.**

**A. Mobile Facilities:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit mobile recycling facilities, subject to the requirements of this Subsection.
2. Accessory use. The facility shall be an accessory use to an existing or proposed primary use. The primary use may be a retail, office, service, industrial or transportation use.
3. Quantity. Shall be limited to one (1) facility per primary use.
4. Setbacks. The minimum setback from a residential zoning district shall be 50 feet.
5. Hours. The operating hours shall not extend past that of the primary use.
6. Parking. The facility shall have an area clearly marked to prohibit other vehicle parking during the hours when the mobile unit is scheduled to be present.
7. Operations and maintenance:
  - a. All recyclable materials shall be stored in the mobile unit; no materials shall be left outside the mobile unit.
  - b. The mobile unit shall leave the property at the end of each day.
  - c. The facility shall be maintained in a dust-free and litter-free condition and the site shall be swept on a daily basis.

**B. Self-service Facilities.** Facilities located outdoors shall comply with the following:

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit self-service facilities, subject to the requirements of this Subsection.
2. Accessory use. The facility shall be an accessory use to an existing or proposed primary use. The primary use may be a retail, office, service, industrial or transportation use.
3. Quantity. There shall be a maximum of one (1) facility per primary use.
4. Area, height and setbacks:
  - a. The maximum area shall not exceed 100 square feet;
  - b. The maximum height shall not exceed eight (8) feet;
  - c. The minimum setback shall be 15 feet from any street property line;
  - d. The machine shall not block pedestrian or vehicular access.
5. Hours. The operating hours shall not extend past that of the primary use.
6. Parking. The container shall not occupy any required parking spaces.
7. Operations and maintenance:
  - a. The container shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the container is inoperative;
  - b. The facility shall be maintained in a litter-free condition on a daily basis; and
  - c. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

**C. Small Collection Facilities:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit small collection facilities, subject to the requirements of this Subsection.
2. Recyclable materials:
  - a. Shall accept only glass, metal, plastic containers, papers and cardboard;
  - b. Shall use containers that are clearly marked to identify the type of recyclables to be deposited. The name and telephone number of the owner or manager of the facility shall be conspicuously posted; and
  - c. Use the facility for the deposit of solid waste is not permitted.
3. Area, height and setbacks:
  - a. The maximum area of the facility shall not exceed 500 square feet;
  - b. The maximum height of the facility shall not exceed 12 feet;

- c. The minimum setback shall be 20 feet from any street property line;
  - d. The minimum setback from a residential zoning district shall be 100 feet; and
  - e. The facility shall not block pedestrian or vehicular access.
4. Hours. The operating hours shall be limited to the hours of 7:00 a.m. to 8:00 p.m. daily.
5. Parking. The use of existing required parking to accommodate the small collection facility shall be allowed if the following conditions exist:
- a. The facility is located in a Convenience Zone, as designated by the California Department of Conservation;
  - b. The facility is certified by the California Department of Conservation; and
  - c. If the facility meets the requirements outlined in Subsections (a) and (b) above, a parking reduction may be granted as follows:

Provided Parking:	Parking Space Reduction:
0 to 25	1
26 to 35	2
36 to 49	3
50 to 99	4
100 or greater	5

6. Design:
- a. The facility shall be constructed and maintained with durable waterproof and rustproof material;
  - b. Roofing material shall be decorative metal seam or similar material; and
  - c. Exterior siding shall be a smooth painted finish and weatherproof.
7. Noise:
- a. The facility shall not use power-driven sorting and consolidating equipment such as crushers or balers, nor shall it use power-driven processing equipment except for reverse vending machines.
  - b. Noise levels shall not exceed 50 dBA as measured at the property line of the nearest residentially zoned property, or 65 dBA at the property line for of all other zoned properties.
8. Operations and maintenance:
- a. The containers shall be clearly marked to identify the type of recyclables to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

- b. The containers shall be covered when the facility is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
  - c. All recyclable materials shall be stored in containers; no materials shall be placed in open areas; any mobile recycling units must be removed from the site when not operating;
  - d. A sign shall be displayed at the exterior of the facility stating that materials shall not be left outside during non-business hours.
  - e. The facility shall be maintained in a dust-free and litter-free condition and the operator or responsible person shall sweep the site on a daily basis.
  - f. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
9. Expiration. If the facility permit expires without a renewal, the facility shall be immediately removed from the site by the operator or responsible person no later than 7:00 pm on the next day following the expiration. If the recycling materials are not claimed within 30 calendar days, the materials shall be considered unclaimed property and may be in possession of the City.

**D. Large Collection Facilities:**

- 1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit large collection facilities, subject to the requirements of this Section.
- 2. Hours.
  - a. General. The operating hours shall be limited to the hours of 7:00 a.m. to 8:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The operating hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
  - c. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.
- 3. Noise. Power-driven processing, including aluminum foil and can compacting, baling, plastic bag shredding or other light processing activities necessary for efficient temporary storage and shipment of materials, shall not be used unless permitted as a condition of approval through the Conditional Use Permit process.
- 4. Operations and maintenance:
  - a. All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material; and



- b. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
  - c. A sign shall be displayed at all entrances stating that materials shall not be left outside during non-business hours.
  - d. The facility shall be maintained in a dust-free, odor-free and litter-free condition and the operator or responsible person shall sweep the site on a daily basis.
  - e. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- E. **Signage Regulations.** Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for recycling facilities.
- F. **Expiration or Revocation of Permits.** If the facility permit has expired or been revoked, and the appeal period has lapsed or been exhausted for a revocation, and the applicant has not immediately removed the recycling facility from the property, the following may apply:
- 1. The Community Development Director may give the applicant an “intent to remove” notice, stating, unless the recycling facility is removed within five (5) business days, it will be impounded.
  - 2. If the recycling facility is impounded, the recycling materials may be stored in any convenient place. The Community Development Director shall give the applicant a “notice of removal” notice. The notice shall include the location of the stored materials, procedures to collect the materials and costs due to the City. In addition, it shall include information as to what shall occur if the materials are not claimed.
  - 3. If the recycling materials are not claimed within 45 calendar days, the materials shall be considered unclaimed property in possession of the City and may be disposed of.

**17.112.170 – Secondhand Vendors.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit secondhand vendors, subject to the requirements of this Section.
- B. **Separation Requirements:**
- 1. Downtown Specific Plan (SP-4). Any new secondhand vendor shall be a minimum 500 feet from an existing secondhand vendor.
  - 2. All other zoning districts. Any new secondhand vendor shall be a minimum 1,000 feet from an existing secondhand vendor.

**17.112.180 – Significant Tobacco Retailers.**

- A. **Permitted Zoning Districts and Required Approvals.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit significant tobacco retailers, subject to the requirements of this Section.

**B. Separation Requirements:**

1. Separation requirements from sensitive uses. Any new significant tobacco retailer shall be a minimum 250 feet from public recreation facilities, public or private K-12 schools, public or private preschools, child daycare centers, community centers and libraries.
2. Separation requirements from another significant tobacco retailer. Any new significant tobacco retailer shall be a minimum 500 feet from any existing significant tobacco retailer.

**C. Operational Standards:**

1. The significant tobacco retailer shall comply with all applicable local, state and federal laws regarding the advertising, display or sales of tobacco products.
2. Only store employees shall have immediate access to tobacco products.
3. No person under the age of 18 may exchange, sample, buy or sell tobacco products.
4. Smoking rooms and lounges shall be prohibited.

**17.112.190 – Vehicle Sales and Leases.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle sales and lease, subject to the requirements of this Section.

B. **Applicability.** Vehicle sales and lease limited shall not be subject to the requirements of this Section.

**C. Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 25,000 square feet.
2. Lot width. The minimum street frontage shall be 150 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
3. Landscaping. A landscape planter shall be placed along all street frontages with a minimum width of ten (10) feet.
4. Walls and fences. No wall or fence shall exceed a height of four (4) feet within 40 feet of any street property line. In addition, the wall or fence shall be decorative and a minimum 50 percent open.
5. Ancillary uses. Any other use on the site shall be ancillary to the vehicle sales and lease use. Ancillary uses shall not occupy more than 30 percent of the total lot area. Examples of ancillary uses include the following:
  - a. Vehicle repair. Refer to Section 17.112.200 of this Chapter for development and operational standards.
  - b. Vehicle washing. Refer to Section 17.112.220 of this Chapter for development and operational standards.

- c. Other uses. Examples include parts and accessory sales, vehicle rental and food and beverage establishments (primarily for customers).
6. Customer and employee parking. Customer and employee parking areas shall be easily accessible and located separately from vehicle display areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

**C. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle sales and lease uses.

**17.112.200 – Vehicle Repair Facilities.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle repair minor and major, subject to the requirements of this Section.

B. **Applicability.** All new automobile minor and major repair facilities, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.

**C. Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 20,000 square feet.
2. Lot width. The minimum street frontage shall be 100 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
3. Building orientation. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors shall be screened from the public right-of-way to the greatest extent feasible.
4. Work areas. All work on vehicles shall be conducted within an enclosed building.
5. Vehicle storage. Vehicles awaiting service or pick-up shall be stored within an enclosed building or in a designed on-site parking area. Unattended vehicles shall not be parked or stored in required customer parking spaces, within the public right-of-way or off-site on a separate property.
6. Equipment, products and vehicle parts storage. Exterior storage, including tires, shall be fully screened from all property lines by building walls and/or screen walls.
7. Spray/paint booths. If spray or paint booths are permitted, they shall be fully screened and set back a minimum 50 feet from any residential zoning district.
8. Hours of operation:
  - a. General. The hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. daily.

- b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
- c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
- d. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.

**17.112.210 – Vehicle Service Stations.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle service stations, subject to the requirements of this Section.
- B. **Applicability.** All new vehicle service stations, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.
- C. **Development Standards:**
  - 1. Lot size. The minimum lot size shall be 20,000 square feet.
  - 2. Lot width. The minimum street frontage shall be 100 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
  - 3. Setbacks:
    - a. Buildings. A minimum setback of 25 feet shall be maintained from any street property line.
    - b. Canopies. A minimum setback of ten (10) feet shall be maintained from any property lines.
    - c. Pump islands. A minimum setback of 20 feet shall be maintained from any property line.
  - 4. Landscaping. A minimum 200 square foot landscape planter shall be installed and maintained at the intersection of the property lines at a street corner.
  - 5. Driveways:
    - a. Number. A maximum of two (2) driveways may be installed along each street frontage.
    - b. Separation. A minimum separation of 25 feet shall be maintained between two driveways along the same street frontage.
    - c. Setbacks. A minimum setback of ten (10) feet shall be maintained from any interior property line. A minimum setback of 20 feet shall be maintained from any street corner.

- d. Width. Driveways shall have a minimum width of 30 feet and a maximum width of 35 feet.

**D. Operational Standards:**

1. Air and water. The service station shall provide air and water self-service for vehicles at no charge.
2. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside of buildings as a condition of approval through the Conditional Use Permit process.
3. Hours of operation:
  - a. General. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. on Monday through Saturday and 8:00 a.m. and 7 p.m. on Sunday.
  - c. As an ancillary use. In addition to the limitations outlined in Subsection (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Exemption. The limitations outlined in Subsections (a), (b) and (c) above shall not apply to service stations that are located within 300 feet of a freeway on-ramp or off-ramp.
  - e. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a conditional of approval through the Conditional Use Permit process.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle service stations.

**17.112.220 – Vehicle Washing Facilities.**

**A. Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle washing facilities, subject to the requirements of this Section.

**B. All Washing Facilities:**

1. Site plan and circulation:
  - a. Overall circulation. All vehicular circulation shall be entirely on site.
  - b. Building placement. Buildings shall be oriented on the site to minimize visibility of the washing tunnel's entrance and exit from the public right-of-way. Washing tunnel exits should not face directly toward a residential zone.

- c. Driveways and drive-thru aisles. All driveway approaches shall be set back a minimum 25 feet from street corners and adjacent property lines. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
  - d. Walkways. Pedestrian walkways should not intersect with the drive-thru access aisle. When necessary, walkways shall be clearly visible and emphasized by enhanced parking or markings.
2. Noise:
- a. Drive-thru aisles. The washing tunnel's entrances and exits shall be reduced to the greatest extent feasible to minimize noise exiting from the tunnel areas.
  - b. Noise reduction measures. A minimum 50 percent of the wall and ceiling area adjacent to the dryers shall be treated with sound absorbing materials with a minimum noise reduction coefficient (NRC) of 1.0.
  - c. Vacuum systems. A central vacuum system shall be utilized so that multiple vacuum stalls are supported by a single vacuum motor. The motor shall be located within an indoor equipment room or other fully enclosed and roofed building with any required venting directed away from adjacent properties.
3. Hours of operation:
- a. General. The hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
  - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.
4. Landscaping and screening:
- a. Equipment screening. Ground mounted equipment, including vacuum systems, visible from the public right-of-way shall be screened from view with landscaping and/or a combination of landscaping, decorative fencing and low-height walls to the greatest extent feasible.
  - b. Drive-thru aisles. The area between drive-thru aisles and adjacent sidewalks, roadways, driveways or parking areas shall be separated by curbing and landscaping. Such landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet to provide visibility.
5. Security. The washing tunnel's entrances and exits shall be closed and secured during nonoperation hours to prevent unauthorized access.

**C. Self-service and Automated Facilities:**

1. Primary or secondary uses. Self-service or automated facilities may be the primary use on a property and may also be permitted as an ancillary use to a vehicle service station.
2. Vehicle stacking requirements. A minimum three (3) waiting vehicles before the first stopping point and two (2) vehicles before the second stopping point is required. If only one (1) stopping point is provided, it shall have vehicle stacking for four (4) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.
3. Noise. Vacuums shall be equipped with automatic shut-off timers to prevent use when the facility is closed. Vacuums and dryers shall be located a minimum 25 feet from any residentially zoned property.

**D. Full-service Facilities:**

1. Vehicle stacking requirements. A minimum four (4) waiting vehicles before the first stopping point and three (3) vehicles before the second stopping point is required. If only one (1) stopping point is provided, it shall have vehicle stacking for five (5) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.
2. Customer waiting areas. A customer waiting area shall be provided that incorporates benches, landscaping and amenities, including but not limited to fountains, sculptures, information kiosks and enhanced paving.
3. Drying areas. There shall be a sufficient drying area at the end of the washing tunnel to accommodate eight (8) vehicles. The drying area shall be separated from the site's ingress and egress and access to parking spaces.

- E. Queuing Study.** The vehicle stacking requirements listed in Subsections (C)(2) and (D)(1) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.

**F. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle washing facilities.

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