

SECTION 1. Part 10 of Chapter 22.40 (A-C Arts and Crafts Zone) is hereby deleted in its entirety.

SECTION 2. Part 11 of Chapter 22.40 (MXD Mixed Use Development Zone) is hereby deleted in its entirety.

SECTION 3. 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 for All Developments.
- 22.40.495 Lot Consolidation.

22.40.450 Established – Purpose. The Mixed Use Zone (MXD) provides 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. Property 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 ceramic manufacturing incidental to retail sales from the premises, provided the total volume of kiln space does not exceed eight cubic feet.
 - Clothing stores.
 - Confectionaries 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 at Section 22.28.170.F.
- 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.

- Barber shops, provided that such shops comply with American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 62-2001 Indoor Air Quality Standards.
- Beauty shops, provided that such shops comply with American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 62-2001 Indoor Air Quality Standards.
- Bicycle rentals.
- Comfort stations.
- Community gardens.
- Dental clinics, including accessory laboratories.
- Dry cleaning drop-off and pick-up services, provided that all processing are 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 accessory facilities, which offer instruction required to be taught in the public schools by the State Education Code.
 - 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 Chapter 22.56, Part 12, 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.
- Grading projects, off-site transport with less than 100,000 cubic yards subject to the standards and limitations specified in Sections 22.56.1710, 22.56.1752 and 22.56.1753.
- Family day care homes, large.
- Farmers’ markets, as provided in Part 25 of Chapter 22.52.

- 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, as provided in Part 10 of Chapter 22.52 for Zone C-3.

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 in conformity with the conditions of such permit for the following uses:

- 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 or the 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 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 Section 22.28.070.G have not 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, as provided in Part 10 of Chapter 22.52 for 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, limited to within a commercial-only development:
- 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 accessory 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 to the maintenance of the public health, convenience or general welfare in addition to those specifically listed in this Section.
- Theaters and other auditoriums.
- Youth hostels.

B. Specified permit. The following uses, provided the specified permit has first been obtained and while such permit is in full force and effect in conformity with the conditions of such permit for:

- Qualified projects, as provided in Part 17 of Chapter 22.52.
- Temporary uses, as provided in Part 14 of Chapter 22.56.

22.40.480 Project Review and Evaluation.

A. An application for new construction or expansion may be referred to the Department of Public Works for review. In addition to the requirements of Section 22.48.250, the application may be required to include, at the discretion of the Director 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 Public Works so 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 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 Public Works, may require that the application successfully demonstrate on a site plan that adequate

sightlines are maintained from the vehicular access points of the 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 shall be subject to the following development standards:

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

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 Zone R-1 or R-2 shall have a minimum depth of 20 feet. If the side or rear lot line is separated from either zone by a highway, street or an alley of at least 20 feet in width, the side or rear yard depth need not apply.

D. Height. A building shall have a maximum height of 65 feet above grade, excluding chimneys, rooftop antennas, and rooftop recreational spaces, however the portion of the building facing Zone R-1 or R-2 and sharing a common side or rear lot line with either zone shall have a setback with a height of no greater than 45 feet at the building wall facing that common lot line, and be recessed back one foot for every foot increase in 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.

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:

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

G. Parking.

1. Parking facilities, including bicycle parking and 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. Guest parking for residential uses shall be exempt from the reduction. 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:

a. Be located in the rear of the structure(s), 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. Be completely screened with walls and/or landscaping so that they 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 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.

4. Loading.

a. Loading shall comply with Section 22.52.1084. However, the requirements may be modified or waived for non-residential projects of less than 20,000 square feet in floor area with a discretionary director's review.

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

H. Landscaping. A minimum of five percent of the lot shall be landscaped with 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. If the building's frontage faces a major or second highway, no more than 25 percent of landscaping shall screen from public view the façade or windows on the ground floor of the building's frontage facing that highway.

This requirement shall comply with Subsection K.1, below.

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 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.

2. 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 shall be prohibited.

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

3. Building security grilles may be placed within the interior of the building, and shall be concealed so that it is not visible from the exterior of a 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 required right-of-way width shall be composed of entrances and display windows or other displays.

2. Glass. All glass utilized on the first two stories shall be either clear or lightly tinted in order 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 required right-of-way width, or face an interior courtyard that leads out to such 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 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.

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 for 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 spaces for residential and mixed use developments:

1. Areas defined.

a. Common recreational space. Such space is for the exclusive use of the residents in 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, and
- Terraces.
- Interior side and rear yards exclusive of vehicular access.

b. Private recreational space. Such space may include atriums, balconies, patios, porches or terraces attached to and accessed from within individual dwelling units.

c. Usable recreational space. Off-street parking and loading areas, driveways and other vehicular access, perimeter landscaping with a width up to two feet, planters, and service areas shall not be counted as usable recreational space.

2 Minimum dimensions.

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 lot shall be maintained as recreational space, either for common or private use of the residents of the development. This requirement may overlap with the landscaping requirement as long as the landscaping is part of usable recreational space.

b. For all new residential and mixed use developments over 60,000 square feet of total floor area: For every dwelling unit, a minimum of 100 square feet shall be used towards private and common recreational space. This requirement may overlap with the landscaping requirement as long as the landscaping is part of usable recreational space.

3. Additional standards for common recreational space.

a. Accessibility. Common recreational space shall be located on the same property as the units served, 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 to be used for common recreational space, the roof top shall incorporate recreational

amenities listed in Subsection M.1.a, above, landscaping and decorative paving materials. Mechanical equipment storage shall not be counted towards this space.

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

O. Modifications. With the exception for height bonus granted through lot consolidation in Section 22.40.495, below, requests for modifications to the requirements listed in Subsections D (Heights), 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, such as:

1. Adequate light, air and privacy to adjacent R-1 and R-2 properties, and that a permanent shadow on an adjacent residence would not be cast;
2. Adequate common and private recreation space to be accessible to all residents of the development; and
3. A variety of architectural elements and landscaping that would contribute to an active pedestrian-oriented streetscape, and not cast a towering or monotonous effect on the streetscape.

22.40.490 Performance Standards for All Developments. All developments 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 a fashion so as 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, in accordance with the Noise Ordinance in Title 12 (Environmental Protection) of the County Code.

D. Operating activities prohibited. The following operating activities shall be prohibited in commercial uses located 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 (square feet)	FAR Bonus	Height Bonus*
0.5 acre or more	0.10	-
1.0 acre or more	0.25	5 ft
2 acres or more	0.50	10 ft

* The height bonus shall comply with the daylight plane requirement for lots abutting Zone R-1 or R-2 per Section 22.40.485.D unless modified per Section 22.40.485.O.

SECTION 4. Part 8 of Chapter 22.44 (Transit Oriented Districts) is hereby deleted in its entirety.

SECTION 5. Section 22.52.2010 is hereby amended to read as follows:

22.52.2010 Permitted aAreas.

A. Subject to the limitations set forth in subsection B below, and the standards set forth in this chapter, joint live and work units shall be permitted in zZones C-H (Commercial Highway), C-1 (Restricted Business), C-2 (Neighborhood Business), C-3 (Unlimited Commercial), ~~and~~ C-M (Commercial Manufacturing), C-MJ (Major Commercial), and MXD (Mixed Use Development), provided that the applicant obtains one of the following:

1. A ministerial director's review and approval, as provided in Part 12 of Chapter 22.56, for joint live and work units in zZones C-H, C-1, C-2, ~~or~~ C-3, C-MJ or MXD; or

2. A minor conditional use permit as provided in Section 22.56.085 for joint live and work units in zZones C-M.

B. ...

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