

~~H. Not more than two persons, other than residents occupying the dwelling on such premises, shall be employed on the site.~~

~~I. Loading platforms shall be located and screened in such a way so as to not adversely affect surrounding residents.~~

~~J. The sale of any item, except antiques, shall be limited to those lawfully produced on the premises.~~

~~K. Power shall be limited to electrically operated motors of not more than two horsepower each. The total capacity shall not exceed 10 horsepower, excluding portable hand tools.~~

~~L. No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced which is detectable at any point on adjacent property so as to produce a nuisance or hazard.~~

~~M. Except as otherwise provided in this section, any building established or premises maintained in conjunction with an arts and crafts use shall be so conducted that the use of such lot or parcel of land shall be in harmony with the rural character of the area.~~

**SECTION 22.** Part 10 of Chapter 22.40 is hereby added to read as follows:

**Part 10**

**MXD MIXED USE DEVELOPMENT ZONE**

**Sections:**

**22.40.450**            **Established – Purpose.**

**22.40.460**            **Permitted Uses.**

- 22.40.465            Accessory Uses.**
- 22.40.470            Uses Subject to Director's Review and Approval.**
- 22.40.475            Uses Subject to Permits.**
- 22.40.480            Project Review and Evaluation.**
- 22.40.485            Development Standards.**
- 22.40.490            Performance Standards.**
- 22.40.495            Lot Consolidation.**
- 22.40.450            Established – Purpose.**

The Mixed Use Zone (MXD) allows for a mixture of residential, commercial, and limited light industrial uses and buildings in close proximity to bus and rail transit stations. The zone integrates a wide range of housing densities with community-serving commercial uses to serve local residents, employees, pedestrians and consumers. Compact development is encouraged to promote walking, bicycling, recreation, transit use, and community reinvestment, to reduce energy consumption, and to offer opportunities for employment and consumer activities in close proximity to residences.

**22.40.460            Permitted Uses.**

Premises in Zone MXD may be used for the following uses:

A.    Commercial uses. The following commercial uses, provided all sales are retail only and all goods sold, except genuine antiques and items sold at secondhand stores, are new:

- 1.    Sales.
  - Antique shops, genuine antiques only.

- Appliance stores, household.
- Art galleries.
- Art supply stores.
- Bakery shops, including baking only when incidental to retail sales from the premises.

- Bicycle shops.
- Bookstores.
- Ceramic shops, including manufacturing incidental to retail sales from the premises, provided the total volume of kiln space does not exceed eight cubic feet.

- Clothing stores.
- Confectionary or candy stores, including making only when incidental to retail sales from the premises.

- Delicatessens.
- Department stores.
- Dress shops.
- Drugstores.
- Florist shops.
- Furniture stores.
- Furrier shops.
- Gift shops.
- Glass and mirror sales, household only.

- Grocery stores.
- Hardware stores, in a commercial-only building if paint and other flammable materials are sold on premises.
- Health food stores.
- Hobby supply stores.
- Ice cream shops.
- Jewelry stores.
- Leather goods stores.
- Mail order houses, limited to 10,000 square feet in floor area.
- Meat markets, excluding slaughtering.
- Millinery shops.
- Music stores.
- Notions or novelty stores.
- Nurseries, including the growing of nursery stock.
- Office machines and equipment sales.
- Paint and wallpaper stores, in a commercial-only building.
- Pet supply stores, excluding the sale of pets other than tropical fish or goldfish.
- Photographic equipment and supply stores.
- Radio and television stores.
- Retail stores.

- Secondhand stores, subject to the applicable development standards set forth in subsection F of Section 22.28.170.

- Shoe stores.
- Silver shops.
- Sporting goods stores.
- Stationery stores.
- Tobacco shops.
- Toy stores.
- Yarn and yardage stores.

2. Services.

- Art schools.
- Banks, savings and loans, credit unions, and finance companies.
- Barbershops.
- Beauty shops.
- Bicycle rentals.
- Comfort stations.
- Community gardens.
- Dental clinics, including accessory laboratories.
- Dry cleaning drop-off and pick-up services, provided that all processing is conducted off-site.
- Employment agencies.

- Family child care homes, small.
- Fire stations.
- Interior decorating studios.
- Libraries.
- Locksmith shops.
- Medical clinics, including accessory laboratories.
- Offices, business or professional.
- Pet grooming, excluding boarding.
- Photocopying and duplicating services.
- Photography studios.
- Police stations.
- Post offices.
- Printers and publishers, limited to 10,000 square feet in floor

area.

- Public utility service centers.
- Real estate offices.
- Repair shops, household and fix-it, including electricity and

plumbing. If it is part of a mixed-use development, the service fleet shall have no more than two service vehicles stored on-site.

- Restaurants and other eating establishments including food take-out and outdoor dining.

- Schools, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the State of California.

- Schools, business and professional, limited to art, cooking, dance, drama, martial arts, music, and professional education.

- Shoe repair shops.

- Shoeshine stands.

- Tailor shops.

- Tourist information centers.

- Watch repair shops.

3. Recreation and Amusement.

- Parks, playgrounds, and beaches, with all accessory facilities customarily found in conjunction therewith.

- Riding and hiking trails, excluding trails for motor vehicles.

- Swimming pools.

B. Residential uses:

- Adult residential facilities, six or fewer.

- Apartment houses.

- Foster family homes.

- Group homes for children, six or fewer.

- Mixed-use developments with residential and commercial

components.

- Residences, single-family, limited to lots of less than 5,000 square feet.

- Residences, two-family, limited to lots of less than 5,000 square feet.

- Rooming and boarding houses.
- Small family homes, children.
- Townhouses.

**22.40.465 Accessory Uses.**

Premises in Zone MXD may be used for:

A. The following accessory uses, subject to the same limitations and conditions provided in Section 22.28.040 (Zone C-H):

- Accessory buildings and structures.
- Building materials, storage of.

B. The following accessory uses, subject to the same limitations and conditions provided in Section 22.28.090 (Zone C-1):

- Rental, leasing and repair of articles sold on the premises.
- Used merchandise, retail sale of, taken as trade-in.

C. The following additional accessory uses:

- Home-based occupations, subject to the limitations, standards and conditions contained in Section 22.20.020.

- Parking lots and parking buildings.
- Signs, as provided in Part 10 of Chapter 22.52 for Zone C-3.

– Tennis, volleyball, badminton, croquet, lawn bowling, and similar courts, in conjunction with a residential use.

**22.40.470 Uses Subject to Director's Review and Approval.**

A. If site plans are first submitted to and approved by the Director pursuant to Part 12 of Chapter 22.56, premises in Zone MXD may be used for the following uses:

- Access to property lawfully used for a purpose not permitted in Zone MXD.
- Child care centers.
- Christmas trees and wreaths, the sale of.
- Domestic violence shelters, subject to the standards and limitations specified in Section 22.56.1758.
- Family child care homes, large.
- Farmers' markets, as provided in Part 25 of Chapter 22.52.
- Grading projects, off-site transport with not more than 100,000 cubic yards subject to the standards and limitations specified in Sections 22.56.1710, 22.56.1752, and 22.56.1753.
- Homeless shelters, subject to the requirements of Section 22.56.1760.
- Joint live and work units, as provided in Part 19 of Chapter 22.52.
- Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupant load of less than 200 people, where in full compliance with the conditions of Section 22.56.1754.

- Meteorological towers, temporary, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.

- Real estate tract offices, temporary.

B. The following additional uses:

- Signs, subject to the regulations for signs in Zone C-3 provided in Part 10 of Chapter 22.52.

**22.40.475 Uses Subject to Permits.**

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

- Adult day care facilities.

- Adult residential facilities, seven or more.

- Alcoholic beverages, the sale of, for either on-site or off-site consumption, subject to the requirements of Section 22.56.195.

- Bars and cocktail lounges.

- Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.

- Grading projects, off-site transport, where more than 100,000 cubic yards of material is to be transported, subject to the conditions and limitations of Sections 22.56.210 and 22.56.230.

- Grading projects, on-site, but excluding projects where the Hearing Officer, Commission, or the Board of Supervisors have previously considered such grading proposal as indicated by approval of an environmental document incorporating consideration of such grading project.

- Group homes for children, seven or more.

- Health centers and clubs, including accessory swimming pools, saunas, and steam baths.

- Hotels.

- Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupant load of less than 200 people where the conditions of Section 22.56.1754 have not been, or cannot be, met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge, or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.

- Museums.

- Outdoor dining, where the conditions of subsection G of Section 22.28.070 have not been, or cannot be, met.

- Recreation clubs, commercial, as a primary use, including tennis, polo, swimming, and similar outdoor recreational activities, together with accessory clubhouse.

- Signs, subject to regulations set forth in Part 10 of Chapter 22.52 for signs in Zone C-3.

- Solid fill projects.

- Stations, bus, railroad, and taxi.

- Storage, temporary, of materials and construction equipment used in construction or maintenance of streets and highways, sewers, storm drains, underground conduits, flood control works, pipelines, and similar uses, for a period not to exceed one year.

- Veterinary clinics, small animal, with no overnight boarding.

B. The following uses are limited to commercial-only development projects or properties:

- Arcades, game or movie.

- Billiard halls.

- Bowling alleys.

- Churches, temples, or other places used exclusively for religious worship, including customary incidental educational and social activities in conjunction therewith.

- Colleges and universities, including appurtenant facilities, giving advanced academic instruction approved by the State Board of Education or other recognized accrediting agency, but excluding trade schools.

- Community assembly.

- Dry cleaning establishments, excluding wholesale dry cleaning plants, provided that such establishments comply with American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 62-2001 Indoor Air Quality Standards.

- Earth stations.

- Games of skill.

- Hospitals.

- Laundries, self-service.

- Massage parlors.

- Motels.

- Motion picture processing, reconstruction and synchronizing of film with sound tracks.

- Nightclubs.

- Observatories.

- Pool halls.

- Publicly-owned uses necessary for the maintenance of the public health, convenience, or general welfare in addition to those uses listed in this Section.

- Theaters and other auditoriums.

- Youth hostels.

B. Premises in Zone MXD may be used for the following uses, provided the appropriate permit has first been obtained and while such permit is in full force and effect and in conformity with the conditions of such permit for:

- Qualified projects, as provided in, and permitted by, Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

- Temporary uses, as provided in, and permitted by, Part 14 of Chapter 22.56.

**22.40.480 Project Review and Evaluation.**

A. An application for new construction or expansion of development in Zone MXD may be referred to the Department of Public Works for review of the project's impacts on infrastructure. In addition to the requirements of Section 22.48.250, the application may be required to include, at the discretion of the Director of the Department of Public Works, technical studies in accordance with current County guidelines, or other information, including but not limited to the following:

1. A traffic impact analysis;
2. Certification from the public water purveyor that indicates water facilities in the area are adequate to meet the demands of the project and all other properties served by the same water facility; and
3. A sewer area study to determine the adequacy of the sewage system that will serve the project.

B. Where the Director of the Department of Public Works finds that based on the traffic, water, or sewer studies that the existing infrastructure is inadequate to serve a project, the Director may require the applicant to construct, install, or provide additional funds to construct or install the necessary infrastructure to protect public health, safety, and welfare. Furthermore, the Director, in consultation with the Director of the Department of Public Works, may require that the applicant demonstrate on a site plan that adequate sightlines are maintained from the vehicular access points of the project site to the public right-of-way, and that the proposed layout of the site does not impede vehicular movement in the public right-of-way.

**22.40.485 Development Standards.**

All new development projects in Zone MXD shall be subject to the following development standards:

A. Maximum density. The maximum density for residential-only and mixed-use developments shall be 150 dwelling units per net acre.

B. Floor area ratio (FAR). The maximum allowable FAR shall be 3.0 for commercial-only, mixed-use, and joint live and work developments.

C. Yards. Side and rear yards abutting parcels located within Zone R-1 or R-2 shall have a minimum depth of 15 feet. If the side or rear lot line of the MXD-zoned parcel is separated from the other zone by a highway, street, alley, or an easement of at least 20 feet in width, this requirement regarding side or rear yard depth shall not apply.

D. Height. Except as otherwise provided by an applicable Community Standards District, a building or structure shall not exceed 65 feet above grade,

excluding chimneys, rooftop antennas, and rooftop recreational spaces, except that the portion of any building sharing a common side or rear lot line with property located within Zone R-1 or R-2 shall have a setback from the common or side rear lot line so that the height of the building in the MXD Zone is no greater than 45 feet at the edge of the building wall facing that common lot line, and shall be recessed back one foot for every one-foot increase in building height, up to a maximum height of 65 feet.

E. Ground floor retail in mixed-use developments.

1. Minimum width. The street-facing retail component of the ground floor within a mixed-use development shall be a minimum of 20 feet; and

2. Minimum height. The floor-to-ceiling height of the ground floor for a street-facing retail component of a mixed-use development shall be a minimum of 14 feet.

F. Signs. Notwithstanding the provisions of Part 10 of Chapter 22.52 for signs in Zone C-3, the following signs shall be prohibited in the MXD Zone:

1. Roof signs;
2. Freestanding signs; and
3. Outdoor advertising signs.

G. Parking.

1. Parking facilities, including bicycle parking and bicycle storage facilities, shall be provided in compliance with Part 11 of Chapter 22.52, however the number of required vehicle parking spaces as provided therein may be reduced by up to 25 percent except for required guest parking for residential uses. Parking for

commercial and residential uses shall be separately designated by posting, pavement marking, and/or physical separation. These standards may be modified through a parking permit;

2. With the exception of subterranean parking, all vehicle parking areas shall be:

a. Located in the rear of the structure(s) or at the rear of the parcel or parcels, except that up to 25 percent of required parking may be located along one side of the building if an access driveway is provided; and

b. Completely screened with walls and/or landscaping so that the parking areas are not visible from a major or secondary highway, unless the parking areas are located along access driveways, in which case walls and/or landscaping may be placed only if they do not impede adequate line of sight to the public right of way.

3. Accessible vehicle parking. Accessible parking for persons with disabilities shall be calculated based on the total number of parking spaces required prior to the 25 percent reduction authorized by this subsection G.

4. Loading Areas.

a. Loading areas shall comply with the standards and conditions set forth in Section 22.52.1084. However, the loading area requirements may be modified or waived for non-residential projects of less than 20,000 square feet in floor area by a Director's Review pursuant to Part 12 of Chapter 22.56.

b. Loading areas shall be located away from primary pedestrian ingress and egress areas by at least 20 feet. Whenever feasible, loading areas shall be located at the rear of the building.

H. Landscaping. A minimum of 5 percent of the lot shall be landscaped with drought-tolerant lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area. Such landscaping may be a part of the building, and may include features such as atriums and ground-floor planters.

I. Screening.

1. Facades and windows. In addition to complying with subsection k.1, below, if the building's frontage faces a major or secondary highway, not more than 25 percent of landscaping shall screen from public view the façade or windows on the ground floor of the building's frontage.

2. Trash bin enclosures. Trash enclosures for refuse and recycling bins shall be:

a. Located within parking structures, at the rear or side of buildings, or between buildings, and shall not be located between a building and a street or highway;

b. Located not farther than 150 feet from the building;

c. Not placed in any public right-of-way; and

d. Screened by solid masonry walls between five and six feet in height, if located outside.

3. Mechanical equipment. Mechanical equipment shall be completely screened from view through the use of walls and/or landscaping.

J. Security.

1. Chain-link, barbed, and concertina wire fences are prohibited;

2. Security bars and accordion folding grilles installed on the exterior of a storefront are prohibited; and

3. Building security grilles may be placed within the interior of the building if the grilles are concealed so that they are not visible from the exterior of the building when not in use during business hours.

K. Pedestrian character.

1. Transparency. At least 50 percent of any building's ground floor façade that is oriented towards a street or highway with the greatest right-of-way width shall be composed of entrances and display windows or other displays;

2. Glass. All glass utilized in windows or entrances on the first two stories shall be either clear or lightly tinted to maximize pedestrian visibility of building interiors from the sidewalk area. Mirrored, highly reflective glass or densely tinted glass shall be prohibited for use in windows and entrances;

3. Entry orientation. The primary entrance to a commercial use in a building shall face the sidewalk in front of, or at the corner of, a street or highway with the greatest right-of-way width, or face an interior courtyard if the courtyard's entrance is located on such a street or highway;

4. Façade. At least 50 percent of the building façade facing the street, highway, or corner shall include design features such as recessed windows, balconies, offset planes, stepbacks, vertical or horizontal modulations or articulations, or other architectural or decorative accents that create visual interest in lieu of a long unarticulated wall. If the frontage of the first three stories of a building is flush to the street or highway, then the frontage above the third story shall be stepped back a minimum of two feet from the frontage of the first three stories; and

5. Rooflines. Buildings having 100 feet or more of street frontage shall be designed to provide roofs of varying heights, materials, textures, and/or motifs.

L. Outdoor display. Except in conjunction with the following uses, all display shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit:

- Community gardens.
- Christmas trees and wreaths, the sale of.
- Newsstands.
- Parking lots.
- Restaurants and other eating establishments, including food take-

out and outdoor dining.

M. Recreational space for residential and mixed-use developments:

1. Areas defined.

a. Common recreational space. Recreational space for the exclusive use of residents of the development, and may include:

- Atriums.
- Barbecue and picnic areas.
- Community or multipurpose rooms.
- Courtyards.
- Gardens, including rooftop gardens.
- Indoor or outdoor exercise areas and rooms.
- Lawns.
- Playgrounds.
- Pool decks.
- Swimming pools and spas.
- Tennis, volleyball, and other ball courts.
- Terraces.
- Yards, interior side and rear, exclusive of vehicular

access.

b. Private recreational space. Recreational space attached to, and accessed from within an individual dwelling unit, and may include an atrium, balcony, patio, porch, or terrace .

c. Excluded from recreational space. Off-street parking and loading areas, driveways and other vehicular access areas, service areas, and perimeter landscaping with no more than two feet in width, shall not count as useable recreational space.

## 2 Minimum dimensions required for recreational space.

a. For all new residential and mixed use developments up to 60,000 square feet of total floor area, at least 10 percent of the project area shall be provided and maintained as recreational space, either for common or private use of the residents of the development. Landscaping required for the development may count towards this requirement as long as the landscaping is useable recreational space.

b. For all new residential and mixed-use developments with over 60,000 square feet of total floor area, a minimum of 100 square feet per dwelling unit shall be provided for private or common recreational space. Landscaping required for the development may count towards this requirement as long as the landscaping is useable recreational space.

3. Additional standards for common recreational space.

a. Accessibility. Common recreational space shall be located on the same property as the unit it serves, and shall be available exclusively for the use of all residents of the development.

b. Roof top common recreational space. Where a roof top is used for common recreational space, the roof top shall incorporate landscaping, decorative paving and materials, and recreational amenities listed in subsection M.1.a, above. Mechanical equipment storage areas on rooftops shall not be counted towards recreational space.

N. Other residential amenities. Any development that includes dwelling units shall provide adequate private or common laundry facilities reserved for the exclusive use of the residents residing in the development.

O. Modifications. With the exception of a height bonus granted through lot consolidation in Section 22.40.495, below, requests for modifications to the requirements listed in subsections D (Height), E (Ground floor retail in mixed-use developments), K (Pedestrian character) and/or M (Recreational space) of this Section shall require a conditional use permit. In addition to the findings required by Section 22.56.090, findings shall be made that any modifications to the proposed standards above would result in a better quality development that will meet the objectives of this Section, by, for example, providing:

1. Adequate light, air, and privacy to adjacent R-1 and R-2-zoned properties by preventing casting of a permanent shadow on adjacent residences;
2. Adequate common and private recreation space accessible to all residents of the development; and/or
3. A variety of architectural elements and landscaping to contribute to or improve an active pedestrian-oriented streetscape, and prevent casting a towering or monotonous effect on the streetscape.

**22.40.490 Performance Standards.**

All developments in the MXD Zone shall comply with the following performance standards:

- A. Hours of operation. The hours of operation for commercial uses shall be no earlier than 6:00 a.m. and no later than 11:00 p.m. daily, unless modified by a conditional use permit.

B. Loading. Loading, unloading, and all maintenance activities shall be conducted within the hours of operation noted in subsection A above, and in such fashion to prevent annoyance to adjacent residents and tenants.

C. Noise. Noise generated by activities on the premises shall be controlled in such a manner so as not to create a nuisance or hazard on any adjacent property.

D. Operating activities prohibited. The following operating activities shall be prohibited in commercial uses within mixed-use developments:

1. Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use; and

2. Welding, machining, or open flame work.

E. Graffiti. To encourage the maintenance of exterior walls free from graffiti that would impact pedestrian views, the following shall apply to all properties:

1. All structures, walls, and fences open to public view shall remain free of graffiti; and

2. In the event of such graffiti occurring, the property owner, tenant, or their agent shall remove or cover said graffiti within 72 hours, weather permitting. Paint utilized in covering such graffiti shall be a color that matches, as closely as possible, the color of the adjacent surfaces.

**22.40.495 Lot Consolidation.**

To encourage consolidation of two or more small lots to make it economically viable to build a mixed use development, the applicant may be granted an incentive bonus on FAR and height per the following table:

Total Lot Size After Consolidation	FAR Bonus	Height Bonus*
0.5 acre to 1.0 acres	0.10	-
1.0 acres to 2 acres	0.25	5 feet
2 acres or more	0.50	10 feet

\* The height bonus shall comply with the stepback requirement for lots abutting Zones R-1 or R-2 per subsection D of Section 22.40.485 unless modified per subsection O of Section 22.40.485.

**SECTION 23.** Part 11 of Chapter 22.40 (MXD Mixed Use Development Zone) is hereby deleted in its entirety.

~~Part 11 – MXD MIXED USE DEVELOPMENT ZONE~~

~~22.40.510 Established Purpose.~~

~~A. Zone MXD is established to provide for planned mixed use developments which may contain residential, commercial, industrial and other such uses. By allowing greater flexibility in design and encouraging innovative and creative planning, Zone MXD provides the opportunity to combine various land uses in well-planned developments which may contain multi-use buildings or several single purpose buildings each containing a different use. It is the intent of the mixed use development zone to:~~

- ~~1. Integrate a variety of housing densities with commercial, industrial or other uses, thus reducing transportation costs, energy consumption and air pollution,~~