

ARTICLE 4: STANDARDS FOR SPECIFIC LAND USES

CHAPTER 17.400: STANDARDS FOR SPECIFIC LAND USES

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CHAPTER 17.400: STANDARDS FOR SPECIFIC LAND USES

§ 17.400.005 PURPOSE.

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) in individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.010 APPLICABILITY.

Land uses and activities covered by this Chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Title.

A. Where Allowed. The uses that are subject to the standards in this Chapter shall be in compliance with the requirements of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).

B. Land Use Permit Requirements. The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards), except where a land use permit requirement is established by this Chapter for a specific use.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.015 ALCOHOLIC BEVERAGE SALES.

This Section provides location and operating standards for the establishment of alcoholic beverage sales facilities (for off-site or on-site consumption) in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).

A. Permit Requirement. Establishments offering the retail sale of alcoholic beverages are subject to all of the restrictions of the applicable zoning district, and shall only be allowed as identified in Table 4-1 (Permit Requirements for Alcoholic Beverage Sales), which may require an Administrative Use Permit (AUP) or a Conditional Use Permit (CUP) in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).

Table 4-1 Permit Requirements for Alcoholic Beverage Sales	
Zoning District(s): Type of Establishment	Permit Requirement
<u>CN Zoning District:</u>	
1. Alcoholic beverage sales incidental to a restaurant or retail use:	AUP
<u>CG, CD, CC, CRR, CRB, IL, IG, and S Zoning Districts:</u>	
1. Alcoholic beverage sales if established:	
a. Within 300 feet of residentially zoned property or an elementary/secondary school.	AUP
b. More than 300 feet from a residentially zoned property or an elementary/secondary school.	No use permit required
c. As an ancillary beverage tasting facility or artisanal alcohol production exceeding 20% gross floor area of the primary use but no greater than 30% gross floor area of the primary use.	AUP
2. Alcoholic beverage sales with the concurrent retailing of motor vehicle fuel.	CUP

B. Considerations for Approval of a Use Permit. In making the findings required for the approval of an Administrative Use Permit or Conditional Use Permit, the following issues shall also be considered.

1. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages.

2. Whether the proposed use will result in any adverse impact on any adjacent or nearby residential uses, religious facilities, schools, libraries, public parks and playgrounds, and other similar uses.

C. Vehicle Fueling Stations Selling Alcoholic Beverages. In addition to the other requirements of this section, vehicle fueling stations selling alcoholic beverages shall be subject to the following.

1. No advertisement of alcoholic beverages shall be displayed at motor vehicle fuel islands.

2. No illuminated advertising for alcoholic beverages shall be located on buildings, windows, doors, or freestanding signs.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2018-011 § 2 (part))

§ 17.400.020 ANIMAL BOARDING, PET DAY CARE, VETERINARY CLINICS AND ANIMAL HOSPITALS.

This Section provides operational standards for kennels, pet day care facilities, veterinary clinics and animal hospitals in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Operational Standards.

1. All operations must be conducted within a completely enclosed building.

2. Outdoor dog runs and training activities are permitted only within the IG or IL Zone, and when the facility is located at least 200 feet from a residentially zoned property.

3. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director.

4. The areas of the building where animals are boarded shall have a minimum of 10 air changes per hour.

5. Animal isolation areas shall have 100% fresh air, with all air exhausted and none returned to the ventilation system.

6. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas.

7. The areas used for animal boarding, isolation, and treatment shall be constructed of easily-cleaned materials.

8. All areas where animals are present shall be cleaned a minimum of twice daily in order to provide appropriate odor control and sanitation.

(Ord. No. 2005-007 § 1 (part))

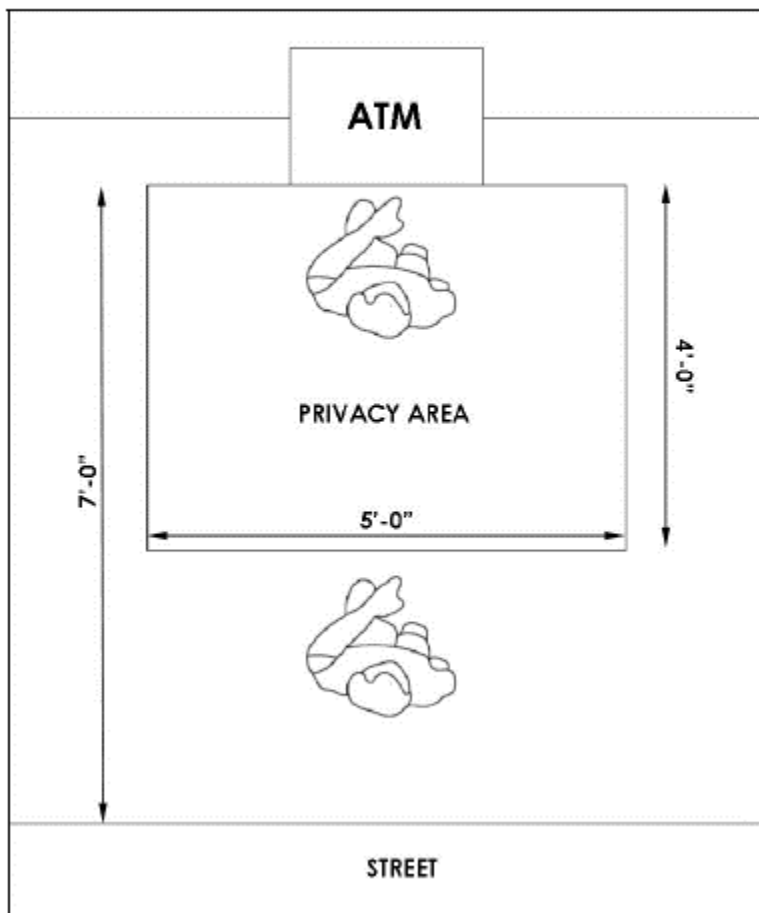
§ 17.400.025 AUTOMATIC TELLER MACHINES (ATMS).

This Section provides location, development, and operating standards for automatic teller machines (ATMs) in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).

A. Location Requirements. ATMs proposed on the exterior of structures shall be (see Figure 4-1):

1. Setback from an adjacent street curb or alley by a minimum of 7 feet.
2. A privacy area immediately in front of each ATM, measuring at least 5 feet wide by 4 feet deep, shall be provided. Methods for defining the privacy area shall be approved by the Director.
3. Located to not eliminate or substantially reduce any landscaped areas.
4. Located to not allow drive-through access from a vehicle.
5. Located to ensure the safety and security of patrons.

**Figure 4-1
ATM Location Requirements**



B. Design. All construction and modifications to the exterior of the structure pertaining to the installation of the ATMs shall be completed in a manner consistent with the architectural design of the structure, and in conformance with all applicable City architectural standards and guidelines.

C. Lighting. Each exterior ATM shall be provided with security lighting in compliance with § 17.300.040 (Outdoor Lighting) or State law, whichever is more restrictive.

D. Maintenance. Each ATM shall be provided with receptacles sufficient in size and number to accommodate trash and smoking materials generated by users of the ATM.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2022-008)

§ 17.400.030 CHECK-CASHING BUSINESSES.

This Section provides location and operating standards for check-cashing business in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Distance Separation. A minimum linear distance of 1,000 feet shall be required to separate all check-cashing businesses from another existing check-cashing or pawnshop business, parks, playground, primary and/or secondary schools, and single-family zoned property.

B. Plans Required. Development plans shall be submitted with the application for the required Conditional Use Permit, clearly illustrating the details of the proposed exterior (e.g., elevations, lighting, signs, and the like), interior (e.g., layout and design, lighting, window display, and the like), days and hours of operation, and customer queuing in order to ensure that the use shall be developed and operated in a manner that would be compatible with an attractive, stable, and thriving commercial district conducive to retail shopping.

C. Non-Profit Child Day Care Facilities in Industrial Zones. Applications for a Conditional Use Permit to permit a non-profit Child Day Care Facility in the industrial zone shall include the submittal of an economic study, in form and substance as determined by the Director. Said study shall analyze the fiscal impacts of the use and include a calculation of the economic and tax “opportunity cost” to the City.

After considering the economic study and the fiscal impacts to the City the appropriate review authority may impose reasonable conditions to mitigate the fiscal impacts as necessary, if it determines that such conditions will serve the public interest, health, safety, convenience or welfare of the City.

(Ord. No. 2005-007 §1 (part); Ord. No. 2020-002 §2 (part))

§ 17.400.035 [RESERVED].

§ 17.400.040 CONDOMINIUM CONVERSIONS.

A. Purpose and Applicability.

1. The purpose of the standards and requirements contained in this Section is to control and regulate the conversion of rental dwelling units to condominiums, for the purpose of assuring the orderly conversion of such units consistent with City policies regarding public health, safety, and welfare.

2. These provisions shall apply to proposals to convert existing developments of 5 or more rental dwelling units on any parcel to condominiums, which shall require the approval of a Site Plan Review by the Commission, subject to compliance with the Property Development Standards described herein.

3. Developments of less than 5 rental units shall be prohibited from converting to condominiums.

B. Application Requirements.

1. Applications for a Site Plan Review and a Tentative Map to allow a project to convert from rental to ownership units shall be accompanied by sufficient information to evaluate the project for compliance with the provisions of this Section.

2. Required information shall include the following.

a. Plans. A detailed site plan and floor plan, as required by the Division, that reflect existing conditions and proposed improvements to the building and/or site.

b. General conditions report. A report detailing the condition and estimating the remaining useful life of each element of the proposed condominium project including: built-in household appliances, mechanical systems, electrical systems, plumbing systems, sewer systems, foundations, framing, roofs, heating and cooling systems, interior and exterior wall coverings, utility connections, fire sprinkler systems, alarm systems, standpipe systems, structural elements, trash disposal facilities, parking facilities, recreational facilities, landscaped areas, and storage areas. This report shall be prepared by an independent, State-licensed structural engineer, architect, or general contractor.

c. Building history report. A report detailing the major uses of the development site since construction, and the date and description of all structural renovations, operating system upgrades, major repairs requiring a building permit, and construction of structures, fences, walls, landscaping, and the like.

d. Pest report. A pest information report addressing the present condition of the structure as it may be affected by dry rot, roaches, termites, or other insects, and recommending work required to render the structure free of infestation.

e. Acoustical report. An inter-unit acoustical report, prepared by a licensed and certified acoustical professional.

f. Site improvements report. A report that lists all proposed site improvements.

g. Tenant list. One typed mailing list and two sets of mailing labels (formatted for reproduction on City labels), with the names and addresses of all tenants of the project at the time of the application to the City. An updated list of tenant names and addresses shall be submitted every 6 months following submittal of the application, until such time as final action has been taken.

h. Tenant notification. The subdivider shall submit copies of all written notices required by the California State Subdivision Map Act and Subsection 17.400.040.E. (Tenants' Rights), with a complete list of all tenants notified.

i. Other information. Other information as may be required by the Director to provide a thorough evaluation of the proposed condominium project.

C. Inspections. The following inspections shall be made after the application has been deemed complete.

1. The Building Official or designee shall review the General Conditions Report, and inspect the property to verify its accuracy, to identify any health and safety hazards, and to identify any non-permitted construction on the site.

2. The Fire Marshal shall review the General Conditions Report, and inspect the property to determine the sufficiency of the current fire protection systems, and to identify any health and safety hazards.

D. Property Development Standards.

1. Minimum project size. A minimum of 5 units per development shall be required for the conversion of existing multiple-family dwelling units to condominiums.

2. Access ways and exiting. All life and fire safety issues, such as stairs, corridors, and doors, shall comply with Uniform Building Code regulations in effect at the time of conversion.

3. Adequate light and ventilation. Adequate light and ventilation shall meet Uniform Building Code regulations in effect at the time of conversion.

4. Emergency egress. Emergency egress shall meet Uniform Building Code regulations in effect at the time of conversion.

5. Fire suppression. Smoke detectors meeting current Uniform Building Code requirements at the time of conversion shall be installed in residential units and other enclosed common areas (e.g., hallways, recreation rooms, and utility rooms). Additional fire suppression equipment (e.g., alarm systems, fire extinguishers, and smoke detectors) shall also be provided as required by the Fire Department.

6. Minimum room dimensions. Minimum room dimensions, including minimum ceiling heights, floor area, and width, shall meet the Uniform Building Code regulations in effect at the time of conversion.

7. One-hour separation. A minimum one-hour separation shall be provided between dwelling units and accessory rooms, such as common storage rooms and laundry rooms.

8. Structural condition. Structures shall be in sound condition, pest- and vermin-free, and watertight, as determined by the General Conditions Report, and the inspection by the Building Official or designee.

9. Off-street parking. Off-street parking shall be provided consistent with zoning standards in effect at the time of conversion.

10. Separate utility metering. The consumption of gas and electricity shall be separately metered for each dwelling unit. A water shut-off valve shall be provided for each dwelling unit.

11. Sound attenuation. Common walls and ceilings of units shall be constructed or upgraded, using techniques to limit noise transmission, as specified by the Uniform Building Code for new construction or equivalent in effect at the time.

12. Public works. Missing or damaged off-site improvements, including the following, shall be repaired or replaced: curb and gutter, drive aprons, sidewalks, streetlights, and street trees.

13. Landscaping. All landscaping shall be in compliance with Chapter 17.310 (Landscaping).

14. Laundry facilities. Each dwelling unit shall be provided with its own laundry facilities, or alternate group facilities that are convenient to all dwelling units and approved by the City.

15. Minimum unit size. The minimum unit size shall be consistent with zoning standards in effect at the time of conversion.

16. Open space. Each dwelling unit shall be provided with accessible on-site open space consistent with zoning standards in effect at the time of conversion.

17. Shock mounting of mechanical equipment. All permanent mechanical equipment, including domestic appliances, shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner to lessen the transmission of vibration and noise.

18. Trash enclosures. Required trash enclosures shall be in compliance with City standards at the time of conversion.

19. Additional standards. Additional standards applicable to the site as determined through the Site Plan Review process.

E. Tenants' Rights.

1. The subdivider shall adhere to all applicable noticing requirements of the California State Subdivision Map Act.

2. The subdivider shall furnish tenants with a copy of this Section.

3. The subdivider shall not increase tenants' rents for a period of one year from providing to such tenants notification of intent to convert.

4. Upon notice of termination of tenancy, the subdivider shall provide a relocation allowance equal to 2 months current rent to all current, non-purchasing tenant households that received notification of intent to convert, subsequent to entering into a rental or lease agreement.

5. The subdivider shall grant an extension of tenancy at the time of termination, as necessary to permit each tenant of the proposed condominium project in attendance at a K-12 school within the City to complete the current school term.

F. Findings. The Commission may approve a Site Plan Review application for a condominium conversion if it finds that the proposed conversion project meets the following.

1. All the provisions and standards for conversion of a project to condominiums as set forth in this Section are met.

2. A Tentative Map has been approved, or is concurrently being approved, for the condominium conversion project.

3. The overall design and physical condition of the condominium conversion achieves a high standard of safety, quality, and appearance.

4. The subdivider has not engaged in coercive, retaliatory eviction or action regarding tenants, after the submittal of the first application for City review through the date of approval.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.045 DRIVE-IN AND DRIVE-THROUGH FACILITIES.

This Section provides standards for the location, development, and operation of drive-in and drive-through facilities in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.

A. Development Standards for Drive-In/Drive-Through Facilities.

1. Drive aisle length. The drive-through aisle shall provide a minimum of 140 feet of queuing length, of which at least 60 feet shall be provided before an on-site menu board.

The drive aisle shall be measured along the centerline, from the entry or beginning of a drive-aisle to the center of the farthest service window area.

2. Drive aisle width. Drive aisles shall have a minimum 10-foot interior radius at curves, and a minimum 12-foot width.

3. Drive aisle separation. Each drive aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to any off-street parking spaces.

4. Drive aisle entrance. Each entrance to a drive aisle and the direction of traffic flow shall be clearly designated by signs and/or pavement markings, as deemed necessary by the Director.

5. Walkways. To the extent possible, pedestrian walkways should not intersect the drive aisles. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings, as deemed necessary by the Director.

6. Screening. Each drive aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjoining land uses, public rights-of-way, and parking lots, as deemed necessary by the Director.

7. Decorative wall. A 6-foot-high, solid decorative masonry wall shall be constructed on each property line that adjoins a residential developed parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2022-008)

§ 17.400.046 EMERGENCY SHELTERS.

This Section provides location, development, and operating standards for emergency shelters in compliance with Article 2 (Zoning Districts Allowable Land Uses and Zone-Specific Development Standards):

A. Location and Permit Requirements. Emergency shelters located within the area identified in Map 4.05 shall be permitted after approval of a Zoning Clearance in compliance with Chapter 17.510 (Zoning Clearances). Emergency Shelters located in the CN (Commercial Neighborhood) CG (Commercial General) and CC (Commercial Community) zoning districts shall be permitted subject to approval of a Conditional Use Permit in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).

B. Lot Size. Emergency shelters located within the area identified in Map 4.05 shall be limited to lots that have a minimum lot area of 1/4 acre (10,890 square feet) and a maximum lot area of 3/4 acre (32,670 square feet).

C. Number of Beds. Emergency shelters located within the area identified in Map 4.05 shall have not less than 30 beds. Maximum number of beds for emergency shelters located

outside of the area identified in Map 4.05 shall be established as part of the Conditional Use Permit.

D. Length of Stay. Emergency shelters shall be available to residents for no more than 180 days in any 12 month period.

E. Hours of Operation. Emergency shelters shall establish and maintain set hours for the client intake/discharge, which shall be prominently posted on-site .

F. Proximity to Other Emergency Shelters. An emergency shelter shall not be located within 300 feet of another Emergency Shelter unless located within the area identified in Map 4.05, in which case no separation shall be required.

G. On-Site Waiting and Client Intake Area. All on-site waiting and client intake areas shall be located indoors and shall have a minimum area of 100 square feet.

H. Lighting. Adequate external lighting shall be provided for security purposes as determined by the Director. Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).

I. Laundry Facilities. On-site laundry facilities or services adequate for the number of residents shall be provided.

J. Personal Property. Secured areas for personal property shall be provided.

K. Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

1. Kitchen and outdoor dining areas.
2. Recreation room.
3. Counseling center.
4. Child care facilities.
5. Other support services as necessary.

L. Outdoor Activity. Outdoor activities may only be conducted between the hours of 8:00 a.m. and 10:00 p.m.

M. Refuse. A refuse storage area completely enclosed with a masonry wall not less than 5 feet high with a solid gated opening, and large enough to accommodate standard sized commercial trash bins shall be provided.

N. Emergency Shelter Provider. All Emergency shelters shall comply with the following requirements:

1. Shelters shall provide services to one or more population groups and shall provide segregated sleeping areas for each separate population group, unless individual units are provided.

2. At- least one facility manager shall be on-site at all hours the facility is open. Additional staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas as appropriate.




3. Services shall be provided to assist residents in obtaining permanent shelter.

4. The provider shall submit to the Current Planning Division for review and approval as part of the zoning clearance or conditional use permit process a written operational plan including, as applicable, provisions for staff training neighborhood outreach security , screening of residents to insure compatibility with services provided noise and loitering control and for training, counseling and treatment programs for residents.

(Ord. No. 2013-008 § 1 (part); Ord. No. 2022-002 § 2 (part))



EMERGENCY SHELTER MAP
MAP 4.05

-  Allowable Emergency Shelter Locations
-  City Boundary Line
-  Commercial Zero Setback Overlay

§ 17.400.050 FIREARMS SALES.

This Section provides location and operating standards for firearms sales in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Distance Separation. A minimum linear distance of 1,000 feet shall be required to separate all establishments that offer firearms for sale from all other establishments that offer firearms for sale, and from parks, playgrounds, and primary and/or secondary schools.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.055 HOME OCCUPATIONS.

This Section provides standards for home occupations in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards). It is the intent of the City to allow a home occupation within a dwelling unit, provided the home occupation is deemed incidental to, and compatible with, surrounding residential uses:

A. Allowed Home Occupations. The following are deemed appropriate business activities when conducted by the occupants of a dwelling in a manner accessory to, and compatible with, the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities.

1. One-on-one art, music and similar fine-art related lessons, and academic tutoring, which do not generate more than 6 additional vehicle trips (i.e. 3 car visits) to the dwelling each day.
2. Office-type uses, including an office for an accountant, architect, attorney, consultant, insurance agent, licensed therapist, musician, planner, technical advisor, or writer, which do not generate more than 6 additional vehicle trips (i.e. 3 car visits) to the dwelling each day.
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment, which do not generate more than 6 additional vehicle trips (i.e. 3 car visits) to the dwelling each day.
4. Art and craft work (ceramics, painting, photography, sculpture, and the like).
5. Sewing (e.g., dressmaking, millinery) and small handcrafts.
6. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited Home Occupations. The following list presents examples of commercial uses that are not incidental to or compatible with residential activities, are suitable only in non-residential zoning districts, and are therefore prohibited:

1. Adult business activities or businesses.
2. Businesses that involve the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises.

3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation).

4. Dance club or night club.

5. Fortune telling (psychic).

6. Hair, nail, facial, and similar personal care.

7. Manufacturing and/or assembly.

8. Massage therapy.

9. Medical and dental offices, clinics, and laboratories.

10. Personal self-storage (mini-storage).

11. Plant nursery.

12. Retail sales (e.g., stock on hand and customers coming to the home are not allowed).

13. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, and the like) and painting. (This does not prohibit mobile minor repair or detailing at the customer's location).

14. Welding and machining.

15. Other uses determined by the Director not to be incidental to, or compatible with, residential activities.

C. Operating Standards. Home occupations are an accessory use to the primary residential use of the site, and shall comply with all of the following operating standards.

1. Accessory use. The home occupation shall be clearly secondary to the full-time use of the property as a residence, and shall not alter the appearance of the dwelling.

2. Limitations on clients. No customer or client visits to the site of a home occupation shall be permitted, except for the activities identified in Subsection 17.400.055.A.1. and Subsection 17.400.055.A.2. A physically or mentally impaired individual who is prevented, by the nature of the impairment, from independent travel, may invite clientele, customers, or patrons to the premises to conduct business that do not exceed more than 6 additional vehicle trips (i.e. 3 car visits) to the dwelling each day.

3. Visibility. The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity or storage of materials be visible from the adjoining public right-of-way, or from neighboring residential properties.

4. Display, sales or storage. Outdoor display, indoor or outdoor sales, or outdoor storage of materials shall not be allowed on the premises.

5. Advertising. Advertising signs on or off the site shall not be allowed.

6. Parking. The use shall not significantly impact the on-street parking in the neighborhood.

7. Safety, occupancy classification. Activities conducted and equipment or material uses shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials.

8. Off-site effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances, nor any other negative effect that may be felt, heard, or otherwise sensed on adjoining parcels, as determined by the Director.

9. Employees. A home occupation shall have no employees working on the site of the home occupation other than full-time residents of the dwelling.

10. Deliveries. The frequency of deliveries shall not exceed that normally and reasonably occurring for a residence, nor shall the types of vehicles.

11. Motor vehicles. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and one commercially-licensed automobile, pickup truck, or van.

12. Equipment. The use of power equipment not normally associated with a residence shall not be allowed as part of a home occupation, nor shall any other mechanical equipment.

13. Utility services modifications. The home occupation use shall not have utility service modifications, other than those required for normal residential use, that would be classed as commercial or industrial in load or design.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.060 LIVE/WORK DEVELOPMENT STANDARDS.

A. Purpose. This Section provides location, development, and performance standards for live/work developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

B. Applicability.

1. The provisions in this Section shall regulate the conversion and new construction of live/work uses, where allowed by the applicable zoning districts.

2. Except as specifically provided in this Section, live/work projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

3. When live/work units are constructed as part of a mixed use development, the Mixed Use Development Standards shall supersede the regulations detailed in this Section.

4. Where an Owner-Participation Agreement, Disposition and Development Agreement, or Development Agreement with the City and/or Redevelopment Agency applies to a land parcel, and the provisions of such agreement differ from the Live/Work Development Standards, the provisions of the agreement shall prevail.

C. Use Regulations.

1. Permitted uses/occupations. The following uses/occupations are permitted in live/work units:

- a. Accountant;
- b. Architect;
- c. Artist and artisan;
- d. Attorney;
- e. Computer software- and multimedia-related professional;
- f. Engineer;
- g. Fashion, graphic, interior and other designer;
- h. Insurance, real estate and travel agent;
- i. Photographer;
- j. Psychologist/psychiatrist;

k. Other similar uses/occupations, as determined by the Director, may be permitted, provided that the allowed uses/occupations are permitted by the underlying zone.

2. Occupancy and Employees.

a. At least one of the full-time employees of the live work unit must be a full-time resident of the live/work unit and shall possess a valid Business Tax Certificate.

b. Only one residential area per unit shall be allowed.

c. The residential area shall not be rented separately from the working space.

d. No more than one employee, other than the resident(s) of the unit, shall be permitted on site at any given time in units that are less than or equal to 1,499 square feet.

e. No more than 2 employees, other than the resident(s) of the unit, shall be permitted on site at any given time in units that are greater than or equal to 1,500 square feet.

3. Business activity. None of the uses permitted shall be operated in an objectionable manner, due to fumes, odor, dust, smoke, gas, noise or vibrations that are or may be detrimental to properties and occupants in the neighborhood, and/or to any other uses and occupants on the same property.

4. Special and/or temporary events. Special and/or temporary events in live/work units shall be required to follow the permit process for special and/or temporary events contained in Chapter 17.520 (Temporary Use and Special Event Permits).

5. Covenant. A City-approved covenant shall be executed by the owner of each live/work unit, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a live/work unit and must operate a business from said unit. The covenant shall also set forth the required use conditions as described in this Section.

a. The residential component shall be contiguous with, and integral to, the working space, with direct access between the two areas, and not as a separate stand-alone dwelling unit.

b. Only one residential component per unit shall be allowed. The residential component space and the business component space shall only be used as one contiguous habitable space and, if rented, shall only be rented together as one tenant space.

c. Any lease between the owner and a tenant, or between a tenant and a subtenant, shall refer to the fact that the unit is subject to the above-referenced covenant.

d. A resident in any live/work unit shall operate a business from the unit, and shall possess a Culver City Business Tax Certificate in good standing for business activities conducted within the unit.

D. Development Standards.

1. Unit size and dimension. The minimum square footage of a live/work unit shall be 700 square feet.

2. Floor plans. A live/work unit may include a single level floor plan or a multiple-level floor plan. See Figures 4-2 and 4-3 on the next page.

Figure 4-2
Typical Live/Work Layout 1

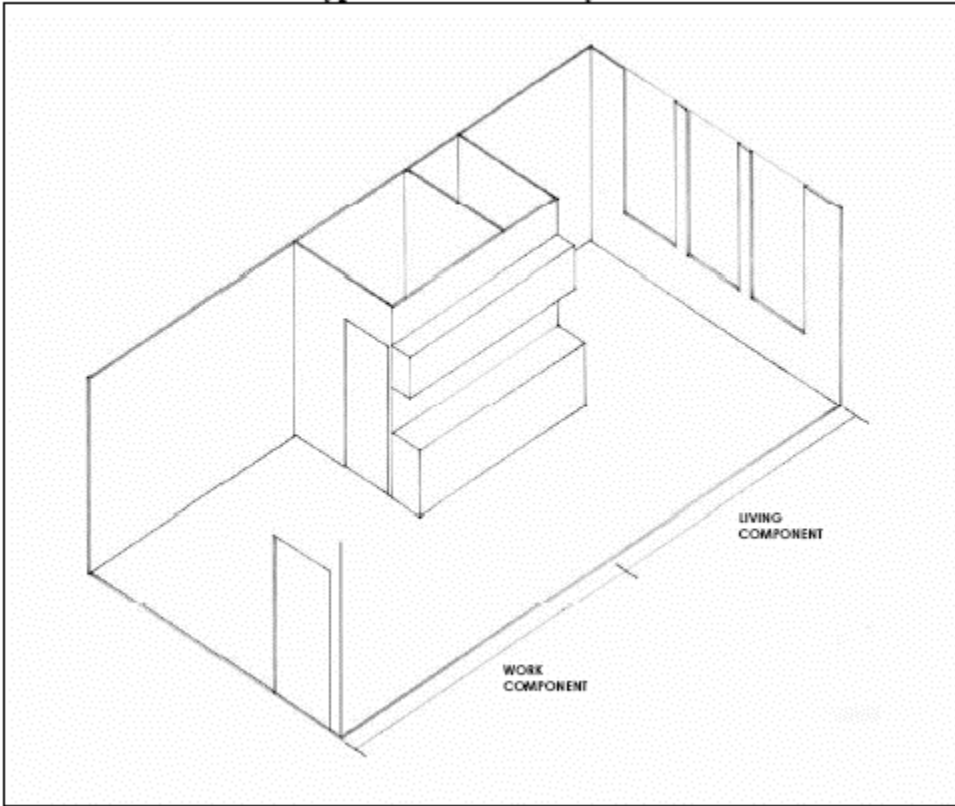
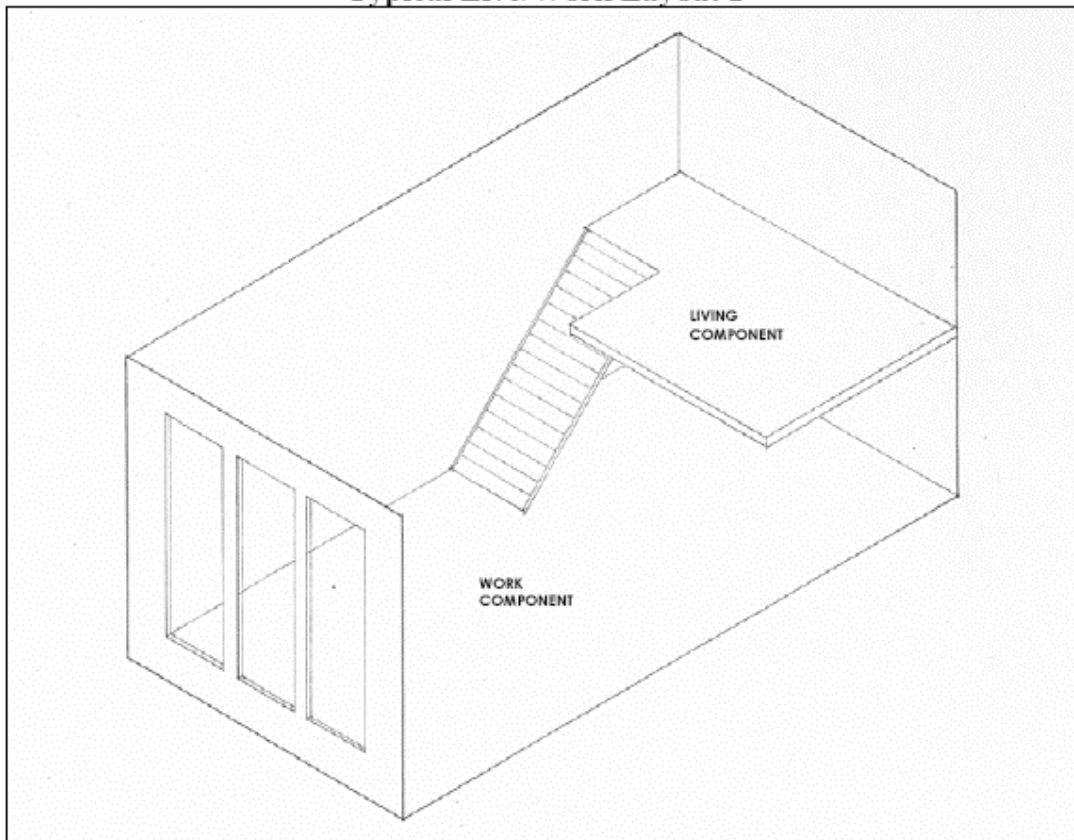


Figure 4-3
Typical Live/Work Layout 2



3. Building setbacks. Same as those required by the underlying zone.
4. Building heights. Same as those required by the underlying zone.
5. Parking standards. Live/work developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading).
6. Density. The density of a live/work project shall not exceed 35 units per acre or 1 unit per 1,245 square feet of lot area (43,560 square feet divided by 35 units equals 1,245 square feet).
7. Open space.
 - a. Each unit shall have a minimum of 50 square feet of common and/or private open space.
 - b. Common open space areas shall have a minimum dimension of 15 feet, which may include a combination of open space and adjacent setback area.
 - c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.

d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

8. Signage. Signage for live/work units shall be limited to the following.

a. Window signs.

1) One window sign with a maximum dimension of 1 foot by 2 feet shall be permitted.

2) No sign permit shall be required for the one permitted window sign.

3) A glass door sign shall be considered a window sign.

4) Window signs shall be limited to individual letters and logos placed on the surface of the window or glass door.

5) No window sign on the outside of the window shall extend onto or over the perimeter window frames, mullions or building facade divisions of the window on which it is displayed.

b. Projecting/hanging signs.

1) One projecting/hanging sign with a maximum dimension of 1 foot by 2 feet shall be permitted.

2) A sign permit shall be required for the one permitted projecting/hanging sign.

3) Projecting/hanging signs shall be displayed perpendicular to the wall to which it is affixed.

4) The maximum distance between the wall and the outer edge of the sign shall be 3 feet, or if a paved sidewalk is below, 50% of the width of the sidewalk, whichever is less.

5) The minimum vertical clearance from the bottom of the sign to grade or to the sidewalk below, if applicable, shall be 8 feet, unless a greater clearance is required by the Building Official.

6) The maximum height of the sign shall be 15 feet above grade or from the sidewalk below, if applicable.

F. Performance Standards.

1. Light and ventilation. Adequate light and ventilation shall be provided for, and meet the California Building Code regulations in effect at the time of conversion or construction, as determined by the Building Official.

2. Sound transmission. Common walls and ceilings of live/work units shall be constructed or upgraded, using techniques to limit sound transmission as specified for

residential uses by the California Building Code for new construction or equivalent in effect at the time of conversion or construction, as determined by the Building Official.

3. Minimum facilities. Each live/work unit shall have adequate kitchen facilities (sink, stove, and refrigerator hook-ups) and bathroom facilities (shower or bathtub, sink, and toilet).

4. Fire suppression and fire ratings for occupancy separations.

a. Permanently wired smoke detectors shall be installed, as required per the California Building Code or equivalent in effect at the time of conversion or construction.

b. Additional fire suppression equipment (e.g., alarm systems, sprinklers, extinguishers) shall also be provided, as required by the Building Official and the Culver City Fire Department.

c. There shall be a 2-hour occupancy separation between units.

5. Hazardous materials.

a. Flammable liquids, welding, open flame work or similar hazardous operations shall not be permitted in live/work units without specific written approval by the Culver City Fire Department.

b. Storage of hazardous materials necessary for work activities in live/work spaces may be stored in control areas per the California Building and Fire Codes or equivalent in effect at the time of conversion or construction, as determined by the Building Official and the Culver City Fire Department.

c. Exterior signage announcing said materials shall be installed and maintained per the California Building and Fire Codes or equivalent in effect at the time of conversion or construction, as determined by the Building Official and the Culver City Fire Department.

d. The control areas shall be approved as to construction and location by the Culver City Fire Department.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2005-008 § 2 (part))

§ 17.400.065 MIXED USE DEVELOPMENT STANDARDS.

A. Purpose. This Section provides location, development, and performance standards for mixed use developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

B. Applicability.

1. The provisions in this Section shall regulate the conversion of existing buildings to include mixed uses, as defined herein, and new construction of mixed use projects, where allowed by the applicable zoning districts.

2. The Mixed Use Development Standards supersede the Commercial Zero Setback Overlay (CZ), where applicable.

3. The Mixed Use Development Standards do not supersede the provisions of the Commercial Downtown District (CD).

4. Except as specifically provided in this Section, mixed use projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

5. Where an Owner-Participation Agreement, Disposition and Development Agreement, Development Agreement, or similar agreement with the City or Redevelopment Agency applies to a land parcel, and the provisions of such agreement differ from the Mixed Use Development Standards, the provisions of the agreement shall prevail.

C. Definitions.

Architectural Feature. Soffit, column, wing wall, canopy, roof eave, balcony, bell tower, spires, clock tower, cupolas, turrets and any other similar element that does not create an interior floor space.

Arterial Street. As used in this Section, arterial streets include primary and secondary arterial streets. Primary arterial streets are major cross-town thoroughfares. Secondary arterial streets connect primary arterial streets to smaller streets and residential neighborhoods. Primary and secondary arterial streets are defined in the General Plan Circulation Element.

Blank Wall. Any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors, and glass with less than 80% transparency, are considered blank wall areas.

Community Benefit. The provision of the Community Benefit Affordable Units in conformance with Subsection 17.400.065(a). Community Benefit Incentives.

Community Benefit Affordable Units. The affordable dwelling units that are required under this Section 17.400.065 that, when added to the affordable dwelling units required under State Density Bonus Law, achieve an affordability of 15% of the total number of dwelling units in the project.

Ornamental Feature. A statue, fountain, sculpture or any other similar freestanding decorative element that does not provide shelter, is not a sign, and which serves an aesthetic purpose.

Split Jurisdiction Lot. As used in this Section, shall mean a lot or parcel where the City of Culver City and City of Los Angeles boundary bisects the parcel or lot boundaries.

State Density Bonus Law. Chapter 4.3 of Division 1 of Title 7 of the California Government Code.

D. Use Regulations.

1. Uses permitted. All uses permitted in the underlying zone are permitted in mixed use developments.

2. Residential uses. Residential uses other than live/work units are prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets.

3. Commercial uses. Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall commercial floor area shall be a minimum of 10% of the projects total gross floor area.

4. Other Non-residential uses. Other non-residential uses may be substituted for commercial uses, if authorized by resolution of the City Council; provided, it can be demonstrated that such non-residential use will increase pedestrian activity on the adjacent streets. All non-residential tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall non-residential floor area shall be a minimum of 10% of the project's total gross floor area.

5. Covenant. A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development for recording in the land records of Los Angeles County, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a mixed use development, and that commercial activities are permitted pursuant to the regulations of the CCMC. If the project includes rental residential units, the project owner shall execute such covenant and a copy of the recorded covenant shall be provided to each new occupant of the rental units.

6. Feasibility study. At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed use development may be required.

7. Mixed Use Development in Open Space Districts. Notwithstanding any other provision of this Title, mixed use projects may be permitted in an Open Space (OS) District, at the discretion of the City Council when approved by City Council resolution based on the following findings:

a. Any displaced park space must be replaced with an equivalent amount of park space on the project site;

b. The project is public serving;

c. The project is consistent with the Purpose described in §§ 17.250.030.A.1 through A.5 of this Title; and

d. The use complies with § 17.250.030 (Open Space District Requirements) of this Title.

E. General Development Standards.

1. Minimum lot size and dimensions.

a. All lots less than 10,000 square feet shall have a minimum width of 50 feet, with alley access or access from a non-primary arterial street.

b. Lots 10,000 square feet or larger shall have a minimum width of 100 feet.

c. Mixed use projects located on parcels that are less than 5,000 square feet shall not be permitted, unless combined with one or more abutting lots to create a total site development area that is at least 5,000 square feet, subject to the above access requirements.

d. Rehabilitation of commercial property for mixed use development shall be permitted on parcels of 5,000 square feet or more, provided such rehabilitation is consistent with § 17.610.020 - Nonconforming Structures.

2. Building height. The height of structures shall not exceed the standard established in Table 4-2 (Building Setbacks and Height) and Figure 4-4 (Building Height and Setbacks Illustration), unless a modification is granted pursuant to Subsection 17.300.025.C. (Exceptions to Height Limits).

3. Residential Density. Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area), except as defined below.

a. Community Benefit. If a project incorporates community benefits, residential density may be increased pursuant to Subsection K. Community Benefit Incentives, as follows:

i. Up to 50 dwelling units per acre (1 unit per 871 square feet of lot area); or

ii. Up to 65 dwelling units per acre (1 unit per 670 square feet of lot area) on lots identified for Transit Oriented Development as depicted in Map 4-1 or located within ½ mile of a "major transit stop" or within a "transit priority area" as defined under Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations; or

iii. A density as allowed by an Abutting Jurisdiction up to 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot.

b. Studio Micro-Unit Community Benefit Density. If a project includes 5 or more residential units and includes studio micro-units at 350 sq. ft. each, subject to the limitation of Subsection G.2 and provides the Community Benefit Affordable Units in conformance with Subsection L., Community Benefit Incentive, then the Community Benefit Density described in Subsection E.3.a. may be increased by up to 14% based on the following sliding scale:

<i>Percentage of Micro-Units in Project</i>	<i>Percentage Density Bonus Awarded</i>
10	6.5
11	7
12	7.5

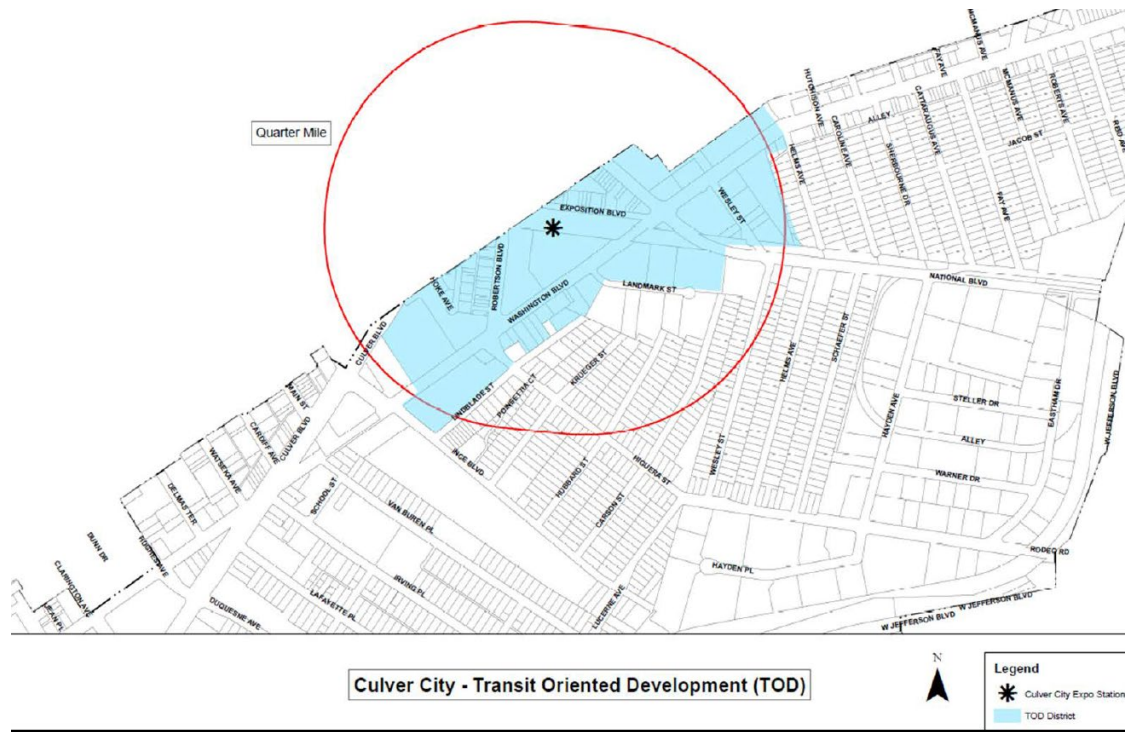
13	8
14	8.5
15	9
16	9.5
17	10
18	10.5
19	11
20	11.5
21	12
22	12.5
23	13
24	13.5
25	14

c. Community Benefit Density and State Density Bonus. If the project qualifies for a Community Benefit Density or a Studio Micro-Unit Community Benefit Density under Subsection E.3.a. or E.3.b., and will also receive a density bonus by virtue of the City's implementation of State Density Bonus Law (Chapter 17.580: Density Bonuses and Other Bonus Incentives), then the maximum permitted residential density for the sole purpose of this § 17.400.065 will be determined by applying the State Density Bonus Law's percentage density increase for the project, as determined by the City under Chapter 17.580: Density Bonuses and Other Bonus Incentives, to the Community Benefit Density or the Studio Micro-Unit Community Benefit Density, as applicable, rather than to the base density of 35 dwelling units per acre. Neither the use of the Community Benefit Density or the Studio Micro-Unit Community Benefit Density as the base density for such limited purpose nor the increase in total affordability resulting from the Community Benefit Affordable Units required by the City under Subsection L. will be deemed to entitle the project to receive any additional or modified incentive or concession or waiver or reduction of development standards under State Density Bonus Law other than those that the project would have been entitled to receive under Chapter 17.580: Density Bonuses and Other Bonus Incentives using the base density of 35 dwelling units per acre. However, the City may, in its sole discretion, grant such additional incentives, concessions, and waivers and reductions in development standards.

4. Building setbacks. Building setbacks are provided in Table 4-2 (Building Height and Setbacks) and Figure 4-4 (Building Height and Setbacks Illustration) and/or other setbacks may be required at the ground level by resolution of the City Council in order to address mobility measures.

Map 4-1

Click [Map 4-1](#) to view PDF



**Table 4-2
Building Height and Setbacks**

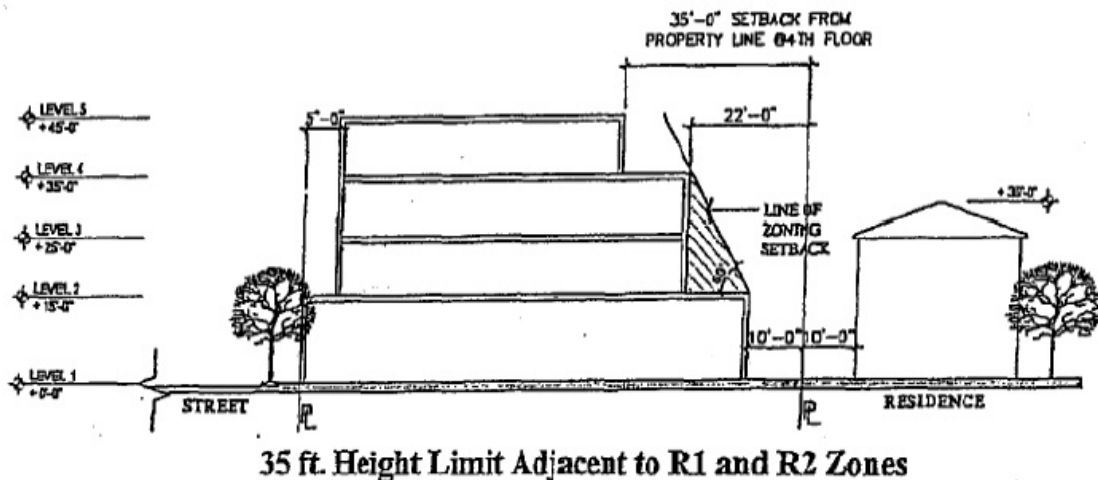
HEIGHT			
Adjacent (1) to R1 or R2 Zone	Adjacent (1) to R3, RLD, RMD or RHD Zone	Adjacent (1) to Non-residential Zone	Split Jurisdiction Lot
CN, CD and CG Zone	CN Zone	CN Zone	CN Zone
• 35 feet	• 45 feet	• 45 feet	• 45 feet
• 45 feet for portion of building 35 feet or more from R1 or R2 Zone			
	CD or CG Zone	CD or CG Zone	CD or CG Zone
	• 45 feet on lots less than 150 feet in depth	• 56 feet	• 56 feet
	• 56 feet on lots 150 feet or more in depth		
SETBACKS (2)			

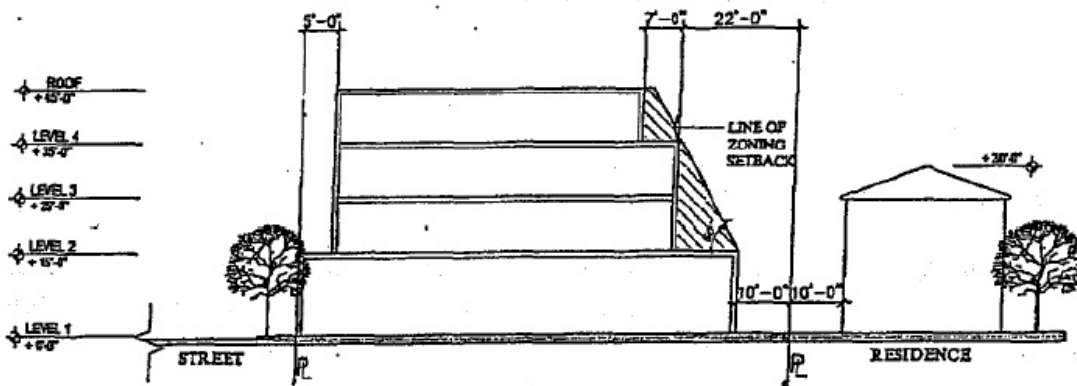
Building Height	Front	Side and Rear Adjacent (1) to Residential Zone (5)	Side and Rear Adjacent (1) to Non-residential Zone
Underground	None Required		
Portion of Building 15'-0" or less	A ground level pedestrian setback of 15' is required, except that such setback may vary from zero to 15 feet when pedestrian improvements are included in the setback area as approved by the Director (3)	A 10-foot setback is required (4)(6)	No setback is required (6)
Portion of Building greater than 15'-0"	A 5 foot setback is required	A 60-degree, clear-zone angle must be maintained, measured from 15 feet above the existing grade, and 10 feet from the side and rear property lines. See Figure 4-5 (Section of Rear Setback).	No setback is required (6)
Portion of Building greater than 35'-0" on a parcel adjacent (1) to R1 or R2 Zone	N/A	A 35-foot setback is required	N/A
Portion of Building greater than 45'-0" on a parcel adjacent (1) to R3, RLD, RMD or RHD	N/A	A 50-foot setback is required	N/A
(1) Two parcels are considered to be adjacent even if they are separated by an alley.			
(2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways, and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan, or building configuration and operations.			
(3) Pedestrian improvements include landscaping benches, outdoor dining, planters, additional bike racks, additional street trees, small plazas, mobility related improvements, or other similar features.			
(4) Adequate screening and landscaping shall be provided.			
(5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.			
(6) If abutting an alley, a minimum 2-foot setback is required, except within the TOD area.			

Notes:

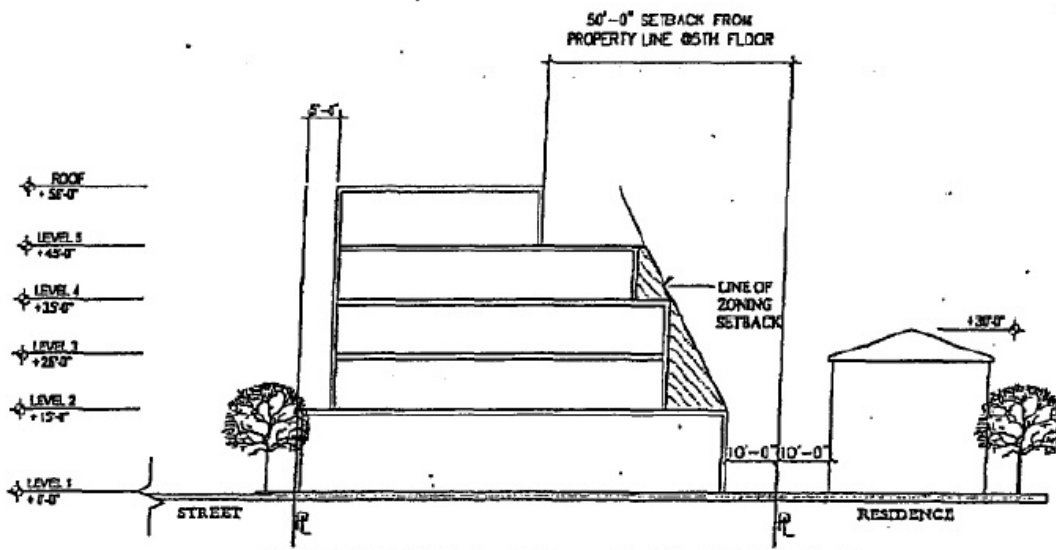
- (1) Two parcels are considered to be adjacent even if they are separated by an alley.
- (2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways, and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan, or building configuration and operations.
- (3) Pedestrian improvements include landscaping benches, outdoor dining, planters, additional bike racks, additional street trees, small plazas, mobility related improvements, or other similar features.
- (4) Adequate screening and landscaping shall be provided.
- (5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.
- (6) If abutting an alley, a minimum 2-foot setback is required, except within the TOD area.

Figure 4-4
Building Height and Setbacks Illustration





**45 ft. Height Limit Adjacent to Multi-Family Zone
Lot Depth Less Than 150 ft.**



**56 ft. Height Limit Adjacent to Multi-Family Zone.
Lot Depth 150 ft. Or Greater**

Figure 4-5
Section of Rear Setback



Figure 4-7
Section of Street Wall

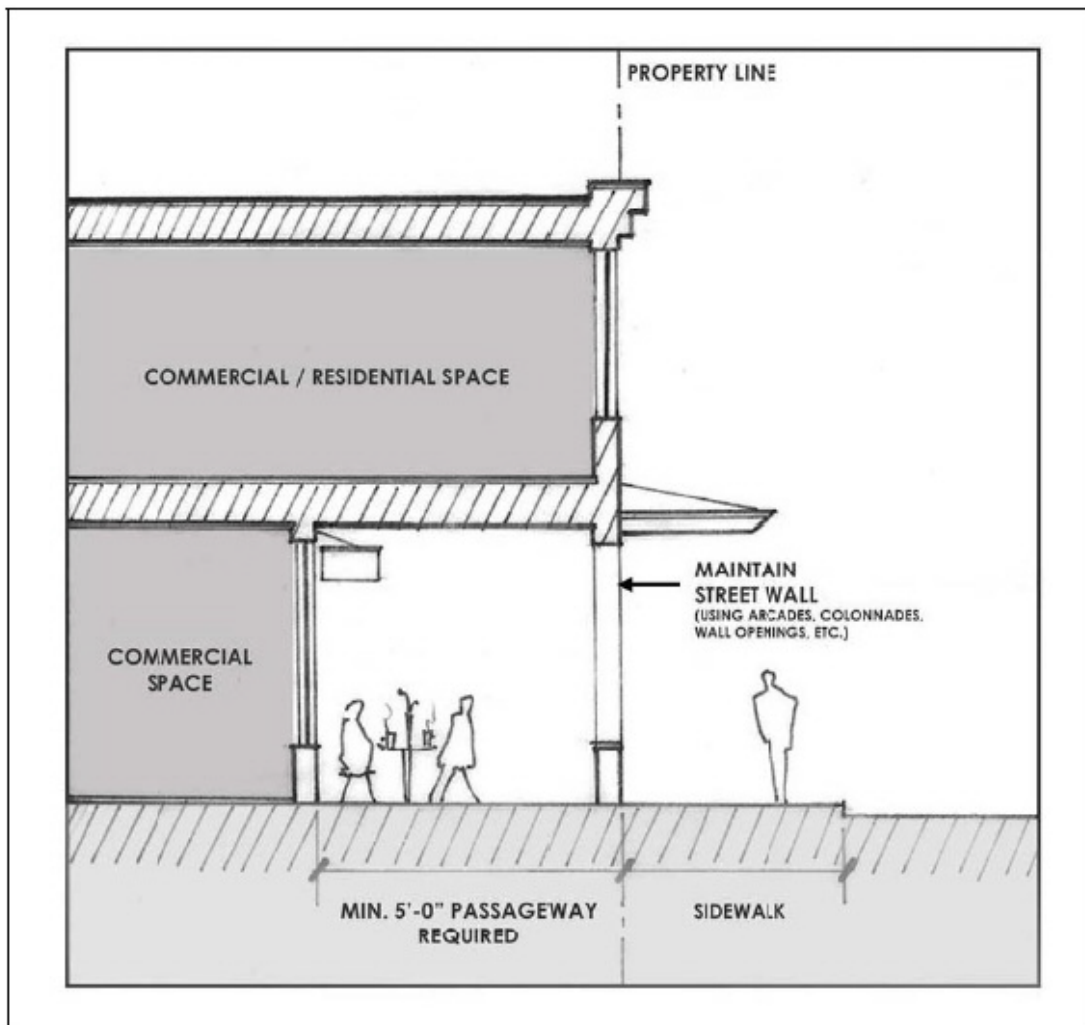
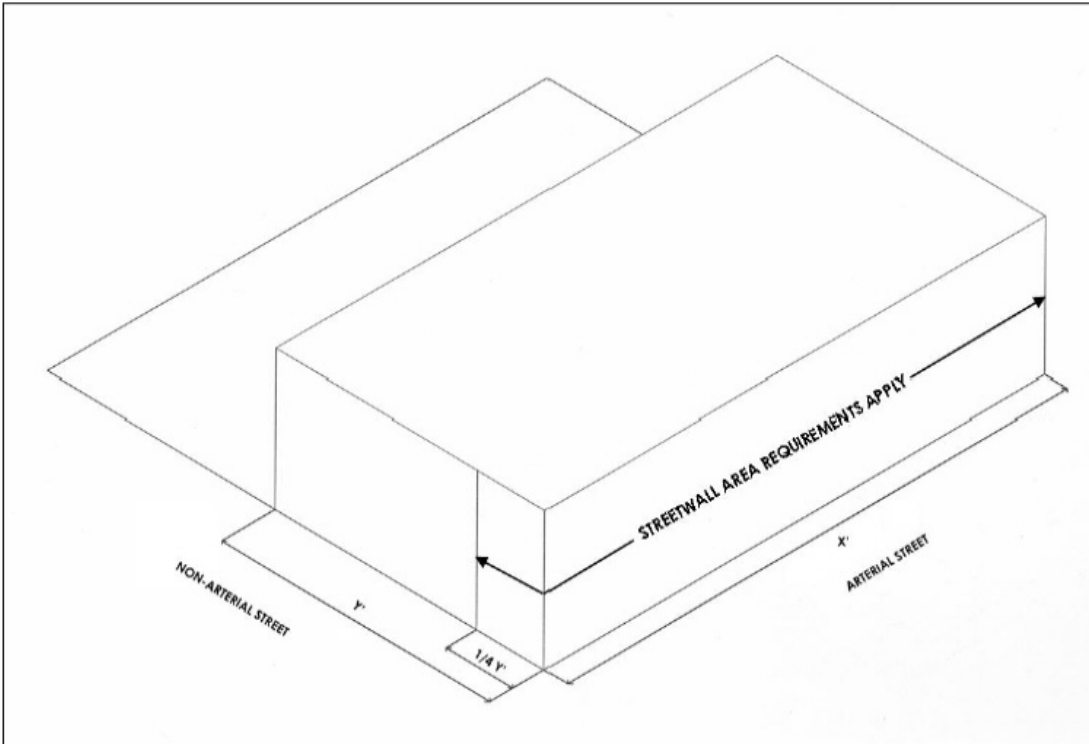


Figure 4-8
Corner Building Street Wall Requirement



2. Street frontage requirements.

a. The street frontage shall be architecturally varied to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, stairs, art and other architectural features or pedestrian improvements subject to the following:

- 1) Passageways in arcades and colonnades are, at minimum, 5 feet wide. See Figure 4-7 (Section of Street Wall).
- 2) Architectural and ornamental features do not impede pedestrian routes.
- 3) Stairs are decorative and attractive.

b. With the exception of required driveway curb cuts, street frontage requirements shall apply to 100% of the total property frontage parallel to the street and shall include step backs and building line offsets above the ground level to create visual interest and attractive building massing.

c. No blank wall area is permitted in the street frontage wall area. The maximum width of any continuous blank wall in the street frontage shall be no more than 15 feet.

d. Major entrances and corners of buildings shall be articulated within the street wall facade.

3. Building entrances.

b. Two-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 100 feet of street frontage on the street where the vehicular ingress/egress area is located. The Director may waive this requirement, based on site constraints.

c. One-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 75 feet of street frontage on the street where the ingress/egress area is located. The Director may waive this requirement, based on site constraints.

d. Vehicular ingress/egress areas are prohibited on arterial streets where the street frontage of the development site adjacent to the arterial street is less than 75 feet. The Director may waive this requirement, based on site constraints.

6. Refuse storage and collection areas. The commercial and residential components of the project shall maintain separate refuse storage and collection areas; the refuse storage and collection areas shall be clearly marked for separate uses or satisfy alternative standards as approved by the Environmental Programs and Operations Division of the Public Works Department.

G. Residential Development Standards.

1. Minimum unit size. Residential minimum unit sizes are detailed in Table 4-3 (Minimum Residential Unit Size).

Table 4-3 Minimum Residential Unit Size	
Number of Bedrooms	Minimum Unit Size (Gross Floor Area)
Studio Micro-Unit	350
Studio	500
1 Bedroom	700
2 Bedrooms	900
3 Bedrooms	1,100
4 Bedrooms	150 additional gfa/bedroom

2. Unit size mix. No more than 25% of the total number of residential units shall be studios or micro-units.

3. Open space.

a. Each unit, except studio micro-units, shall have a minimum of 75 square feet of common and/or private open space. Studio micro-units are not required to provide private open space. However, a minimum of 100 square feet of common open space per unit shall be required, of which 100% may be located on the rooftop.

b. Common open space areas shall have a minimum dimension of 15 feet in any direction, which may include a combination of open space and adjacent setback area.

c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.

d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

4. Facility requirements. Laundry facilities and storage areas shall comply with the requirements of §17.400.105.B Facility and Design Requirements for Multiple Family Residential Standards.

H. Live/Work Development Standards. In addition to the standards detailed in this Section, live/work units within a mixed use development shall meet all applicable standards contained in § 17.400.060 (Live/Work Development Standards).

I. Parking Standards. Mixed use developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading).

J. Performance Requirements. All mixed use projects shall be designed to meet the following performance standards.

1. Walls on all sides of residential and live/work units shall be constructed to minimize the transmission of noise and vibration. A minimum impact insulation class (IIC) of 60 shall be required for all residential and live/work walls, floors, and ceilings.

2. Shared elevators shall have security code access for residents to reach residential floors and to use the elevators during late evening and early morning hours. Security code access is not required for live/work access areas. Separate commercial and residential elevators are encouraged.

3. No commercial use, activity or process shall be operated in an objectionable manner, due to fumes, noxious odor, dust, smoke, gas, noise or vibrations that may be detrimental to any other uses and occupants on the same property.

4. Residential and live/work units shall be designed to allow for cross-ventilation and have high quality HVAC systems, to the extent feasible.

5. Parking areas shall be illuminated so as to provide appropriate visibility and security.

6. Parking access and circulation design shall minimize vehicle circulation through residential neighborhood streets.

7. Commercial loading areas and outdoor storage areas shall be designed and located away from residential units, and shall be screened from view at ground level from the residential portion of the project and from adjacent residential developments.

8. Commercial loading areas shall not significantly and/or negatively impact the pedestrian environment.

9. Adequate lighting must be provided adjacent to sidewalks and other public spaces to preserve the amenity and safety of those spaces for nighttime pedestrian use.

K. Replacement of Dwelling Units.

1. No project shall result in a reduction in the number of dwelling units on the project site, including dwelling units that have been vacated or demolished in the five-year period preceding the application submittal date for the project. All dwelling units removed or destroyed by the project must be replaced in the project with the same number of dwelling units.

2. In addition, an applicant shall be ineligible for a Community Benefit Density Bonus or a Studio Micro-Unit Community Benefit Density Bonus if the project is proposed on property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been, subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed project replaces those units at the same level of income and affordability.

a. If any such dwelling units are occupied on the date of application, the proposed project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

b. For unoccupied dwelling units in a project with occupied units, the proposed project shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

c. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall

be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the replacement units shall be subject to Subsection L.3.b.

L. Community Benefit Incentive. The Community Benefit incentive shall be implemented as follows:

1. Community Benefit Definition.

a. A minimum of fifteen percent (15%) of the total dwelling units in the mixed-use project, as determined pursuant to Paragraphs a., b., or c. of Subsection E.3., must be affordable. The total affordable units required under this Subsection L.1. consist of the affordable units required under Chapter 17.580: Density Bonuses and Other Bonus Incentives and the Community Benefit Affordable Units required as a condition of receiving the Community Benefit residential density. All calculations under this paragraph resulting in fractional units shall be rounded up to the next whole number, provided however, that if a calculation results in a fraction less than .5, the applicant has the option to (i) provide an additional Community Benefit Affordable Unit or (ii) pay an In-Lieu Fee equal to the percentage represented by the fractional Community Benefit Affordable Unit multiplied by the applicable In-Lieu Fee described in Subsection N.1.

b. As a condition of receiving the Community Benefit residential density provided by paragraphs a., b., or c. of Subsection E.3., the sizes of the affordable units comprising the total affordability described in Paragraph a. of this Subsection L.1. must be in the same proportion as the sizes of the market units in the project.

c. The Community Benefit Affordable Units must be provided as dwelling units that are offered at affordable housing cost to and occupied by households with gross annual incomes, determined in accordance with Title 25 of the California Code of Regulations, § 6914, that do not exceed the following income categories. The term "Area Median Income" means the Los Angeles County Median Income published annually by the California Department of Housing and Community Development. Area Median Income shall be adjusted to reflect the number of persons in the household.

i. Very Low Income means household income that does not exceed 50% of Area Median Income.

ii. Low Income means household income that is greater than 50% of Area Median Income and does not exceed 80% of Area Median Income.

iii. Workforce means household income that is greater than 80% of Area Median Income and does not exceed 129% of Area Median Income.

2. Affordable Housing Cost. Housing cost of the Community Benefit Affordable Units shall not exceed the following affordable housing cost:

a. Rental Units. In the case of rental units, affordable housing cost is rent determined in accordance with Title 25 of the California Code of Regulations, § 6918 that does not exceed the applicable percentage of Area Median Income, adjusted for household size

appropriate to the unit. Household size appropriate for the unit is defined as the number of bedrooms in the unit plus one.

i. Rent for Very Low Income units shall not exceed 30% of 50% of Area Median Income adjusted for household size appropriate to the unit.

ii. Rent for Low Income units shall not exceed 30% of 60% of Area Median Income adjusted for household size appropriate to the unit.

iii. Rent for Workforce units shall not exceed 30% of 129% of Area Median Income adjusted for household size appropriate to the unit.

b. Owner-Occupied Units. In the case of owner-occupied units, affordable housing cost is housing cost determined in accordance with Title 25 of the California Code of Regulations, § 6920 that does not exceed the applicable percentage of Area Median Income, adjusted for household size appropriate to the unit. Household size appropriate for the unit is defined as the number of bedrooms in the unit plus one.

i. Affordable housing cost for Very Low Income units shall not exceed 30% of 50% of Area Median Income adjusted for household size appropriate to the unit.

ii. Affordable housing cost for Low Income units shall not exceed 30% of 70% of Area Median Income adjusted for household size appropriate to the unit.

iii. Affordable housing cost for Workforce units shall not exceed 35% of 129% of Area Median Income adjusted for household size appropriate to the unit.

3. Affordability Period. The Community Benefit Affordable Units will be subject to an affordability restriction for the following periods:

a. Rental Units. Rental units must remain affordable to and occupied by income-qualifying households for a period of at least 55 years.

b. Owner-Occupied Units. Owner-occupied units will be subject to occupancy and resale restrictions for a period of at least 55 years. However, the owner will have the option of exercising a buy-out in accordance with the terms of an equity sharing agreement with the City.

4. First-Time Homebuyer. Owner-occupied Community Benefit Affordable Units must be offered for sale to first-time homebuyers, who are defined as follows: an individual or his or her spouse who has not owned a home during the three-year period prior to the date of purchase of the unit. The term first-time homebuyer also includes an individual who is a displaced homemaker or single parent who has only owned a home with a former spouse while married. A displaced homemaker is defined as an individual who: (a) is an adult; (b) has not worked full-time and full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family; and (c) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. An individual shall not be excluded from consideration as a first-time homebuyer on the basis that the individual owns or owned, as a principal residence during the three-year period, a dwelling unit whose structure is not permanently

affixed to a permanent foundation in accordance with local or other applicable regulations or is not in compliance with State, local, or model building codes, or other applicable codes, and cannot be brought into compliance with the codes for less than the cost of constructing a permanent structure.

M. Community Benefit Housing Plan.

1. At the times and in accordance with the standards and procedures set forth in the Regulations, the applicant shall:

a. Submit a Community Benefit Housing Plan for review and approval by the Director, setting forth in detail the manner in which the provisions of this Section will be implemented for the proposed project.

b. Execute a Community Benefit Housing Agreement approved by the Director for recordation in the land records.

2. No entitlement or approval required by Title 17 of this Code, including but not limited to Site Plan Review, Comprehensive Plan approval and subdivision map approval, shall be issued for any portion of the project unless and until the Director has approved the Community Benefit Housing Plan submitted by the applicant.

3. No building permit shall be issued for any portion of the project unless and until the Director has approved the Community Benefit Housing Plan submitted by the applicant and the Community Benefit Housing Agreement has been recorded or the applicant has satisfied one of the options described in Subsection N.

4. No certificate of occupancy shall be issued for any portion of the project unless and until the Director has determined that the approved Community Benefit Housing Plan has been fully implemented.

N. Alternatives to Including the Community Benefit Affordable Units in the Project. In lieu of including the Community Benefit Affordable Units in the project, the Community Benefit may be provided through payment of an in-lieu fee as set forth below.

1. In Lieu Fee. At the discretion of the City Council, some or all of the requirement to include the Community Benefit Affordable Units in the project may be satisfied through payment of an in-lieu fee, as follows:

a. The amount of the fee required for each Community Benefit Affordable Unit that is not included in the project shall be calculated using the in-lieu fee schedule set forth in the Regulations in effect at the time of issuance of the first building permit for the project.

b. One-half of the in-lieu fee required by this subsection must be paid (or a letter of credit posted) prior to issuance of a building permit for any portion of the project. The remainder of the fee must be paid before a certificate of occupancy is issued for any portion of the project.

c. The fees collected shall be deposited in the City's Low and Moderate Income Housing Trust Fund for the purpose of providing, preserving, maintaining and administering affordable housing.

O. Regulations. The City Council shall by resolution adopt the Regulations for the City's implementation of this Section.

P. Appeal. An appeal of a determination by the Director of a matter subject to this Section must be initiated within fifteen (15) calendar days after the date of such determination. The appellant shall follow the appeal procedures set forth in §§ 17.640.030 and 17.640.035.B. of this Code.

Q. Administrative Fees. The City Council may by resolution establish reasonable fees and deposits for the administration of this Section, which shall be set forth in the Regulations.

R. Enforcement. The City may institute all appropriate administrative and legal actions or proceedings necessary to ensure compliance with this Section and the Regulations adopted pursuant to Subsection P., including but not limited to: (1) actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval granted under Title 17 of this Code; and (2) actions for injunctive, declaratory or other equitable relief or damages. In any actions to enforce this Section, the Regulations adopted pursuant to Subsection P., a Community Benefit Housing Plan, or a Community Benefit Housing Agreement, the City shall be entitled to recover its reasonable attorney's fees and costs.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2005-008 § 2 (part); Ord. No. 2008-006 § 2; Ord. No. 2018-001 § 2 (part); Ord. No. 2020-003 § 2 (part); Ord. No. 2021-001; Ord. No. 2021-012 § 3 (part); Ord. No. 2022-008)

§ 17.400.070 OUTDOOR DINING.

This Section provides location, development, and operating standards for outdoor dining facilities in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Definition. As used in this Section, an Outdoor Dining Area is a place on the public sidewalk or private property where patrons may consume food and/or beverages provided by an adjacent food service establishment. The establishments may either provide table service in the outdoor dining area or sell take-out items consumed in the outdoor dining area.

B. Outdoor Dining (Public Right-of-way).

1. Standards and procedures. All standards and procedures for the operation of outdoor dining areas in the public right-of-way are contained in City Council Resolution No. 96-R008, or as may be amended, and in Section 9.08.035 (Use of Sidewalks for Outdoor Dining) of the CCMC.

2. Agreement required. Outdoor dining on the public sidewalk may only occur subject to an Outdoor Dining License Agreement, approved by the City Engineer in compliance with § 9.08.035 (Use of Sidewalks for Outdoor Dining) of the CCMC.

3. Sale of alcoholic beverages. Establishments serving alcoholic beverages that apply for an Outdoor Dining License Agreement shall meet the additional requirements of the State Alcohol Beverage Control Board. Sale of the alcoholic beverages in outdoor dining areas shall comply with § 17.400.015 (Alcoholic Beverage Sales).

C. Outdoor Dining (Private Property).

1. Review requirement. An outdoor dining or seating area shall require the approval of an Administrative Use Permit, and shall be developed in compliance with an approved site plan, which indicates the areas dedicated for outdoor dining, and the maximum seating capacity for the outdoor dining area.

2. Location requirements.

a. The outdoor dining area shall be located directly adjacent to the food service establishment it serves.

b. When located immediately adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the residential use.

3. Operating requirements.

a. Outdoor cooking. Cooking within an outdoor dining area may occur only with Administrative Use Permit approval.

b. Placement of tables. Tables shall be placed only in the locations shown on the approved site plan.

c. Hours of operation. The hours and days of operation on the outdoor dining area shall be identified in the approved Administrative Use Permit.

d. Clean-up and maintenance. Outdoor dining areas shall be kept in a clean condition, and free of litter and food items constituting a nuisance to public health, safety and welfare.

4. Lighting. Illumination for outdoor dining areas shall be installed to prevent glare onto, or direct illumination of, any residential property or use, in compliance with § 17.300.040 (Outdoor Lighting).

5. Landscaping. All outdoor dining areas shall include some landscaping. A landscape plan for the outdoor dining area may include the use of planter boxes and permanent vegetation, which shall comply with Chapter 17.310 (Landscaping).

6. Sale of alcoholic beverages. Outdoor dining areas serving alcoholic beverages shall meet, and be in compliance with, the requirements of the State Alcohol Beverage Control Board and § 17.400.015 (Alcoholic Beverage Sales).

7. Design compatibility.

a. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structures.

b. The use of awnings, plants, umbrellas, and other human-scale elements is encouraged to enhance the pedestrian experience, if applicable.

c. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Director. Mitigation measures should be utilized to eliminate potential impacts related to glare, light, loitering, and noise.

d. Outdoor dining areas shall not inhibit vehicular or pedestrian traffic flow.

8. Additional standards. At the discretion of the Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor dining area.

a. Amplified sound and music may be prohibited within the outdoor dining area.

b. A sound-buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the Director.

c. Separation by a physical barrier to define the limits of the outdoor dining space may be required, with the design to be approved by the Director.

D. Conformance with Chapter 9.11: Smoking Regulations. Outdoor dining shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in §§9.11.100 et seq. of Chapter 9.11: Smoking Regulations of this Code.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2020-013 § 2 (part); Ord. No. 2022-008)

§ 17.400.075 OUTDOOR RETAIL SALES AND DISPLAY.

This Section provides location, development, and operating standards for outdoor retail sales and display on privately-owned property, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Accessory Outdoor Display. Outdoor displays incidental and complementary to an allowed use on commercially zoned parcels shall be subject to the approval of an Administrative Use Permit approved by the Director, and all of the following standards.

1. Outdoor displays shall be:

a. Approved and kept within a defined and fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic.

b. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site.

c. Limited to the hours of operation of the business, and portable and removed from public view at the close of each business day.

d. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair.

e. Placed to avoid obstruction of structure entrances and on-site driveways.

2. Outdoor displays shall not be:

a. Placed within 100 feet of any residential dwelling, except for mixed use projects.

b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.

c. Counted toward the gross floor area in determining the parking requirement for the use.

d. Permitted to include signage graphics, balloons, banners, flags, streamers, wind-activated devices, or other similar devices within the display area, except for building or freestanding signs, pursuant to Chapter 17.330 (Signs).

B. Conformance with Chapter 9.11: Smoking Regulations. Outdoor Retail Sales and Display shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in §§9.11.100 et seq. of Chapter 9.11: Smoking Regulations of this Code.

(Ord. No. 2005-007 §1 (part); Ord. No. 2020-013 §2 (part))

§ 17.400.080 OUTDOOR STORAGE.

This Section provides location and operating standards for the establishment of outdoor or open storage of materials in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Location. The storage shall:

1. Be ancillary to the primary use of the main structure;
2. Not comprise more than 25% of the total gross land area of the subject parcel;
3. Be paved in compliance with City standards;
4. Not be located within a required off-street loading area.

B. Enclosure Required. An outdoor area used for storage shall be completely enclosed by a solid masonry wall and a solid gate. The Director may allow the substitution of a solid

fence, after determining that the substitution would adequately comply with the provisions of this Section.

1. The required wall or fence shall:
 - a. Not be less than 6 feet nor more than 8 feet in height.
 - b. Incorporate design elements to prohibit or prevent easy climbing and access by unauthorized persons.
 - c. Be subject to the approval of the Director.
 2. Walls abutting a right-of-way shall comply with § 17.300.030 (Fences, Hedges, and Walls).
- C. Operations. All raw materials, equipment, or finished products stored shall:
1. Be stored in a manner that they cannot be blown by wind from the enclosed storage area.
 2. Not be stored above the height of the enclosing wall or fence within 10 feet of the wall or fence.
 3. Not be placed outside the enclosed storage area.
 4. If abutting a residential zoning district, only be accessed between 8:00 a.m. and 10:00 p.m., to avoid being a nuisance to neighbors.
- D. Landscaping. Landscaping shall be installed, wherever possible, to lessen the visual impact of the outdoor storage area. The design, installation, and maintenance of the landscaping shall comply with Chapter 17.310 (Landscaping).

(Ord. No. 2005-007 § 1 (part); Ord. No. 2022-008)

§ 17.400.085 PAWNSHOPS.

This Section provides location and operating standards for pawnshops in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

- A. Distance Separation. A minimum linear distance of 1,000 feet shall be required to separate all pawnshops from another existing pawnshop, check-cashing business, park, playground, primary and/or secondary school, and single-family zoned property.
- B. Plans Required. Development plans shall be submitted with the application for the Conditional Use Permit required for pawnshops, clearly illustrating the details of the proposed exterior (e.g., elevations, lighting, signs, and the like), interior (e.g., layout and design, lighting, window display, and the like), days and hours of operation, and customer queuing, in order to ensure that the use shall be developed and operated in a manner

compatible with an attractive, stable, and thriving commercial district conducive to retail shopping.

C. Prohibited Hours of Operation. Pawnshops shall be prohibited from public operations between the hours of 9:00 p.m. and 9:00 a.m.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.090 RECYCLING FACILITIES.

This Section provides location, development, and operating standards for various types and sizes of recycling facilities, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Permit Requirements. Recycling facilities are subject to permit review/approval, in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), provided that the development standards established in this Section are met.

B. Definitions. The following words and phrases as used in this Title are defined as follows.

Recycling Facilities. Facilities open to the public for the collection or processing of recyclable material, subject to certification under the California Beverage Container Recycling and Litter Reduction Act, which include the following types of facilities.

1. Incidental Small Collection Recycling Facility. A use incidental to a primary use of property, established for the acceptance of recyclable materials from the public, and occupying less than 500 square feet. Incidental small collection recycling facilities may include the following as defined in this Chapter:

a. One or more single reverse vending machines, in a grouping that includes separate containers adjacent to each machine.

b. Recyclable material containers that do not utilize power-driven processing equipment.

2. Small Collection Recycling Facility. A use subordinate to and different from the main use of property, established for the acceptance of recyclable materials from the public, occupying an area no larger than 1,200 square feet, and involving no permanent structures. A small collection facility may include the following:

a. One or more bulk reverse vending machines.

b. A mobile recycling unit.

c. Kiosk-type units.

3. Large Collection Recycling Facility. A collection facility larger than 1,200 square feet that is the main use of the property, and may include permanent structures. For the

purposes of this definition, the area shall be composed of the cumulative total of all permitted recycling facilities on a site, lot or parcel. The use is established for the acceptance and storage of recyclable materials from the public.

4. **Recyclable Material.** Aluminum, glass, plastic, paper and other items intended for remanufacture or reconstitution, for the purpose of reuse in an altered or renewed form. Refuse or materials deemed hazardous by the Culver City Fire Chief are expressly excluded from this definition.

5. **Reverse Vending Machine.** An automated mechanical device that accepts one or more types of empty beverage containers, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A Bulk Reverse Vending Machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

6. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

7. **Recycling Facility, Processing.** A building or enclosed space used for the collection and processing of recyclable materials for efficient shipment, or to an end user's specifications, through baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, remanufacturing and other methods.

C. Standards for Specific Types of Recycling Facilities.

1. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.

a. **Accessory use only.** The machines shall be installed as an accessory use in compliance with the applicable provisions of this Title, and shall not require additional parking.

b. **Location requirements.** If located outside of a structure, the machines shall be located within 30 feet of a building entrance, and shall be constructed of durable waterproof and rustproof materials.

c. **Maximum size.** When located outdoors, the area occupied by the machines shall not exceed 50 square feet, including any protective enclosure, nor 8 feet in height.

d. **Signs.** Signs shall not exceed a maximum of 4 square feet on each machine, exclusive of operating instructions.

e. **Hours of operation.** The machines shall have the same operating hours as those of the primary use.

f. Lighting. The machines shall be illuminated when needed to ensure comfortable and safe operation, as determined by the Director.

2. Small collection facilities. Small collection facilities shall comply with the following standards.

a. Location requirements. Small collection facilities shall:

- i. Not be located within 100 feet of any parcel zoned or occupied for residential use.
- ii. Be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.

b. Maximum size. A small collection facility shall not occupy more than 1,200 square feet, not including space that would be periodically needed for the removal of materials or exchange of containers.

c. Appearance of facility. Collection containers and any site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

d. Operating standards. Small collection facilities shall:

- i. Not use power-driven processing equipment, except for reverse vending machines.
- ii. Accept only glass, metal or plastic containers, paper, clothing, and reusable items.
- iii. Use containers constructed with durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
- iv. Not exceed noise levels of 50 dBA, as measured at the property line of the nearest residentially zoned or occupied property, and in no event more than 60 dBA.

v. Collection of recyclable materials and normal maintenance of the facility shall only be performed during the following hours.

- (a) Mondays through Fridays, from 7:00 a.m. to 6:00 p.m.
- (b) Saturdays, from 8:00 a.m. to 6:00 p.m.
- (c) Sundays, from 9:00 a.m. to 6:00 p.m.

(d) If emergency maintenance or repairs must be performed during other hours, the Culver City Police Department shall be notified prior to performing the maintenance or repairs.

vi. Containers for the 24-hour donation of materials shall be at least 100 feet from any residentially zoned property, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

vii. Shall be free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

e. Signs. Notwithstanding any other CCMC provision, the following information shall be displayed for each facility, on one or more signs that collectively do not exceed 16 square feet.

i. Identification of the types of material to be deposited.

ii. Operating instructions.

iii. Hours of operation.

iv. Telephone number of the operator, responsible person or company.

f. Lighting. The collection facilities shall be illuminated when needed to ensure comfortable and safe operation, as determined by the Director.

g. Planters. The facility should, wherever feasible, be located adjacent to an existing planter area, if pedestrian or vehicular circulation will not be obstructed or screened with additional landscaping, as determined by the Director.

h. Storage of materials. All recyclable materials shall be stored in containers. Outdoor storage of materials is prohibited.

i. Parking requirements. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed.

3. Large collection facilities. Large collection facilities shall comply with the following standards.

a. Location requirements. The facility shall not abut a parcel zoned or used for residential use.

b. Container location. Containers shall be constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.

c. Screening. The facility shall be screened from public rights-of-way by landscaping and solid masonry walls at least 6 feet in height, or shall be located within an enclosed structure. Walls abutting a right-of-way shall comply with § 17.300.030 (Fences, Hedges, and Walls).

d. Setbacks, landscaping. Structure setbacks and landscaping shall be provided as required for the applicable zoning district.

e. Outdoor storage. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

f. Operating standards.

i. The site shall be maintained to be clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

ii. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

iii. Noise levels shall not exceed 50 dBA, as measured at the property line of residentially zoned or occupied property, and in no event more than 60 dBA.

4. Processing facilities. Processing facilities shall comply with the following standards.

a. Location requirements. The facility shall not abut a parcel zoned or occupied for residential use, or noise-sensitive receptors (such as hospitals and schools) and shall be located within an enclosed building except for incidental storage. Facilities must be at least 500 feet from residential property or noise-sensitive receptors.

b. Limitation on use. Processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials, and repairing of reusable materials.

c. Container location. Containers provided for 24-hour donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.

d. Screening. A processing facility shall be located within an area enclosed on all sides by a solid masonry wall, not less than 8 feet in height, and landscaped on all street frontages.

e. Outdoor storage. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Stored material, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

f. Operating standards. Dust, fumes, odor, smoke, or vibration, above ambient levels, and free of litter and debris, shall not be detectable on adjoining parcels.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2022-008)

§ 17.400.095 RESIDENTIAL USES - ACCESSORY DWELLING UNITS.

Subsections A. through K. establish the standards for the development of an Accessory Dwelling Unit and Subsection L. establishes the standards for the development of a Junior Accessory Dwelling Unit, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards). Government Code Section 65852.2 and Section

65852.22 shall supersede any conflicting portions of this ordinance per Government Code Section 65852.2(g):

A. Minimum Lot Size. No minimum lot size shall be required for an accessory dwelling unit.

B. Maximum Unit Size.

1. The maximum permitted unit size of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit, shall not exceed 850 square feet for a one-bedroom unit or 1,200 for a two or more-bedroom unit, or 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less, notwithstanding subsection 3 below.

2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for a two or more-bedroom unit.

3. Development standards in this Title shall apply to the extent they do not prohibit the construction of an accessory dwelling unit of up to 800 square feet that is up to 18 feet in height if detached or 25 feet in height if attached with four-foot side and rear yard setbacks.

4. Maximum permitted unit size shall include any living area as defined in the California building code confined from exterior wall to exterior wall.

C. Minimum Unit Size. The minimum unit size of an attached or detached accessory dwelling unit shall be at least 150 square feet, including a kitchen and at least one 3/4 bathroom.

D. Zones in which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall be permitted in areas zoned to allow single-family or multi-family dwelling residential use. For purposes of this Section 17.400.095, a multi-family dwelling unit is two or more attached dwelling units on a single property.

E. Accessory Dwelling Unit Density.

1. Accessory dwelling units are allowed on a property containing single-family dwellings under the following circumstances:

a. No more than one accessory dwelling unit within the proposed or existing square footage of a single-family dwelling or existing square footage of an accessory structure that meets specific requirements such as exterior access and setbacks for fire and safety.

b. No more than one detached new construction accessory structure that does not exceed four-foot side and rear yard setbacks.

i. A new construction attached accessory dwelling unit may be constructed in lieu of the new construction detached accessory dwelling unit.

c. No more than one junior accessory dwelling unit within the proposed or existing space of a single-family dwelling that meets specific requirements such as exterior access and setbacks for fire and safety as described in Subsection L.

2. Accessory dwelling units are allowed on a property containing multi-family dwellings under the following conditions:

a. Accessory dwelling units shall be allowed within existing portions of multi-family or mixed use structures on a lot containing multi-family dwelling units subject to the following conditions:

i. The number of accessory dwelling units shall not exceed 25% of the number of existing units, minimum one unit.

ii. The accessory dwelling units shall only be located within areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Non-livable space used to create ADUs must be limited to residential areas within a mixed-use development, and not the areas used for commercial or other activities.

iii. Each accessory dwelling unit must comply with state building standards for dwellings.

b. A maximum of two detached accessory dwelling units shall be allowed on a property with existing multi-family dwelling units, with a maximum building height that complies with the standard established by the applicable Zoning District in which the subject property is located pursuant to Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) and minimum side-yard and rear-yard setbacks of four feet.

F. Minimum Room Dimensions. Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.

G. Location.

1. Accessory dwelling units may be within, attached to, or detached from and on the same lot as, a proposed or existing single-family dwelling, or within or detached from a multi-family dwelling, and subject to compliance with front, side, and rear yard setback standards notwithstanding Government Code Section 65852.2, subsection (c) and (e); or

2. Accessory dwelling units may be located entirely within a proposed or existing primary dwelling unit or existing accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing primary dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.

3. An ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards but this expansion shall be limited to accommodating ingress and egress.

H. Parking. Parking for an accessory dwelling unit and replacement parking is not required.

I. Habitability. Accessory dwelling units are fully habitable and shall include independent kitchen and bathroom facilities. Accessory dwelling units shall be independent from the main dwelling without internal access.

J. Occupancy Restrictions. Accessory dwelling units shall not be sold separately from the primary residence and shall not be used for rentals of terms of 30 days or less unless established as defined in Section 65852.26. Owner occupancy is not required for accessory dwelling units.

K. Setbacks.

1. An accessory dwelling unit shall have side and rear yard setbacks of at least two feet from lot lines abutting a non-residential zone, street, or alley and at least four feet from lot lines when abutting a residential zone. An accessory dwelling unit shall abide by the front yard setback requirements of the zone in which it is located.

2. An accessory dwelling unit constructed entirely within a proposed or existing primary dwelling unit or accessory structure, which has side and rear setbacks that are sufficient for fire safety, as determined by the Culver City Fire Department, shall not be subject to setback standards for new development.

3. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall be setback a minimum of two feet from side and rear lot lines abutting a non-residential zone, street, or alley and a minimum of four feet from side and rear lot lines when abutting a residential zone. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall abide by the front yard setback requirements of the zone in which it is located.

4. Through Lots. An accessory dwelling unit constructed on a through lot is permitted to have a reduced setback of at least two feet from one front lot line along the property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation. In case of irregular lots, the Director shall determine which one front lot line is eligible for reduced setback notwithstanding Government Code Section 65852.2, subsection (c) and (e).

L. Junior Accessory Dwelling Units. In addition to an accessory dwelling unit as provided in this Section, a junior accessory dwelling unit may be permitted on a property zoned for single-family residences with one primary dwelling. A junior accessory dwelling unit is permitted on a property with multiple detached single-family dwellings pursuant to Government Code 65852.22. The following establishes standards for junior accessory dwelling units.

1. Maximum Unit Size. A junior accessory dwelling unit may be up to 500 square feet.

a. Maximum permitted unit size shall include any livable space confined from exterior wall to exterior wall.

2. Density. No more than one junior accessory dwelling unit is allowed on a property.

3. Location.

a. A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling unit, subject to the following:

i. A junior accessory dwelling may be in an attached garage, but may not be in a detached accessory structure.

ii. A junior accessory dwelling unit shall have separate exterior access independent from the proposed or existing primary dwelling unit.

iii. A junior accessory dwelling unit may share significant interior connection to the primary dwelling if they are sharing a bathroom facility.

4. Parking. Parking for a junior accessory dwelling unit and replacement parking is not required.

5. Habitability. Junior accessory dwelling units shall include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

6. Occupancy Restrictions. Junior accessory dwelling units shall not be sold separately from the primary dwelling unit and shall not be used for rentals of terms of 30 days or less. Owner occupancy is required for junior accessory dwelling units in either the remaining portion of the primary residence or the junior accessory dwelling unit. These occupancy restrictions shall be enforced through covenant agreement recorded against the property.

M. Other Development Standards.

1. Unless stated in this Section, all other development standards for accessory dwelling units and junior accessory dwelling units shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.

2. Conversion of Existing Structures. For the purpose of converting an existing structure into an accessory dwelling unit or junior accessory dwelling unit, an existing structure is defined as one of the following:

a. A structure that has been erected prior to the date of adoption of the appropriate building code that does not present a threat to public health and safety or one for which a legal building permit has been issued; or

b. A structure that has been issued Deferred Compliance through the Amnesty Program or through Deferred Compliance by the Municipal Code Appeals Committee (MCAC).

3. When a garage is converted into an ADU or JADU, the garage door must be removed and replaced with windows or entry doors.

N. Application Process. The following is the application process for accessory dwelling units and junior accessory dwelling units.

1. Applicant shall submit complete plan sets to the Building Safety Division. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable Department handout, and any additional information required by the Director in order to conduct a thorough review. The Division shall approve or deny the application within the time period required by State law. If the project is denied, the applicant will receive a compiled list of comments with remedies to correct any Code deficiencies.

2. Prior to Building Permit issuance, applicant shall submit an Address Assignment Request Fee and Application to the Current Planning Division.

3. Prior to Building Permit issuance, projects resulting in the addition of 750 square feet or more for an accessory dwelling unit located at the subject property shall pay all impact fees including the Mobility Improvement Fee pursuant to Section 15.06.515 (Calculation and Payment of Fees) and the In-Lieu Parkland Dedication Fees pursuant to Section 15.06.300 (Park Dedication or Payment of Fees) of this Code.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2017-007 § 2 (part); Ord. No. 2017-017 § 2; Ord. No. 2018-015 § 2 (part); Ord. No. 2020-001 § 2; Ord. No. 2021-012 § 3 (part); Ord. No. 2023-005 § 2)

§ 17.400.100 RESIDENTIAL USES - ACCESSORY RESIDENTIAL STRUCTURES.

This Section provides standards for accessory structures allowed in residential zoning districts in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. General Requirements for Accessory Structures in Residential Zoning Districts.

1. Relationship of accessory use to the main use. Accessory uses and structures shall be incidental to, and not alter, the residential character of the site. A covenant may be required to be executed and recorded to ensure the accessory use and structure is identified and maintained consistent with the City's approval, in accordance with § 17.595.045 (Covenants).

2. Allowable heights. The maximum allowable heights of accessory structures are specified in Table 4-4 (Maximum Heights for Accessory Structures in Residential Zoning Districts) below.

<p>Table 4-4 <i>Maximum Heights for Accessory Structures in Residential Zoning Districts</i></p>
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<i>Applicable Zoning District</i>	<i>Maximum Height</i>
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) Zoning Districts.	2 stories and 26 feet
Low Density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) Zoning Districts.	2 stories and 30 feet

3. Allowable setbacks.

a. The accessory structure shall have a setback of at least 2 feet from every perimeter property line abutting a non-residential zone, street, or alley and shall have a setback of at least 4 feet from every perimeter property line when the setback is adjacent to a residential zone, except that the setback shall be the same as that required for the primary dwelling in the zoning district in which the accessory structure is located, whenever the accessory structure:

- i Exceeds 12 feet in height; or
- ii. Is within a setback facing a public street right-of-way.

b. A single story, ground-level accessory residential structure containing a second story accessory dwelling unit shall be subject to setback regulations for accessory dwelling units. Any portion of an accessory residential structure that exceeds 12 feet in height, located on the second floor, or is within a setback facing a public street right-of-way shall comply with the same setbacks required for the primary dwelling in the corresponding zoning district.

c. If the accessory structure is a carport or garage, it shall be set back from a public street right-of-way as necessary to conform with the requirements of Subsection 17.320.035.N. (Special Parking Requirements for Residential Uses).

d. Partial reconstruction and additions to existing legal non-conforming accessory residential structures on through lots with frontages on both Charles Avenue and Milton Avenue shall be subject to provisions of § 17.610.020.A.3.c (Alterations or Additions).

e. Exceptions. The following structures are exempt from the accessory structure setback requirements, with a cumulative limit of 2 maximum of any combination of such accessory structures on 1 property.

- i. Movable structures not exceeding 12 feet in height, including children’s play equipment, pet shelters, and similar structures, may be placed within a required side or rear setback without limitation on location.

- ii. Portable storage sheds which are prefabricated, do not exceed 8 feet in height if flat roofed, nor 12 feet in height with eaves at a maximum of 8 feet for slope roofed, and are up to 120 square feet in area, may be placed within a required side or rear setback without

limitation on location, except that they shall comply with Subsection 4 (Site Coverage) and 5 (Allowable Floor Area) as specified below.

iii. Trash enclosures may be placed within a required rear or side setback without limitation on location.

f. Two story accessory residential structures will not be permitted unless:

i. Only one story is the accessory residential structure and the other story is a garage and/or accessory dwelling unit;

ii. The second story satisfies the same setback requirements that would be applicable to a primary dwelling in the applicable zoning district, unless the second story is an accessory dwelling unit only. See Figure 4-10.

4. Site coverage. Roofed accessory structures shall not occupy more than 50% of the required rear or side setbacks, provided that the Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50% is substituted elsewhere on the site, provided that:

a. The Director determines that the usability and location of the substitute area is equally satisfactory.

b. The substitute area does not exceed a slope of 10%, and has no dimension less than 15 feet.

5. Allowable Floor Area. The cumulative floor area for all accessory structures, including portable storage sheds, on a lot in a residential zone shall not exceed 800 square feet. The floor area of garages shall be included in such calculation; however, the floor area of other non-habitable accessory structures (including carports) shall not. See Figure 4-10.

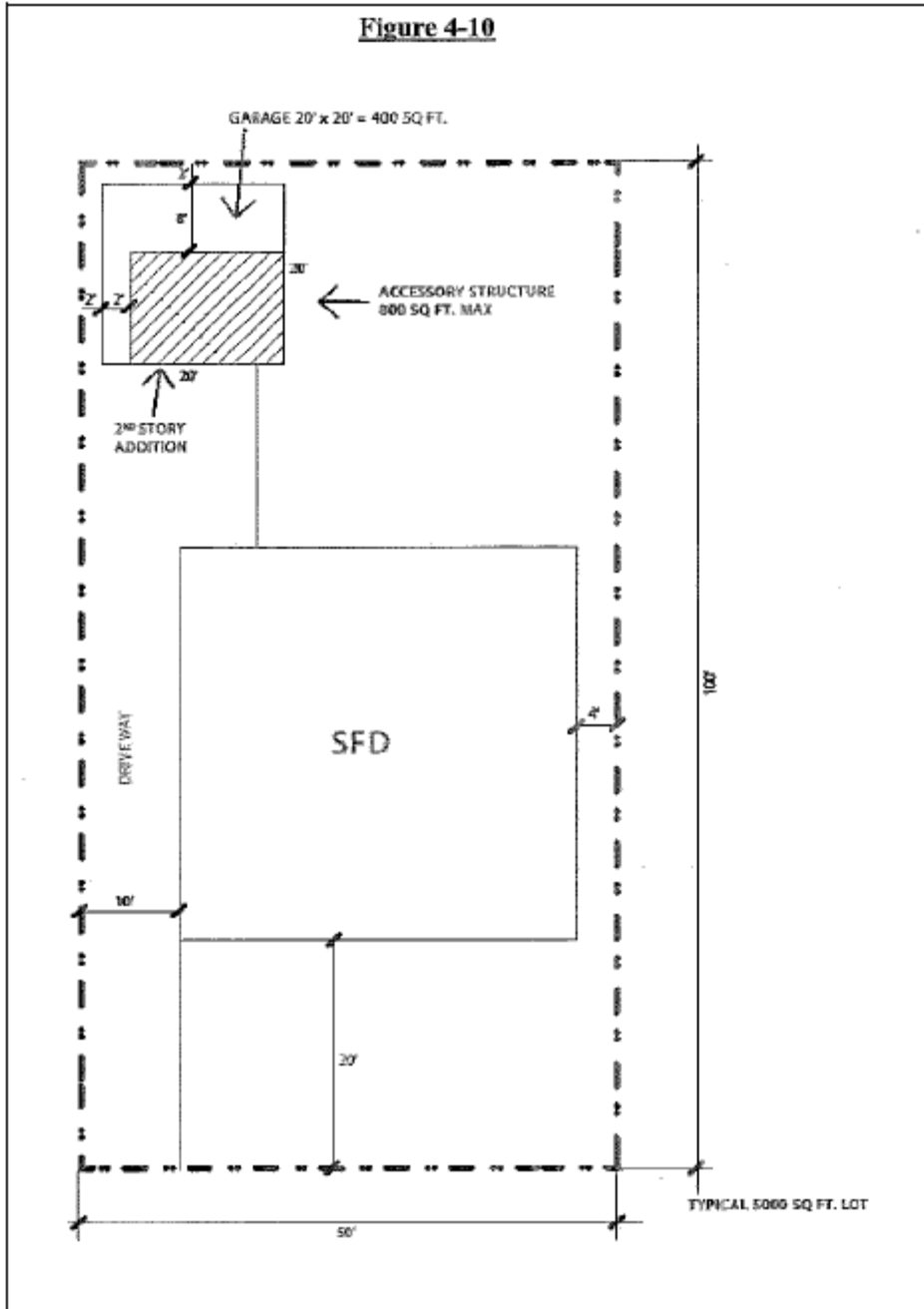
6. Additional Standards. The following additional standards shall apply to accessory structures:

a. No more than one 3/4 bathroom shall be permitted in any accessory structure, except for garages which are restricted as noted below.

b. Wet bars are prohibited in accessory structures.

c. Kitchens, including efficiency kitchens, and any appliances that can be used for preparing and/or cooking meals are prohibited in accessory structures.

d. Only a sink and drain (wash basin) are permitted in garages; bathrooms are not permitted within, nor accessible from, garages.



(Ord. No. 2005-007 § 1 (part); Ord. No. 2013-005 § 2 (part); Ord. No. 2017-012 § 2 (part); Ord. No. 2021-012 § 3 (part); Ord. No. 2023-002, Exhibit A (part); Ord. No. 2024-001, Exhibit A (part))

§ 17.400.105 RESIDENTIAL USES - MULTIPLE-FAMILY RESIDENTIAL STANDARDS.

This Section provides development and operation standards for multiple-family residential projects, addressing the requirements for private and common open space, laundry facilities, and other required project features in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Open Space Requirements. All multiple-family residential projects shall provide permanently-maintained outdoor open space for each dwelling unit (private space), and for all residents (common space) as required in Chapter 17.210 (Residential Zoning Districts).

1. Configuration of open space.

a. Location on site. Required open space areas:

i. Shall be easily accessible.

ii. Shall be provided as continuous, usable site elements, which may include setback areas at ground level.

iii. Private open space shall be at the same level as, and immediately accessible from, a kitchen, dining room, family room, master bedroom, or living room within the unit. Variations from these dimensional and locational standards may be allowed, where it can be shown that the required private open space meets the intent and purpose of this section, as determined by the Director. Provision of private open space shall not reduce the common open space requirements of this section.

b. Rooftop open space. Private open space, and up to 40% of the common open space, may be located on a rooftop, provided that they:

i. Include substantial active or passive recreational facilities and/or landscaping, as approved by the Director.

ii. Are determined by the Director to be located and designed so as to not impair privacy or cause other nuisance problems for residents on the same site or on adjacent parcels.

iii. Comply with the limitations in Subsection 17.400.105.A.1.c. (Dimensions) below.

c. Dimensions. All open space areas shall be of sufficient size to be usable by residents, as determined by the Director.

i. Private open space areas shall have a minimum dimension of 7 feet, and a configuration that would accommodate a rectangle of at least 100 square feet.

ii. Common open space areas shall have a minimum dimension of 15 feet, which may include a combination of open space and adjacent setback area.

d. Uncovered areas required. At least 33% of the perimeter of the private open space of each unit, or 100% of the roof of the open space of each unit, shall be open to the

outdoors. Reference to this requirement shall be included in the covenants, conditions, and restrictions of any common interest development.

2. Allowed uses. Required common open space:

a. Shall be available for passive and active outdoor recreational purposes, for the enjoyment of all residents of each multiple-family project.

b. Shall not include driveways, public or private streets, parking spaces, or utility easements where the ground surface cannot be used appropriately for open space, or other areas primarily designed for other operational functions.

3. Maintenance and control of common open space. Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in any property covenants of common interest developments.

4. Surfacing. Open space areas shall be surfaced with any practical combination of turf, paving, decking, concrete, or other serviceable material.

5. Landscaping. The applicant shall submit a landscape plan for approval by the Director. Landscape design, installation, and maintenance shall comply with Chapter 17.310 (Landscaping).

6. Slope. Required open space areas shall not exceed a slope of 10%.

B. Facility and Design Requirements.

1. Front yard paving. No more than 45% of the total area of the front yard setback shall be paved for walkways, driveways, and other hardcover pavement.

2. Laundry facilities. All residential developments with 4 or more dwelling units shall provide common laundry facilities, except developments with facilities provided within each unit.

a. Keyed access. Laundry facilities shall be provided with keyed access for tenants only.

b. Location. The facilities shall be evenly dispersed throughout the multiple-family development, and easily accessible to all tenants, as approved by the Director.

3. Outdoor lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with § 17.300.040 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least 1-foot candle shall also be installed and maintained within all covered and enclosed parking areas, and shall be screened to minimize glare onto public sidewalks and adjacent properties. All proposed lighting shall be shown on the required landscape plan.

4. Storage area. A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with a minimum dimension of 30 inches. The design, location, and size of the storage space shall be subject to the approval of the Director.

5. Solid waste recycling. Each project shall incorporate innovative designs, both interior and exterior, to make solid waste recycling more convenient and accessible to the occupants.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.106 SINGLE ROOM OCCUPANCY (SRO) UNITS.

This Section provides density, development, and operating standards for single room occupancy units in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

A. Location. Single Room Occupancy (SRO) units shall only be located in a Mixed Use Project and shall be subject to all applicable provision of § 17.400.065 (Mixed Use Development Standards).

B. Density. SRO residential density shall not exceed the density standards as may be permitted in § 17.400.065 (Mixed Use Development Standards) and in no case shall the number of SRO units exceed more than 25% of a mixed use project's total number of residential units.

C. Unit Size. The minimum size of an SRO unit shall be 200 square feet and the maximum size shall be 350 square feet.

D. Kitchen Facilities. Each SRO unit shall be equipped with a kitchen sink with a garbage disposal and a counter top measuring a minimum of 48 inches wide by 24 inches deep; and shall be provided with a minimum of a refrigerator and a microwave oven.

E. Bathroom Facilities. Each SRO unit shall include a bathroom with a toilet and a shower stall in an enclosed compartment with a door. The bathroom shall be a minimum of 25 square feet in area.

F. Open Space. Each SRO unit shall be provided with open space in compliance with § 17.400.065 (Mixed Use Development Standards).

G. Occupancy. SRO units shall be occupied by no more than two persons and shall be offered on a monthly rental basis or longer.

(Ord. No. 2013-008 § 2 (part); Ord. No. 2020-013 § 2 (part); Ord. No. 2022-008)

§ 17.400.110 TELECOMMUNICATIONS FACILITIES.

A. Purpose. This Section provides location, development, and operating standards for telecommunications facilities (e.g., dish antenna and cellular mobile radio telephone utility facilities), in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), and in accordance with CCMC §§ 15.02.600 through 15.02.625.

B. Definitions. As used in this Section, the following words and phrases are defined as follows.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission and/or reception of electromagnetic radiation waves, including devices with active elements extending in any direction, and directional parasitic arrays with elements attached to a generally horizontal boom that may be mounted on a vertical support structure.

Building or Roof-mounted Antenna. An antenna mounted on the side or top of a building or another structure (e.g., water tank, billboard, church steeple, freestanding sign, and the like), where the entire weight of the antenna is supported by the building, through the use of an approved framework or other structural system attached to one or more structural members of the roof or walls of the building.

Cellular. An analog or digital wireless communication technology based on a system of interconnected neighboring cell sites, each of which contains antennas.

Cellular Mobile Radio Telephone Utility Facility. A type of remote communication installation that includes a grouping or series of antennas that transmit, relay, and receive radio waves, together with equipment functionally integrated into a communication system, located on a cell site that is part of a network for transmission of telephone service.

Co-location. The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility.

Dish Antenna. A parabolic, dish-like antenna that transmits and/or receives electromagnetic waves by line of sight.

Ground-mounted Antenna. An antenna, the entire weight of which is supported by a manufacturer- and/or installer-specified and City-approved platform, framework, pole or other structural system; which system is freestanding, affixed directly on or in the ground by a foundation, excluding lateral bracing to a building.

Height. The vertical distance between the highest point of a dish antenna, when actuated to its most vertical position and the grade below for a ground-mounted dish antenna, and to the roof below for a roof-mounted dish antenna.

Monopole. A structure composed of a single spire used to support antennas and related equipment.

Primary Dish Antenna Facility. A facility that is the primary use of a site consisting of 1 or more dish antennas, the ancillary structures and electronic equipment necessary to support or operate the antennas, and offices for the business selling transmission services.

Reasonable Functional Use. The positioning of a dish antenna that permits substantially unobstructed line of sight with geosynchronous orbiting satellites, or microwave dish antennas, from or to which the dish antenna receives or transmits electromagnetic waves.

Satellite Dish Antenna. An antenna for the home, business or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

C. Dish Antenna Regulations.

1. Small satellite dish antennas. Satellite dish antennas with a maximum diameter of 24 inches for residential installations, up to a maximum of 2 per dwelling unit, and 78 inches for commercial installations, are regulated by Federal law and exempt from the requirements of this Section. When placed on an historic building, designated "landmark" or "significant" per Chapter 15.05, satellite antennas shall comply with the U.S. Secretary of the Interior standards. Compliance with those standards is met if the satellite antenna is placed so that it has no public visibility, and does not permanently alter any design feature or element of an historic building designated "landmark" or "significant." If compliance with the U.S. Secretary of the Interior standards cannot be met, alternate locations that still allow reasonable, functional use of the satellite antenna shall be examined, and an Administrative Certificate of Appropriateness may be required.

2. Quantity and permit requirements. Table 4-5 (Dish Antenna Quantity and Permit Requirements) below, outlines the quantity and permit requirements for dish antennas, other than satellite dish antennas exempted above. All dish antennas shall be installed, modified and maintained in accordance with Chapter 15.02 of the CCMC, and the design provisions set forth in Subsection 17.400.130.C.4. (Plans and permits) below.

Table 4-5 Dish Antenna Quantity and Permit Requirements				
Location	Size	Quantity	Permit Required	Notes
All Residential Zones	Larger than 24 inches in diameter	1 per lot or 1 per multiple-family residential complex	Building permit only	No transmitting dish antenna shall be permitted in a residential zone.
Non-residential Zones	Less than 6.5 feet in diameter	3	Building permit only	Receiving and/or transmitting permitted. Must be ancillary to a primary use.
Non-residential	6.5 feet in diameter to 12	3	AUP	Receiving and/or transmitting permitted.

Zones	feet in diameter			Must be ancillary to a primary use.
Non-residential Zones	Greater than 12 feet in diameter	3	CUP	Receiving and/or transmitting permitted. Must be ancillary to a primary use.
Non-residential Zones	Primary dish antenna facility	As determined by CUP	CUP	Receiving and/or transmitting permitted. Must be a primary use.
IL, IG and S Zones	Larger than 24 inches in diameter	4 or more	AUP, if completely screened (1). CUP, if not completely screened (2).	Receiving and/or transmitting permitted. Must be ancillary to a primary u

Notes:

(1) Completely Screened shall mean that the tallest portion of the antenna(s) structure(s) is/are at or below the tallest portion of the screening or parapet wall.

(2) Not Completely Screened shall mean that some, or all, of the antenna(s) structure(s) is/are visible from adjoining properties and/or public rights-of-way.

3. Design standards. Every dish antenna shall be installed, modified and maintained in compliance with the provisions of Chapter 15.02 of the CCMC, and with the following standards.

a. Installation requirements.

i. All dish antennas larger than 24 inches in diameter shall be ground-mounted, unless the City determines, after considering all applicable regulations of this Chapter and the particular characteristics of the site and improvements whereon a dish antenna is proposed, that a ground-mounted installation is not reasonably feasible, or that a roof-mounted installation would better enable screening of the antenna, as required in Subsection 17.400.130.C.4.f. below. The Director may determine that a ground-mounted installation may not be reasonably feasible when:

(a) The ground-mounted installation would not provide reasonable functional use, when installed at the maximum height and maximum diameter anywhere on the parcel, as permitted by this Section;

(b) The ground-mounted installation is precluded from location anywhere on the parcel by other requirements of this Chapter; or

(c) The ground-mounted installation impedes on vehicular or pedestrian circulation and access.

ii. The City may require a roof-mounted installation if the City determines that a roof-mounted installation is superior to a ground-mounted installation for purposes of screening.

b. Location, height and setbacks. Every dish antenna shall comply with the location, height and setback regulations of this Title, except that:

i. No dish antenna shall be installed at a height greater than that approved by the City. In determining the maximum allowable height, the City shall consider the manufacturer's and/or installer's recommended specifications and the heights, and potential line-of-sight obstructions resulting from nearby terrain, structures, landscaping and other features having mass impenetrable by electromagnetic waves; and

ii. A roof-mounted dish antenna may be permitted to exceed the maximum allowable building height, but in no case by more than 10 feet. The dish antenna shall be mounted above the roof no higher than is absolutely necessary to safely clear the roof when actuated to its most vertical position.

c. Actuation. A dish antenna may be actuated, provided applicable height and screening regulations of this Section are met with the dish antenna in its most vertical position, and provided applicable setback regulations of this Section are met with the dish antenna in its most horizontal position.

d. Color. No dish antenna shall be of a bright, shiny or glare reflective finish. Every dish antenna shall be finished in colors to insure compatibility with the site and the surrounding area, as determined by the Director.

e. Graphics and signs. No dish antenna shall be used to display a sign or any other graphic. For purposes of this Section, a Graphic shall include any display or arrangement of 2 or more colors, patterns, dots, lines or other symbols or characters, the primary use or purpose of which, as determined by the Director, is to attract attention to the dish antenna, its manufacturer or its user. A manufacturer's identification label and/or any government-required identification or safety labels may be affixed to the backside of the dish or the structural support for the antenna.

f. Screening.

i. Every dish antenna larger than 24 inches in diameter shall be screened to the City's satisfaction. In determining acceptability of screening, the City shall take into account:

(a) All existing and/or proposed improvements on and adjacent to the site, including landscaping, walls, fences or other specifically designed devices that preclude or minimize the visibility of the antenna;

(b) The grade of the site on which the dish antenna is proposed, as related to surrounding, nearby grades of properties and public street rights-of-way;

(c) The height of the building(s) on and adjacent to the site above or on which the dish antenna is proposed to be mounted;

(d) The configuration of roofline(s) of the building(s) on and adjacent to the site;

(e) The general, existing aesthetic composition and character of the surrounding neighborhood; and

(f) Any other circumstances the City considers relevant.

ii. No dish antenna greater than 24 inches in diameter shall be permitted on or above that part of a pitched roof sloping towards and having visibility from a street-facing property line.

iii. Where, based on the foregoing considerations, the City determines full 4-sided screening is not reasonably feasible, the emphasis for screening shall be placed from the following prioritized views:

(a) From all adjoining public streets;

(b) From all adjoining residentially zoned properties;

(c) From nearby public streets;

(d) From nearby residentially zoned properties; and

(e) From adjoining and nearby non-residentially zoned properties.

iv. Approval of screening may include reasonable conditions deemed by the City necessary to minimize the visual impact of a dish antenna.

g. Security. Every ground-mounted dish antenna shall be secured from access to the general public by fencing, or another deterring device or means as the City may approve or require, so that the antenna is not an attractive nuisance.

h. Material. The City may require a dish antenna to consist of solid or mesh material, as determined most effective in minimizing the appearance of the dish, if it is not fully screened.

4. Plans and permits.

a. In addition to the procedures established in Subsection 17.400.110.C.2. (Quantity and permit requirements), no dish antenna shall be installed or modified except in accordance with plans and a building permit approved by the City. In addition to complying with the structural and electrical requirements of Chapter 15.02 of the CCMC, the plans filed with the building permit application shall include a site plan, drawn to scale and by dimension, showing all dish antenna and site-specific information, and details necessary for the City to determine compliance with all applicable provisions of this Chapter. The City may require supplemental information to be filed with the building permit application and basic site plan pursuant to this Subsection.

b. In addition to the above, plans filed for a transmitting dish antenna shall include microwave interference and radiation data and specifications, all other information required to be filed with the Federal Communications Commission (FCC) in support of the required application for an FCC license, and any other plans and information the City deems relevant.

c. Once a building permit for a dish antenna has been issued by the City, and installation pursuant thereto has started, all work and improvements per the approved plans and permit shall be completed within 6 months. Failure to complete the work and improvements within 6 months shall be grounds for the City to revoke the permit and require removal of the dish antenna.

d. The City may condition any building permit for a dish antenna, issued pursuant to this Section, upon the removal or modification of any other antennas on the site that are nonconforming with applicable Code requirements.

5. Exceptions. The provisions of this Section may be modified or waived by the City in the following cases:

a. National defense or security dish antenna installations; and

b. Any receiving dish antenna located in such a manner as to be invisible from any off-site view.

6. Exemptions. The provisions of this Section do not apply to the following.

a. Temporary installations for testing for telecommunications purposes only, not to exceed 3 days duration on any one lot or parcel for each such purpose;

b. Portable dish antennas not to exceed 6 feet in diameter and 35 pounds in weight, when set freestanding on the ground in a side yard or rear yard area, which is screened from view from any adjoining public street right-of-way, as would be required for a permanent installation.

D. Cellular Mobile Radio Telephone Utility Facilities.

1. Site selection, order of preference. An application for the approval of a cellular wireless communication facility shall include written documentation provided by the applicant, which demonstrates a good faith effort in locating facilities in compliance with this Subsection. Cellular wireless communication facilities shall be located in the following order of preference.

a. On existing buildings (e.g., a rooftop, church steeple, rooftop stairwell or equipment enclosures, and the like).

b. Co-location facilities.

c. In locations where the existing topography, vegetation, or other structures provide the greatest amount of screening.

d. On parcels which will not require significant visual mitigation.

2. Design standards. Every facility shall be designed, installed, modified, and maintained in compliance with following standards.

a. Location, height and setbacks.

i. More than 1 facility shall be allowed on a site, at the Director's discretion.

ii. The facility shall comply with the height and setback requirements for the zoning district in which it is located.

iii. The facility shall not be located in a maneuvering, or vehicular/pedestrian circulation area.

b. Screening. The facility shall be screened from adjacent and nearby public rights-of-way and properties. Screening shall be accomplished through the following specific or equivalent measures, as applicable and as determined by the Director.

i. The antennas shall be located in or on existing building features or other site improvements wherever possible, as opposed to creating new building features, site improvements, or monopoles for the support of the antennas.

ii. If new building features or other site improvements are necessary for the support of the antennas, they shall be minimized in scale, or be designed to architecturally match or compatibly blend with the structure and site to which they are added, and shall not be higher than 13-1/2 feet above the roof.

iii. If monopoles are necessary for the support of the antennas, they shall be located near existing utility poles, trees, or other similar objects; consist of colors and materials (e.g., metal or creosote wood) that best blend with their background; and have no individual antennas on the poles other than those approved with the subject Administrative Use Permit.

iv. Unless otherwise expressly approved, all cables for a facility shall be fully concealed from view, and placed underground or inside of the screening or monopole structure supporting the antennas.

v. The facility shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility, as determined by the Director.

c. Signs. Except for required or allowed safety-oriented signs, no facility shall display signs. The telephone numbers to contact in an emergency shall be posted on each facility.

d. Security. Every facility shall be secured from access to the general public by fencing, or other deterring device or means as the City may approve or require, so that the antenna is not an attractive nuisance.

e. Colors. The antennas, equipment, and supporting structure that are not completely screened shall be painted a single neutral, non-glossy color (e.g., earth tones, black, gray, and the like) to match or be compatible with the site and surrounding area, as determined by the Director.

3. Plans and permits.

a. All facilities shall be installed in accordance with the plans and building permit approved by the City. In addition to complying with the structural and electrical requirements of Chapter 15.02 of the CCMC, the plans filed with the building permit application shall include a site plan, drawn to scale, showing the location of all antennas, equipment and supporting structures, and site-specific information and details necessary for the City to determine compliance with all applicable provisions of this Chapter. The City may require supplemental information to be filed with the building permit application and basic site plan pursuant to this Subsection.

b. In addition to the above, plans filed for a facility shall include microwave interference and radiation data and specifications; all other information required to be filed with the Federal Communications Commission (FCC) in support of the required application for an FCC license, and any other plans and information the City deems relevant.

c. Once a building permit for a facility has been issued by the City, and installation pursuant thereto has started, all work and improvements per the approved plans and permit shall be completed within 6 months. Failure to complete the work and improvements within 6 months shall be grounds for the City to revoke the permit and require removal of the facility.

d. The City may condition any building permit for a facility, issued pursuant to this Section, upon the removal or modification of any other antennas on the site that are nonconforming with applicable Code requirements.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2022-008)

§ 17.400.115 TEMPORARY STORAGE CONTAINERS.

This Section provides location, development, and operating standards for temporary storage containers in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Approval by the Director. Temporary storage containers shall be allowed, subject to approval of a Temporary Storage Container application or Temporary Use Permit as required in Chapter 17.520.

B. Applicability. Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, natural disasters, and residential rehabilitation activities.

C. Development Standards for Temporary Storage Containers.

1. A temporary storage container shall:

a. Not be located in a parking area unless a Temporary Use Permit is obtained;

- b. Not be located in a landscaped area; unless a Temporary Use Permit is obtained;
- c. Be located on-site not more than 180 days during any consecutive 12-month period;
- d. Require the submittal of a Temporary Use Permit with the Planning Division, in accordance with Chapter 17.520 if proposed for more than 180 days during any consecutive 12-month period.

2. Fences, walls, and/or landscaping, or other methods approved by the Director shall be required to properly screen the temporary storage container from a public street, right-of-way, or adjacent residential zoning districts.

3. No signs, other than the operating company identification, shall be allowed on a temporary storage container.

4. The use of a temporary storage container for seasonal storage shall be prohibited.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2017-012 § 2 (part); Ord. No. 2022-008)

§ 17.400.120 VEHICLE FUELING STATIONS.

This Section provides location, development, and operating standards for vehicle fueling stations in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

A. Allowable Uses. Vehicle fueling stations shall be limited to selling vehicle fuels, and supplying goods and services required in the operation and maintenance of motor vehicles. These shall include the following.

1. Automotive retail sales. The retail sale of batteries, motor fuels, tires, lubricants and oils.

2. Repairs. Incidental minor repairs, including brake, lubrication, tire, and tune up service, shall be conducted entirely within an enclosed structure, in compliance with the standards in § 17.400.125 (Vehicle Repair Shops) and where allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), subject to a Conditional Use Permit.

3. Convenience store. A new or existing vehicle fueling station may include an on site convenience store as an accessory use, where allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

B. Prohibited Uses. The following uses and services are prohibited at vehicle fueling stations.

1. Autobody and fender repair, painting, upholstery work, and dismantling.

2. Tire recapping, machine work or welding.

3. Overhauling, replacement, or repairing of differentials, engines, front suspension, and transmissions.

C. Operational Standards. All vehicle fueling stations shall comply with the following operational standards.

1. Location and display of accessories, batteries, and tires for sale shall be on or within 3 feet of the pump island or the main structure's exterior;

2. No vehicle rental activities shall be conducted on the vehicle fueling station site; and

3. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet, and shall be enclosed by a 6-foot-high, solid decorative masonry wall, subject to the approval of the Director.

D. Development Standards. All vehicle fueling stations shall comply with the following development standards.

1. If a vehicle fueling station adjoins a residential zoning district, a 6-foot-high, solid decorative masonry wall, in compliance with § 17.300.030 (Fences, Hedges and Walls), shall be installed along the property line that adjoins the residential zoning district.

2. A 3-foot-wide planting strip shall be located on the station site along the entire length of the wall separating the vehicle fueling station from adjacent residentially zoned property and public street rights-of-way, except for driveway openings. All unpaved areas shall be landscaped in compliance with Chapter 17.310 (Landscaping).

3. A planter area of not less than 100 square feet shall be provided at the corner of 2 intersecting streets, in compliance with Chapter 17.310 (Landscaping).

4. Additional landscaping may be required by the Director to screen the vehicle fueling station from adjacent residential properties.

5. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy, to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with § 17.300.040 (Outdoor Lighting).

E. Site Maintenance. All vehicle fueling stations shall comply with the following maintenance standards.

1. Used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles, shall not be located outside of the main structure.

2. A refuse storage area, completely enclosed with a masonry wall not less than 5 feet high, with a solid gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.

3. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products, in addition to litter. These areas shall be periodically cleaned

with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.

F. Additional Conditions. Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.

(Ord. No. 2005-007 § 1 (part))

§ 17.400.125 VEHICLE REPAIR SHOPS.

This Section provides location, development, and operating standards for vehicle repair shops in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Operational Standards. All vehicle repair shops shall comply with the following operational standards.

1. All work shall be performed within a fully enclosed structure.
2. All structures shall be sufficiently soundproofed to prevent a disturbance or a nuisance to the surrounding properties, in compliance with Chapter 9.07 (Noise Regulations) of the CCMC.
3. Dismantling of vehicles for purposes other than repair is prohibited.
4. Vehicle parking or loading and unloading shall only occur on site and not in adjoining public streets or alleys.
5. Vehicles shall not be stored at the site for purposes of sale (unless the use is also approved as a vehicle sales lot).
6. Damaged or wrecked vehicles shall not be stored for purposes other than repair.
7. Location and display of accessories, batteries, and tires for sale shall be on or within 3 feet of the main structure's exterior.
8. No vehicle rental activities shall be conducted on the vehicle repair shop (unless the use is also approved as a vehicle rental lot).
9. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet, and shall be enclosed by a 6-foot-high, solid decorative masonry wall, subject to the approval of the Director.

B. Development Standards. All vehicle repair shops shall comply with the following development standards.

1. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed, to ensure that all light, including glare or

reflections, is directed away from adjoining properties and public rights-of-way, in compliance with § 17.300.040 (Outdoor Lighting).

2. All body-damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding properties of the same elevation, as determined by the Director.

C. Site Maintenance. All vehicle fueling stations shall comply with the following maintenance standards.

1. Used or discarded automotive parts or equipment shall not be located outside of the main structure, unless located within an approved outdoor storage area.

2. A refuse storage area, completely enclosed with a masonry wall not less than 5 feet high, with a solid gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.

3. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products, in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.

D. Additional Conditions. Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.