

## **DRAFT ZONING AMENDMENTS FOR MIXED USE DISTRICTS**

*Discussion Draft, Version 1, Prepared by Dyett & Bhatia, September 1, 2016*

The preliminary draft amendments to Title 24, Zoning, of the Santa Cruz Municipal Code are intended to present refined zoning concepts for Mixed Use Zoning Districts for the Mission, Water, Ocean, and Soquel corridors to implement the General Plan. .

The amendments are presented in two parts:

- Section 1 introduces a new Part 10.1 for the Zoning Ordinance, which will include the regulations for the four proposed Mixed Use Districts; and
- Section 2 includes related amendments to Title 24 to add, as appropriate in logical locations within the zoning regulations, new definitions, and modifications to procedures to integrate new requirements related to the community benefits FAR, density and bonus height incentive programs into the review process.

The text in Section 1 would all be new; the text in Section 2 would be both new and additional.

## **SECTION I: PROPOSED PART 10: MIXED USE DISTRICTS**

### **24.10.700 Purpose.**

The specific purposes of the Mixed Use Districts are to:

1. Provide locations throughout the community for a variety of mixed uses along the City's transit corridors, including residential, commercial and service uses for residents of the city and the region; to promote convenience, economic vitality, and fiscal stability, consistent with the General Plan;
2. Foster multi-modal mixed use development at identified nodes;
3. Establish design standards that improve the visual quality of development and create unified streetscapes and attractive character along these corridors;
4. Allow additional building intensity, residential density, and height for qualifying projects that provide community benefits meeting specified criteria; and
5. Provide appropriate buffers and transitional standards between mixed use development and adjacent neighborhoods to ensure a harmonious mixture of a wide variety of residential, commercial, civic and service activities, if they are compatible and nuisance free.

Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

The following Mixed Use Districts are established to implement General Plan classifications.

**Mixed Use Community Commercial (MU-CC).** This district is intended for businesses that serve the general needs of the community, including retail, service, and office establishments. Mixed use developments, including residential mixed use, are allowed, subject to design review. Development and design standards shall promote multi-modal circulation in and to the area, provide connection to the mixed use nodes, and minimize conditions that conflict with adjacent residential uses.

**Mixed Use Neighborhood (MU-N).** This district corresponds to the Mixed Use – Medium Density designation in the General Plan. It is intended for residential mixed use development with active uses at the street level. The allowed commercial uses are similar to those in the Mixed Use Community Commercial (MU-CC) district, but with a more neighborhood orientation and fewer auto-oriented activities. Development and design standards are intended to foster multi-modal-oriented neighborhood activity centers, as opposed to more passive or “pass-through” areas which are not desired under the General Plan. Additional intensity, density and height are allowed in a designated node on Ocean Street.

**Mixed Use Neighborhood Plus (MU-NP).** This district corresponds to Mixed Use – High Density designation in the General Plan. Similar to Mixed Use Neighborhood (MU-N), it allows residential and commercial mixed use developments at key intersections along the

corridor, while enabling greater density and intensity under specific conditions, with provision of community benefits. New development must have active ground floor uses and high-quality, multi-modal street level design. The mixed use areas zoned MU-NP are intended to function as destinations—centers of more intense activity. Additional intensity, density and height is allowed in the MU-NP district if the project meets the criteria per Section 24.10.740.

**Mixed Use Visitor (MU-V).** This district corresponds to Mixed Use – Visitor Commercial designation in the General Plan. It is primarily intended for high-quality visitor-serving commercial development, such as hotels and motels, with supporting commercial and service uses. The district may also accommodate other multi-story commercial establishment, such as office buildings. Residential uses may be permitted only under specific conditions. Additional intensity, density and height is allowed in the MU-V district if the project meets the criteria per Section 24.10.740.

**24.10.710 Principal Permitted Uses and Use Permit Requirements.**

Uses, as classified in Chapter 24.22, are permitted, conditionally permitted, or prohibited in the Mixed Use Districts, as indicated in Schedule 24.10.710. Principal permitted uses, which are subject to approval of a design permit and other requirements of the Municipal Code, are indicated by a “P”; uses allowed with approval of an administrative use permit and a design permit, and also subject to other requirements of the Municipal Code, are indicated by a “A”; and uses allowed with approval of a special use permit and a design permit, and also subject to other requirements of the Municipal Code, are indicated by an “S”. Prohibited use categories are indicated by a “—”. An “L” followed by a number refers to a numbered limitation with additional standards or requirements that apply to a use category in a specific zoning district or group of districts in in the “Additional Regulations” column. Where a subclassification, which is indented, has a different designation from the one given to the more general land use, the subclassification’s designation governs. The “Additional Regulations” column refers to specific sections in Title 24 that also apply to that use category.

<b>SCHEDULE 24.10.710: USE REGULATIONS — MIXED-USE DISTRICTS</b>					
<b>P = PRINCIPALLY PERMITTED (DESIGN PERMIT REQUIRED); A – ADMINISTRATIVE USE PERMIT (DESIGN PERMIT ALSO REQUIRED)</b>					
<b>S = SPECIAL USE PERMIT (DESIGN PERMIT ALSO REQUIRED); “—” = NOT PERMITTED.</b>					
<i>Use Categories (Italics indicates a new category; see additional definitions in Section 2)</i>	<i>Community Commercial (MU-CC)</i>	<i>Neighborhood (MU-N)</i>	<i>Neighborhood Plus (MU-NP)</i>	<i>Visitor (MU-V)</i>	<i>Additional Regulations</i>
<b>Residential</b>					
Dwellings, Multiple and Townhouse	P	P	P	S	LI.I
Dwelling, One-Family & Two-Family	S	S	S	—	
Family Day Care Home, Small	P	P	P	—	

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Family Day Care Home, Large	A	A	A	—	
Community Care Residential Facility	—	S	S	—	
- Small Community Care Facility	P	P	P	—	
Small Ownership Unit Housing	P	P	P	P	L3; §24.12.1500-30
SRO Single Room Occupancy Housing	A	A	A	—	§24.12.1000-40
<b>Commercial</b>					
<i>Animal Sales and Services</i>	P	P	P	—	LI
<i>Automobile Sales &amp; Services</i>	P (L5)	P (L5)	—	P (L2)	§24.12.940
- <i>Alternative fuels/recharging facility</i>	A	A	A	A	
- <i>Automobile Rental</i>	A	—	—	A	
- <i>Service Stations</i>	S	—	—	S	
<i>Banks and Financial Institutions</i>	P	P	P	—	LI
<i>Business Support Services</i>	P	P	P	—	LI
<i>Eating and Drinking Establishments</i>	See subclassifications below				
- <i>Bar, Tavern</i>	—	S	S	S	§24.12.1100-116
- <i>Brewpubs</i>	A	A	A	A	§24.12.1100-116
- <i>Bona Fide Restaurant</i>	P	P	P	P	LI §24.12.1100-116
<i>Food &amp; Beverage Sales</i>	See subclassifications below				
- <i>Convenience Stores</i>	P	P	P	P	§24.12.1100-116
- <i>General Market</i>	P	P	P	P (LI)	
- <i>Liquor Store</i>	—	S	S	S	§24.12.1100-116
<i>Hotels / Motels</i>	A	A	A	A	
<i>Instructional Services</i>	P	P	P	P	LI (MU-CC; MU-N; MU-NP) L3 (MU-V)
<i>Live-Work Quarters</i>	P	P	P	P	LI for commercial use
<i>Maintenance and Repair</i>	P	P	P	—	LI
<i>Medical Marijuana Provider Association Dispensaries</i>	S	—	—	—	§24.12.1300
<i>Offices</i>	P	P	P	P	L3
- <i>Walk In Clientele</i>	P	P	P	P	

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<i>Personal Services</i>	See subclassifications below				
- <i>General Personal Services</i>	P	P	P	P (L3)	
- <i>Health/ Fitness Studio</i>	A	A	A	—	
- <i>Tattoo-/Body Modification Parlor</i>	A	A	A	S	
<i>Parking Facilities, Structured or Surface</i>	P	P	P	P	§24.12.200-96
<i>Retail Sales</i>	P	P	P	P	
<i>Theatre/commercial entertainment</i>	A	A	A	A	
<b>Institutional and Community Facilities</b>					
<i>Community/Religious Assembly</i>	P	P	P	—	L1
<i>Museum/Cultural Institutions</i>	A	A	A	A	
<i>Day Care Centers</i>	A	A	A	A	
<i>Government Buildings</i>	P	P	P	—	
<i>Hospitals and Clinics</i>	A	A	A	—	L6
<i>Social Service Centers</i>	A	A	A	—	
<b>Industrial and Other</b>					
<i>Artist’s Studio</i>	P	P (L3)	P (L3)	P (L3)	
<i>Bakery, microbrewery, handicrafts or similar light manufacturing and assembly use associated with retail sales/services</i>	A	A	A	A	
<i>Recycling Collection Facility, accessory to other uses</i>	A	A	—	A	
<b>Transportation, Communications and Utilities</b>					
<i>Communications Facilities</i>	P	P	P	P	L4 Refer to Cell Ord.
<i>Utilities, Major</i>	S	S	S	S	§24.12.1400-65
<i>Utilities, Minor</i>	P	P	P	P	

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Notes:					
L1: Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft.					
L1.1: Only allowed on the ground floor outside nodes; a 10-foot landscaped setback is required, which may include decks and porches.					
L2: Only automobile rentals and alternative fuels and recharging facilities allowed with an administrative use permit.					
L3: Allowed if above the ground floor.					
L4: Allowed with a special use permit; wireless communications facilities are subject to Section 24.12.1400 et. seq.					
L5: Existing uses allowed to remain and expand on-site within existing buildings; only new vehicle/motorcycle/scooter sale showrooms allowed with an administrative use permit.					
L6: Psychiatric health facilities require a special use permit.					

**24.10.720 Use Determination.**

Any other use or service establishment determined by the Zoning Administrator to be of the same general character as the foregoing uses and that will not impair the present or potential use of adjacent properties, may be permitted with an administrative use permit or with a special use permit if the Zoning Administrator determines that Planning Commission approval is required.

**24.10.730 Development Standards and Regulations.**

Schedule 24.10.730 prescribes the development standards for the Mixed Use Districts. An “L” followed by a number refers to a numbered limitation with additional standards or requirements that apply to a standard in a specific zoning district or group of districts. The numbers for additional regulations in the right hand column refer to subsections that directly follow the table; section numbers (denoted by an §) refer to other sections of this title. The “Nodes” are those identified in the General Plan and designated on the Zoning Map.

<b>SCHEDULE 24.10.730: DEVELOPMENT REGULATIONS — MIXED-USE DISTRICTS</b>					
<i>Provisions</i>	<i>MU-CC</i>	<i>MU-N</i>	<i>MU-NP</i>	<i>MU-V</i>	<i>Additional Regulations</i>
<b>Height of buildings – Minimum and Maximum</b>					
Minimum stories: Commercial, mixed-use or residential building	2	2	3	3	§24.12.150
Maximum height stories & feet does not meet community benefits	3 & 40	3 & 40	3& 40	4 & 50	
Maximum height stories &	3 & 40	4 & 50	5 & 65	5 & 65	§24.10.740;

<b>SCHEDULE 24.10.730: DEVELOPMENT REGULATIONS — MIXED-USE DISTRICTS</b>					
<i>Provisions</i>	<i>MU-CC</i>	<i>MU-N</i>	<i>MU-NP</i>	<i>MU-V</i>	<i>Additional Regulations</i>
feet if criteria for community benefits are met; (bonus height in feet)				(L3)	§24.12.150
<b>Density and Maximum Allowable Floor Area Ratio (FAR): Minimum and Maximum if Criteria for Community Benefits are Met in Nodes</b>					
Allowable residential density (units/net acre): base range; maximum if criteria for community benefits are met (bonus density)	20-40	10-40	10-40; 55	None; 55* Residential density allowed if 50 points of Community Benefits matrix are met	(1) (2) §24.10.740
Allowable Floor Area (FAR) for all uses; minimum base range; maximum if criteria for community benefits are met; (bonus FAR)	No special criteria – FAR only 0.35-1.50; Schedule 24.10.730(3)	No special criteria – FAR only 0.35-1.75; Schedule 24.10.730(3)	0.50-0.75; 2.25	0.;.40 2.75	(1)
<b>Minimum Net Lot Area (sq. ft.)</b>					
Commercial or residential	7,500	7,500	7,500	7,500	
Mixed Use	10,000	10,000	10,000	10,000	§24.18.100

Provisions	MU-CC	MU-N	MU-NP	MU-V	Additional Regulations
<b>Minimum Setbacks (Ft.)</b>					
• Front	0 (L2)	0	0	12 <sup>1</sup>	(3)
• Rear	10 (L1)	10 (L1)	10 (L1)	10 (L1)	(3) (4)
• Interior-side	0 (L1)	0 (L1)	0 (L1)	0 (L1)	(3) (4)
• Street-side	0 (L1,2)	0 (L1,2)	0 (L1,2)	10 (L1,2)	(3)
<b>Building Design Features and Site Landscaping</b>					
Limitations on blank walls	Yes	Yes	Yes	Yes	(5)
Ground floor transparency	Yes	Yes	Yes	Yes	(6)
Building entrances	Yes	Yes	Yes	Yes	(7)
Interior walkways	Yes	Yes	Yes	Yes	(8)
Roof-mounted equipment screening required	Yes	Yes	Yes	Yes	(9)
Minimum % of site to be planting area	10	10	10	15	§24.12.125
<b>Frontage at Build-to Line (% of Lot Frontage)</b>					
Minimum	50 feet MU-CC 60 feet MU-N/NP		60 feet	75 feet	(10)
<b>Location and Design of Parking</b>					
Minimum setback from street-facing lot line (ft.)	5; 10 for ground floor residential				(11)
Limitations on curb cuts	Yes	Yes	Yes	Yes	(12)
Structure Parking Standards	Yes	Yes	Yes	Yes	(13)
<b>Open space (Outdoor living area) per unit (sq. ft.)</b>					
Private; Common	100; 150	100; 150	100; 150	100; 150	(14)
<b>Other Requirements</b>					
	Yes	Yes	Yes	Yes	(15)
L1. Except where a yard abuts an R-District, then not less than the minimum yard required for the abutting district. L2. Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for the street. L3. Additional restrictions on height that are set in the Ocean Street Area Plan also apply to the MU-V district.					

1. **Base Density and Minimum FAR.** New development must achieve at least the minimum density and minimum FAR shown in the base range, where specified. For

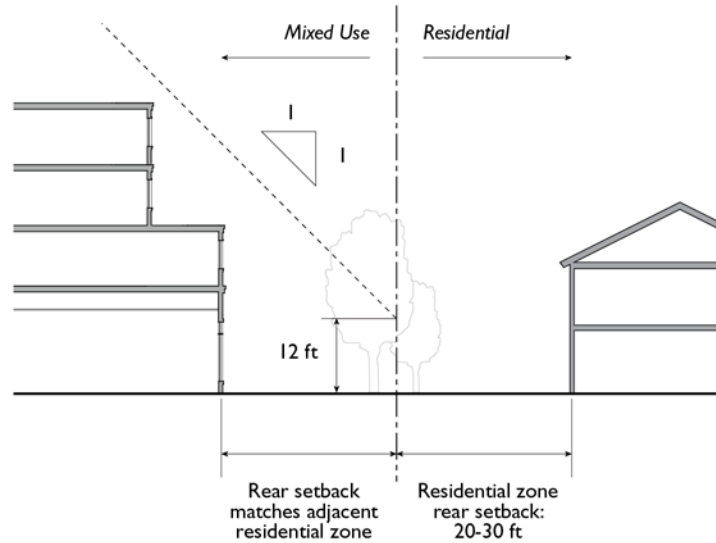
<sup>1</sup> This is a “build-to” line.



example, residential development in the MU-CC district must be at least 20 units per acre and non-residential development must be at least 0.25 FAR. Exceptions for single use buildings meeting the development and design standards may be approved with an administrative use permit if such a use would not impede achievement of the long-term vision for the corridor established in the General Plan.

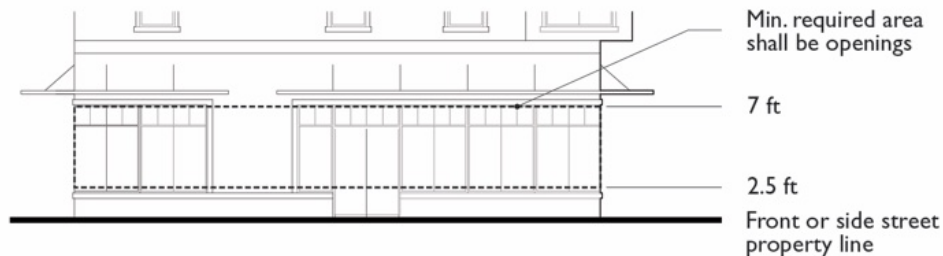
2. **Density Bonus for Affordable Housing.** Qualifying residential development is entitled to density bonus provisions (and associated required parking reductions) for affordable housing under the provisions of Chapter 24.16, Part 3. The density bonus shall be in addition to the base density shown in Schedule 24.10.730. This density bonus shall not be combined with the additional density and FAR allow for community benefits under Section 24.10.740.
3. **Additional Setback Requirement for Parking and Loading Facilities Adjacent to R Districts.** In any MU District directly adjacent to any R District, parking and loading facilities shall be at least ten feet distant from an interior lot line, these setbacks shall be permanently landscaped, except for paved area required for pedestrian or vehicular access.
4. **Transitional Requirements for Lots Abutting R Districts.**
  - a. For any portion of a structure on a lot abutting an an area with R district zoning, the minimum required setbacks of the residential district shall apply.
  - b. To protect privacy and minimize sunlight blockage, structures shall not intercept a 45-degree plane inclined inward starting from a height of 12 feet above existing grade at the lot line.
  - c. Exceptions to the above requirements are permitted for a one-story parking or garage structure that does not exceed 10 feet in height in a side or rear yard that does not front on a street.

**TRANSITIONAL REQUIREMENTS FOR LOTS ABUTTING R DISTRICTS**



5. **Limitations on Blank Walls.** No unadorned blank walls greater than 20 feet in length shall be permitted on the storefront side of a single-use or mixed use building. Street-facing building walls over 24 feet in height or 50 feet in length shall include one or more offsets, recesses, or projections at least one foot in depth, providing shadows or visual interest for at least 25 percent of the frontage. Exceptions to this standard may be permitted through Design Review.
6. **Ground Floor Transparency.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings located between 2.5 and seven feet above the level of the sidewalk. No wall shall run in a continuous plane for more than 20 feet without an opening.

**GROUND FLOOR TRANSPARENCY**



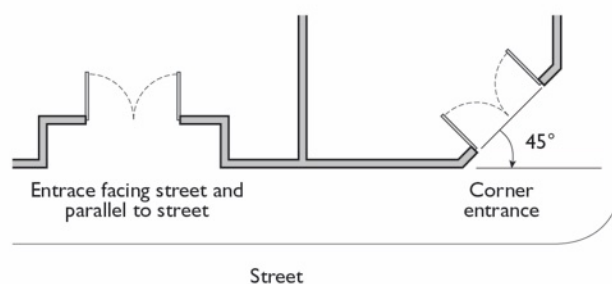
- a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep and five feet wide.

- a. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this subsection. Instead, they must be consistent with the street frontage requirement in Chapter 24, “25. Structured Parking”.
- b. **Alternatives through Design Review.** Alternatives to the building transparency requirement may be with a Design Permit if:
  - (1) The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
  - (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

7. **Building Entrances.**

- a. Building entrances shall be recessed or include architectural and landscape elements to identify them.
- a. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural character to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements. All building and dwelling units located in the interior of a site shall have entrances that are designed as an extension of the public sidewalk and connect to a public sidewalk.
- b. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the façade.

**BUILDING ORIENTATION AND ENTRANCES**

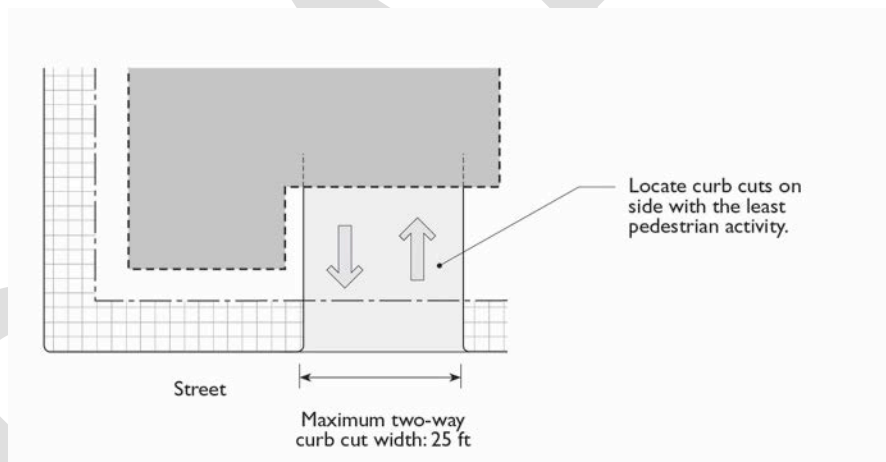


8. **Interior Walkways.**
  - a. Walkways shall have a minimum unobstructed width of six feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  - b. Where a required walkway crosses driveways, a parking area, or a loading area, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or a similar method of differentiation.
  - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
9. **Roof-mounted Equipment Screening.** All roof-mounted mechanical, electrical and external communication equipment shall be screened and architecturally integrated into the building design, consistent with the requirements of Chapter 24.12, Part 15. The screen shall be architecturally consistent with exterior building materials. This excludes energy generating equipment and solar panels.
10. **Frontage at Build-to Line.** Buildings shall be constructed at the front and street side setback line for a minimum percent of the linear street frontage identified in Schedule 24.10.730. The area between the building and the lot line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived with an administrative use permit if the Zoning Administrator finds that:
  - a. Substantial landscaping is located between the build-to line and the ground floor to soften visual impact of buildings;
  - b. Entry courtyards, plazas, entries, or outdoor eating and display areas are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area; or
  - c. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.
11. **Limitations on Location of Parking.** Parking shall be located to the rear or side of buildings (except in the MU-NP district, in which parking on the side of buildings is not permitted unless there is no feasible alternative to meeting on-site parking requirements), or between two or more buildings on a lot. Any parking located on the side of a building must be screened from view from the sidewalk with landscaping, a wall or berm at least 3.5 feet high. Deviations from this standard for parking location may be approved as part of the Design Review process when the following applicable findings are made:
  - a. ***Partially and/or Completely Underground Parking.*** The maximum height of a parking podium visible from a street is 5 feet from finished grade.
  - b. ***Surface Parking.***
    - (1) Buildings are built close to the sidewalk to the maximum extent feasible;

- (2) The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
- (3) The site is small and constrained such that locating the underground, partially underground or surface parking behind the required setback is not feasible.

12. **Limitations on Curb Cuts.** On lots that are less than 100 feet in width, the total width of curb cuts shall not exceed 25 feet. One-way driveways may be considered when there are no other options. One way driveways will only be permitted through design review for certain sites. On lots wider than 100 feet, one additional curb cut (of no more than 25 feet) is permitted for every additional 100 feet of frontage. Additional curb cuts may be allowed for lots over 25,000 square feet through the Design Review process only if can be demonstrated that additional driveways are necessary to protect pedestrian safety, accommodate total vehicular traffic or ensure adequate emergency access.

#### LIMITATIONS ON CURB CUTS



13. **Structured Parking Standards.**
- a. **Street Frontage.** Where structured parking is built along a front or street side lot line, at least 60 percent of the ground floor frontage must be occupiable space with active retail or other pedestrian-oriented uses (e.g. offices for walk-in clientele, restaurants, galleries, or lobbies). **Façade Articulation.** Variation in the dimension and proportion of openings and in the horizontal and vertical planes of the façade shall be provided to create visual interest and to reduce the perceived mass of the parking structure.

- a. **Location of Entries.** Entries and stairwells within parking structure shall be located adjacent to or easily accessible from public sidewalks and designed to be visually open and well lit, in keeping with public safety through environmental design concepts.
14. **Open Space for Residents.** Private outdoor space for residential buildings shall be provided either through individual outdoor living spaces for each residential unit (e.g., balconies, decks, patios, fenced yards, and other similar areas) or through a common space shared by residents (e.g., interior courtyard; accessible rooftop with amenities such as seating, picnic tables, etc.; gym; and other similar areas).
  - a. **Minimum horizontal dimensions (in any direction):** 6 feet for private outdoor space; and 14 feet for common space.
  - b. **Accessibility.** Private outdoor space serving individual units shall be accessible to only one living unit by a doorway to a habitable room or hallway. Private common space shared by residents shall be accessible from a stairwell or other access way from a common hallway, lobby, or similar shared interior space.
  - a. **Landscaping.** For outdoor common space shared by residents, a minimum of 50 percent of the area shall be landscaped or permeable paving.
  - b. **Usability.** For outdoor common spaces shared by residents, a surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of landscaping, garden, flagstone, permeable paving, concrete, or other serviceable, dust-free surfacing. Average of the slope shall not exceed 10 percent. For indoor common space shared by residents, the space shall be equipped with amenities that serve recreational purposes, such as exercise equipment, shared kitchen/bar facilities, and furniture.
15. **Other Requirements.**
  - a. All uses shall be conducted wholly within a completely enclosed building, except for service stations, parking facilities, or other outdoor uses when appropriately screened and as approved by the Zoning Administrator.
  - a. Other regulations which may be applicable to site design in the Mixed Use Districts are set forth in General Site Design Standards, Part 2, Chapter 24.12.

**24.10.740 Community Benefit Program: Density, Floor Area and Height Bonuses in Nodes.**

1. **Procedure.** Increased or “bonus” residential densities, floor area ratios, and/or heights, as specified in this section, may be permitted beyond the base established in Section 24.10.730 with a special use permit only if the Planning Commission determines that specific criteria are met. Where maximum bonus percentage exceeds

75% than the approving body is the Planning Commission. Where maximum bonus density is 74% or less, the approving body is the Zoning Administrator.

2. **Determination of Bonuses.** Determination of bonuses shall be calculated in accord with the standards of this section.

- a. **Bonus Amount.** The bonus amount is based on the number of points, up to a maximum of 100, attained through the provision of Community Benefit elements pursuant to Subsection 24.10.740(3), Community Benefit Elements. The bonus amount is calculated according to the following formula:

$$\frac{\text{Total Number of Points}}{100} \times \text{Maximum Bonus}$$

(1) *Variables Used in Bonus Calculation.*

- i. **Total Number of Points.** The sum of the points awarded for the provision of community benefits elements pursuant to Subsection 24.10.740(3), Community Benefits Elements, up to a maximum of 100.
- ii. **Maximum Bonus.** The difference between the maximum with bonus FAR/height/density and the base FAR/height/density established in Schedule 24.10.730.
- b. **Maximum Allowable FAR, Height, and Density.** The maximum FAR, height, and density allowable is the sum of the base FAR/height/density established in Schedule 24.10.730 and the bonus amount calculated pursuant to paragraph 24.10.740(2)(a), Bonus Amount.
- c. **Required Findings.** The Planning Commission may only approve a Special Use Permit for an intensity, height, or density bonus if it finds that such increase will not be detrimental to overall district/neighborhood urban design quality and will further the mixed use corridor and community benefit policies of the General Plan.
- d. **Modifications.** No element for which a bonus has been granted may be eliminated or reduced in size without Planning Commission approval of a corresponding reduction in intensity, height, or density or substitution of an equivalent bonusable element.

3. **Community Benefit Elements.** The community benefits elements and the maximum number of points that may be awarded for each of them are summarized in Schedule 24.10.740(3) and described below.

<b>24.10.740(3): SUMMARY OF COMMUNITY BENEFITS ELEMENTS</b>		
<i>Type of Benefit</i>	<i>Maximum Points</i>	<i>Basis for Calculating Points</i>
Affordable Housing	100	25 points for each five-percent increment above the City's inclusionary requirement of 15 percent affordable units (30 percent for small ownership for sale units)
Day Care Center	10	Development must reserve space for a center at a below-market rental rate, as established by the City Council
Sustainability See notes below	20	Residential projects: 0.25 points for each point above the City's minimum for a Green Building Award certificate Non-residential component of mixed use projects: 0.5 points for each point above the City's minimum for a Green Building Award certificate
Incubator Space for Small Business	15	Development receives 7.5 points for each 15-percent increment of space reserved for below-market rental rates for qualifying small businesses based on affordability standards set by City Council
Public Access Easements	10	Easements provided for pedestrian/bike paths through project site connecting to a public street or other right-of-way
Public Right-of-Way Improvements	25	Points to be based on dollar value of off-site improvements x 10 divided by average development cost per square foot or other case-by-case determination.
Publicly Accessible Open Space	15	Pts to be based percent of space reserved for privately-owned publicly accessible open space (e.g. 50 sq. ft. per 1,000 ft. of floor area: 3 points) – note exceeds See parks discussion
Structured or Shared Parking	20	Fractional points provided for each type of space.
Additional Public Benefit	20	Discretionary amount to be awarded by Planning Commission for undefined benefits proposed by applicant.
<b>Total Points Need for Maximum Bonus</b>	<b>100</b>	(Theoretical maximum exceeds 100, but only a maximum of 100 points will be credited to the bonus FAR/density/height calculation.)

- a. **Affordable Housing.** A maximum of 100 points may be awarded for a project that exceeds the requirements for affordable housing under the City's Inclusionary Housing Program as follows:
- (1) Provision of for sale units for lower and median income households, excluding small ownership units (SOUs), at an ownership cost affordable to lower income households: 25 points for each five-



- percent increment of the dwelling units meeting this requirement above the 15-percent minimum established in Section 21.16.020.
- (2) Provision of small ownership for sale units (SOUs) for lower and medium income households at an ownership cost affordable to lower income households: 25 points for each five-percent increment of the dwelling units meeting this requirement above the 30-percent minimum established in Section 21.16.020.
  - (3) Provision of rental units for lower and medium income households at a rental affordable to lower income households: 25 points for each five-percent increment of the dwelling units meeting this requirement above the 15-percent minimum established in Section 21.16.020. Individual rents shall not be regulated, nor the qualifications of renters monitored, if the rental costs are at least 90 percent of the average rent for all units in the project with the same number of bedrooms.
  - (4) Credit is only given for units actually provided. In-lieu fees are not eligible to meet this community benefit element.
- b. **Day Care Centers.** 10 points shall be awarded for development that reserves space for a day care center at a below-market rent, as determined by the City Council by resolution.
  - c. **Sustainability.** A maximum of 20 points shall be awarded for projects that exceed the threshold levels for Green Building Award Certificates under the City's Green Building Program in accord with the following:
    - (1) For residential projects and the residential components of mixed-used projects that exceed the requirements for a Green Building Award Certificate for a residential project: 0.25 points for each point earned for a green building measure above the minimum required for an award certificate (75); and
    - (2) For non-residential projects and the non-residential components of mixed-use projects that exceed the requirements for a Green Building Award Certificate for a non-residential project: 0.5 points for each point earned for a green building measure above the minimum required for an award certificate (40)<sup>2</sup>.
  - d. **Incubator Space for Small Businesses**<sup>3</sup>. A maximum of 15 points shall be awarded for provision of space to qualifying small businesses at less than

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<sup>2</sup> The threshold levels are specific and do not require a "post-occupancy" LEED certification; however, if a specific level cannot be achieved, under the "Modifications" provisions above, an equivalent bonusable element must be substituted.

<sup>3</sup> Definition of Qualifying Small Business: A business that meets the eligibility requirements contained in CCR Title 2, Division 2, Chapter 3, Subchapter 8, and Article 2, which has been certified as a small business. For the

market rates. More specifically, 7.5 points shall be awarded for each 15 percent of total gross leasable non-residential area that is restricted to small businesses, with below-market rental rates meeting affordability standards set by the City Council by resolution for a minimum period of five years.

- e. **Public Access Easements.** 10 points shall be awarded for the provision of an easement for a publicly accessible pedestrian/bike path through the site, connecting to a public street or other right of way.
- f. **Public Right-of-Way Improvements.** A maximum of 25 points shall be awarded for the provision of improvements to a public right-of-way beyond improvements required by the Municipal Code or as a result of environmental review. Points awarded shall be based on the following formula:

$$\frac{(\text{Cost of off-site improvement}) \times (10)}{(\text{Cost of one square foot of floor area})}$$

- g. **Publicly Accessible Open Space.** A maximum of 15 points shall be awarded for the provision of additional privately-owned, publicly accessible open space for a plaza or community gathering area beyond what is required pursuant to this title according to the following formula:
  - (1) At least 50 square feet per 1,000 sq. ft. of new floor area: 3 points;
  - (2) At least 100 square feet per 1,000 sq. ft. of new floor area: 6.5 points;  
or
  - (3) At least 150 square feet per 1,000 sq. ft. of new floor area: 10 points.
- h. **Structured or Shared Parking.** A maximum of 20 points shall be awarded for structured parking spaces and for non-residential parking spaces that are designated as shared and available for public use. Points awarded shall be based on the following formula:
  - (1) For each structured parking space: 0.5 point
  - (2) For each non-residential parking space designated as shared: 0.25 point

To qualify for the shared parking bonus, an agreement providing for the public use of shared parking areas, executed by the parties involved, must be filed with the Zoning Administrator in a form approved by the City Attorney. The agreement shall be notarized and recorded in the office of the County Recorder.

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purposes of this section, whenever the term small business is used, it means State certified small business and includes microbusinesses. Alternatively, the City could just set a limit based on the number of employees, such as 50, with no revenue limits or State-based submittal and review requirements.

- i. **Additional Public Benefit.** A maximum 20 points may be awarded for currently undefined public benefits proposed by the applicant that are significant and substantially beyond the requirements of this section and are aligned with the General Plan. The Planning Commission shall determine the amount of points to grant for the proposed public benefit, up to a maximum 20 points.

#### 24.10.750 Supplemental Regulations for Specific Uses

1. **Live-work Quarters.** Live-work quarters must be located, developed, and operated in compliance with the following standards, where allowed by the Mixed Use Districts:
  - a. **Establishment.** Live-work quarters may be established through new construction or through the conversion of existing residential, commercial, and industrial buildings.
  - b. **Allowable Uses.** Work activities in live-work quarters are limited to uses that are permitted outright, or allowed with an administrative use permit or special use permit. The owner of an existing or proposed live-work building or unit, or an authorized agent of the owner may apply for the use permit. Live-work quarters may contain only residential uses, but they are not permitted to contain only “work” or commercial uses. On-site storage and sale of materials and merchandise is allowed.
  - c. **Development Standards.** Live-work buildings shall comply with the following standards. The Planning Commission may modify any requirement, up to what normally would be required, and may impose reasonable conditions of approval.
    - (1) The minimum size of the living area of a live-work unit shall be 750 square feet.
    - (2) The work space must meet the requirements of the Building Code for the type activity/use being undertaken. Similarly, the area defined as the living space must comply with the Building Code requirements for habitable space.
    - (3) The occupant of a live-work space must acknowledge in writing that he/she, by selecting this type of occupancy, accepts the conditions found in the area, including but not limited to industrial noise, pollution, fumes, dirt, traffic and odors to the extent that they are permitted by law in the base district. The Planning Commission may include conditions to this effect to be recorded after approval of a live-work application.
  - d. **Sale or Rental of Portions of Unit Above the Ground Level Prohibited.** No portion of a live-work unit located above the ground level may be separately rented or sold as a commercial space for a person or persons not living on

the premises, or as a residential space for a person or persons not working on the premises.

2. **Outdoor Dining and Seating.** Outdoor Dining and Seating facilities must be located, developed, and operated in compliance with Section 24.12.192 (Outdoor Extension Areas) and the following standards, where allowed by the Mixed Use Districts:
  - a. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property.
  - b. **Accessory Use.** Outdoor dining and seating must be conducted as an accessory use to an eating and drinking establishment located on the same lot or an adjacent lot.
  - c. **Enclosure.** Awnings or umbrellas may be used, but must be adequately secured and/or retractable.
  - d. **Furnishing and Fixtures.** Furnishing may consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
  - e. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.
  - f. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
  - g. **Parking.** Where an outdoor dining and seating area occupies less than 200 square feet, no additional parking spaces for the associated eating and drinking establishment is required.
  - h. **Pedestrian Space.** Tables and chairs must be placed in a way that allows for an unobstructed pedestrian walkway with a minimum width of four feet.
  - i. **Accessibility.** At least 25 percent of the seating must be accessible to persons using wheelchairs.
3. **Outdoor Sales.** Outdoor sales must be located, developed, and operated in compliance with the following standards, where allowed by the Mixed Use Districts:
  - a. **Seasonal and Temporary Sales.** For seasonal and temporary sales, such as holiday tree and pumpkin lots, refer to Section 24.12.190 (Outdoor Storage, Display, or Sale of Merchandise).
  - b. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise requires administrative use permit approval and must comply with the following standards:
    - (1) The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.

- (2) The displayed merchandise must not disrupt the vehicle and pedestrian circulation on the site, obstruct driver visibility or otherwise create hazards for vehicles or pedestrians.
- (3) A four-foot pedestrian pathway to the main entrance of the use must be maintained and not blocked by merchandise. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
- (4) Only merchandise generally sold at the business is permitted to be displayed outdoors.
- (5) The operator is responsible for collecting trash due to outdoor sales.

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## **SECTION 2: OTHER PROPOSED AMENDMENTS TO TITLE 24**

### **Chapter 24.22 Additional Definitions**

**Animal Sales and Services.** Sales and service activities related to the care and treatment of domestic animals.

*Boarding Kennel.* An establishment licensed to operate a facility providing shelter and care for domestic animals on a commercial basis for a period in excess of 48 hours. This classification includes activities such as feeding, exercising, grooming, and incidental medical care for domestic animals.

*Clinic/Hospital.* Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are enclosed, soundproofed, and air-conditioned. Grooming and temporary (up to 30 days) boarding of domestic animals is included if incidental to the hospital use.

*Grooming.* Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

*Retail Sales (Pet Shops).* Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

*Veterinary Services.* Medical and health services for animals. Typical uses include veterinary offices, pet clinics and animal hospitals. This use type excludes kennels.

**Artist's Studio.** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work).

*Studio-Light.* Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

*Studio-Heavy.* Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

**Automobile Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

*Alternative Fuels and Recharging Facility.* A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles.

*Automobile Rental.* Rental of automobiles. Typical uses include car rental agencies.

*Automobile/Vehicle Sales and Leasing.* Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles.

- *New.* Sales and leasing of new cars, recreational vehicles, and trucks by new car dealers, including sales of previously-owned automobiles and trucks, and sales of parts and accessories, storage, and incidental maintenance and repair.
- *Used.* Sales and leasing of previously owned automobiles, recreational vehicles and trucks by car dealers not affiliated with a new car manufacturer.

*Automobile/Vehicle Repair, Major.* Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

*Automobile/Vehicle Service and Repair, Minor.* The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

*Automobile/Vehicle Washing.* Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities that are the principal use of a building, structure, or site.

*Large Vehicle and Equipment Sales, Service and Rental.* Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.

**Bakery.** A place where bread, cakes, cookies, and other baked goods are made or sold.

**Banks and Financial Institutions.**

*Bank and Savings and Loan.* A financial institution, including a credit union office, that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

*Nontraditional Financial Institutions.* Establishments engaged in short-term lending and buy-back activities in which customers typically take part in one-time or infrequent transactions and do not open long-term accounts or deposit funds. Typical uses include check cashing services, pay day lenders (also known as deferred deposit originators), pawnbrokers, cash for gold dealers, and similar activities.

**Build-to Line.** A line parallel to the lot line where the façade of the building is required to be located.

**Business Support Services.** The business support services use type refers to establishments primarily engaged in the provisions of services of a clerical, employment, protective or minor processing nature to firms, rather than individuals, and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick-printing services, and blueprint services.

**Clinic.** A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

**Communications Facility.** Broadcasting and other information relay services.

*Antennas and Transmission Towers.* Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

*Equipment within Buildings.* Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

**Community/Religious Assembly.** A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.



**Day Care Centers.** Establishments providing non-medical care for persons on a less-than-24-hour basis other than Family Day Care Home (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Daylight Plane.** An inclined plane, beginning at a stated height above grade at a setback line or lot line and extending into the site at a stated upward angle to the horizontal, and which limits height or horizontal extent of structures.

**General Market.** Retail food markets of food and grocery items primarily for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales.

**Government Buildings.** Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

**Hospitals.** A facility providing medical, surgical, mental health, or services primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Instructional Services.** Services for the purpose of personal enrichment. Typical uses include classes or instruction in music, health, athletics, art, or academics. Instructional Services includes rehearsal studios as an accessory use.

**ITE.** Institute of Transportation Engineers.

**Live-work Quarters.** A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

**Maintenance and Repair.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

**Microbrewery.** A small brewery making specialty beer in limited quantities. It may include secondary space for eating and drinking beer and food made on-site.

**Museum/Cultural Institutions.** Institutions engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

**Offices, Walk-in Clientele.** Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

**Parking Facilities, Commercial.** Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity. These facilities may be publicly or privately-owned.

**Personal Services.**

*General Personal Services.* Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. It does not include gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction.

*Health/Fitness Facility.* A fitness center, gym, health and athletic club, or studio offering martial arts, physical exercise, yoga training and similar instruction to classes and groups of more than five persons. The facility may include exercise machines, weight training equipment, exercise rooms, sauna, spa or hot tub facilities, indoor tennis, racquetball, and other indoor sports activities, and indoor or outdoor pools.

*Tattoo or Body Modification Parlor.* An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) piercing of the body of a person for the purpose of inserting jewelry or other decoration.

**Social Service Centers.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Day Care Center), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

**Theatre/Commercial Entertainment.** Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

*Theater.* Facilities designed and used for entertainment, including plays, comedy, and music, which typically contain a stage upon which movable scenery and theatrical appliances or musical instruments and equipment are used.

*Small-scale Facility.* This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as dance halls, poolrooms, and amusement arcades.

**Utilities, Major.** Electric transmission lines and substations, solid waste collection facilities, including transfer stations, and similar facilities of public agencies or public utilities.

**Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

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