

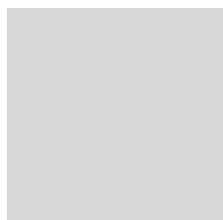
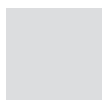
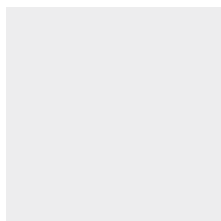


ZONE-IN Hermosa

HERMOSA BEACH ZONING ORDINANCE UPDATE



REVISED PRELIMINARY DRAFT USE REGULATIONS



City of Hermosa Beach
March 2022

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Introduction

The City of Hermosa Beach has embarked upon an effort to comprehensively update the City's Zoning Ordinance contained within Title 17 of the City's Municipal Code with the goal of providing an updated Zoning Ordinance that:

- Is consistent with and implements PLAN Hermosa;
- Respects the City fabric and groundwork that has occurred overtime and reflects current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Retains the character and scale of the community's neighborhoods, districts, and corridors;
- Adds to the economic vitality and promotes adaptive reuse and reinvestment of properties;
- Addresses previously created nonconforming conditions and brings them into compliance to the extent appropriate and feasible;
- Complies with State and federal requirements and current case law; and
- Is clear, concise, understandable, and easy to use.

The new Zoning Ordinance will be organized to be easy to use and amend over time. Generally, the most frequently consulted sections appear towards the beginning of the Ordinance, while more specific and less frequently used parts, such as definitions, appear at the end. Administrative provisions combine permit requirements in one place for ease of reference by staff, the Planning Commission, and other code-users. In all, the updated Title 17-Zoning will comprise five parts, in the following order:

Part I – Introductory Provisions

Part II – Zone Regulations

Part III – Citywide Regulations

Part IV – Administration and Permits

Part V – Terms and Definitions

Within each of these parts, chapters and sections have been ordered to flow logically from one idea to the next. Typically, chapters begin with statements regarding their purpose and applicability, next list general provisions, and then move progressively to more specific provisions and related regulations.

This Paper: Draft Use Regulations

Zoning updates are significant undertakings for any community. Proceeding with discrete, digestible groups of specific sections make the project more approachable. To this end, this paper presents draft provisions for the regulation of uses in the Zoning Ordinance. This paper includes the following:

- **Use Allowances By Zone.** This portion establishes the allowed uses within each base zoning district throughout the City. Land uses are organized according to use groups and presented in tables intended to provide a quick summary and comparison of possible uses in a given zone. Use allowances are presented in a table format for easy comparison between related zoning districts. The tables also include cross-references to other sections of the Ordinance where additional regulations apply.
- **Standards for Specific Uses.** This portion establishes standards and requirements applicable to particular uses that are allowed in some or all zones (e.g., home occupations, wireless facilities).
- **Use Classifications.** This portion establishes use classifications established by the Zoning Ordinance and regulated in every zoning district by type (i.e., residential uses, commercial uses, etc.). Land uses have been revised and consolidated into use groups based on common function, product, impacts, or physical characteristics. The groups are designed to be broad enough to allow classification of new, unanticipated uses, to reduce confusion and the need to amend this section of the Ordinance.

Base Zoning Districts

Base zoning districts create the framework for implementation of General Plan (PLAN Hermosa) policies and land use designations. The General Plan establishes land use designations and the overall policy basis for land use and development. Zoning then establishes zone districts which are intended to define distinct locations for different uses, consistent with General Plan land use designations.

Each existing zone was assessed for its ability to implement the updated General Plan land use designations and policies. The majority of General Plan land use categories are consistent with or similar to previous designations or existing development types. Others are new, including Public Facilities and Beach land use designations. In these situations, new zones on the Zoning Map and in the Zoning Ordinance are warranted. There are also opportunities to streamline existing zones by consolidating similar zones and integrating any differences into use or development standards.

In the interest of making the ordinance easier to use and understand, the names of individual zones are proposed to be refined to more clearly reflect the character and intent of each zone. For example, in the current code, each base residential zone is defined by a lettered prefix (R for Residential) followed by a numbered suffix (based on development density/intensity). Some jurisdictions have moved away from this letter-number format and simply assign an easily defined name to each zone, so that the resulting letter designations are easily understandable and relate more clearly to the associated General Plan Land Use Designation. The existing R-1, R-2, and R-3 zones would be renamed to employ letter designations, Residential Low Density (RL), Residential Medium Density (RM), and Residential High Density (RH), etc., which would match General Plan Land Use Designations. This would make it easier to ensure General Plan/Zoning Ordinance

consistency and to provide greater clarity regarding the predominant character and purpose of each zone.

In the updated Zoning Ordinance, zones are anticipated to include the following:

GENERAL PLAN, PROPOSED ZONING, AND EXISTING ZONE NAME CORRESPONDENCE		
General Plan Land Use Designation	Existing Zone Name	Proposed Zone Name
Residential Zones		
Low Density	R-1 - Single Family Residential	RL Residential Low Density
	R-1A - Limited Single Family Residential	
Medium Density	R-2 - Two Family Residential	RM Residential Medium Density
	R-2B - Limited Two Family Residential	
	SPA 2 - Specific Plan Area 2	
	SPA 3 - Specific Plan Area 3	
	SPA 5 - Specific Plan Area 5	
	SPA 10 - Specific Plan Area 10	
High Density	R-3 - Multiple Family Residential	RH Residential High Density
	R-P - Residential Professional	
	SPA 6 - Specific Plan Area 6	
	SPA 9 - Specific Plan Area 9	
Mobile Home	MHP - Mobile Home Park	MHP Mobile Home Park
Multiple	RPD - Residential Planned Development	Delete RPD Zone, assign zones according to applicable General Plan Land Use Designation
Commercial Zones		
Neighborhood Commercial	C-1 - Limited Business and Residential	NC Neighborhood Commercial
Community Commercial	SPA 11 - Specific Plan Area 11	DT Downtown
Community Commercial	C-2 - General Commercial	CC Community Commercial
	SPA 7 - Specific Plan Area 7	
	SPA 8 - Specific Plan Area 8	
Recreational Commercial	C-2 - General Commercial	RC Recreational Commercial
Gateway Commercial	C-3 - General and Highway Commercial	GC Gateway Commercial
	SPA 7 - Specific Plan Area 7	
	SPA 8 - Specific Plan Area 8	

GENERAL PLAN, PROPOSED ZONING, AND EXISTING ZONE NAME CORRESPONDENCE		
General Plan Land Use Designation	Existing Zone Name	Proposed Zone Name
Service Commercial	C-3 - General and Highway Commercial	SC Service Commercial
	SPA 7 - Specific Plan Area 7	
Light Industrial Zone		
Light Industrial	M-1 - Light Manufacturing	M-1 Light Industrial
Public and Semi-Public Zones		
Open Space	O-S-1 - Restricted Open Space	OS Open Space
	O-S-2 - Restricted Open Space	
	O-S - Open Space	
Beach	O-S - Open Space	B Beach
Public Facility	O-S - Open Space	PF Public Facilities

This paper includes draft use regulations for each of these zones.

Summary of Land Use Regulation Revisions

A brief summary of how the draft use regulations presented in this paper differ from the current regulations is provided below. The goal of the proposed revisions to use regulations is to create a streamlined, user-friendly set of standards that clearly establishes permitted and conditionally permitted uses in each zone, consistent with the General Plan, State and federal law, and other relevant City plans and policies.

USE ALLOWANCES BY ZONE

Use Allowances by Zone establishes the land use allowances within each base zoning district. These regulations will be located in Part II – Zone Regulations, of the updated Zoning Ordinance. Base zoning districts are comprised of the Residential, Commercial, Light Industrial, and Public and Semi-Public Zones. The use allowances for each zone have been refined consistent with the General Plan, State and federal law, and other relevant City plans and policies.

The use allowances tables establish whether a land use is allowed, and the process required for securing approvals. A land use may be 1) permitted by right, 2) permitted subject to a Minor Use Permit, described below, 3) permitted subject to a Conditional Use Permit which requires public notice and hearing, or 4) prohibited.

Minor Use Permits are a new type of use permit recommended in the Assessment Report to provide a streamlined process for projects that warrant public notice and discretionary review but are generally “limited in scope and impacts”; thus not warranting a hearing by the Planning Commission by default, although a hearing by the Planning Commission could be held on appeal or if the project is elevated to the Planning Commission for decision. Such a procedure allows the City to exercise more control over proposed development by applying a discretionary review

process to a broader range of projects, including those that would otherwise be permitted by-right, thus providing more opportunities for public input while maintaining certainty in the process for both the community and applicants. Conditional Use Permits are generally reserved for uses that pose potential or significant land use compatibility issues and warrant Planning Commission review and approval. Procedures for the new Minor Use Permit process will be included in a future set of draft regulations.

Standards for Specific Uses

This portion of the paper establishes specific standards and requirements applicable to particular uses that may be sensitive or have the potential to impact surrounding properties. These standards for specific uses will be located in Part III, Citywide Regulations, of the updated Zoning Ordinance. Requirements applicable to specific uses, currently located throughout the Ordinance, including within chapters related to use category definitions, district standards, land use permits and approvals, and supplemental standards, are consolidated in this section. In addition to incorporating standard conditions for such uses, some uses have special review procedures. The procedures for specific permits and approvals will be located in another section of the Ordinance dedicated to administrative procedures.

Notable new standards and changes to existing standards are summarized below:

- **Accessory Uses.** Provisions allow accessory uses that are clearly incidental and subordinate to the principal use on a site and identifies certain uses that are always considered accessory to a principal use. Accessory uses are subject to the same regulations as the principal use as well as any standards applicable to that specific use. Additionally, in the M-1 Zone, accessory uses, including, but not limited to offices, retail sales, and food and beverage tasting are limited to a maximum of 10 percent of the gross floor area of the primary use and shall not attract or generate excessive auto or foot traffic in excess of that which is customary for the primary use, consistent with current regulations.
- **Alcoholic Beverage Sales.** Current provisions requiring Conditional Use Permit approval for establishments which sell alcoholic beverages and are open between 11:01 pm and 2:00 am the next day and requiring new off-sale alcohol beverage establishments open between the hours of 11:01 p.m. and 2:00 a.m. the next day shall be a minimum of 100 feet from any Residential Zone are carried forward.
- **Automobile/Vehicle Sales and Services.** This section carries forward and augments current requirements for automobile/vehicle sales and service establishments, including service stations and car wash facilities. New design requirements and requirements for findings and conditions of approval for use permits for new establishments address potential nuisances and adverse impacts on surrounding areas.
- **Home Occupations.** Existing standards have been revised to incorporate allowances for cottage food operations consistent with State law, allow up to two on-site clients at a time between the hours of 7:00 am and 7:00 pm, expand the type of allowed operations (including professional offices), and remove the annual renewal requirement (business licenses are still subject to annual renewal requirements).
- **Live Entertainment.** Existing requirements for live entertainment activities to be conducted indoors, with doors and windows closed, during normal business hours are carried forward. Live entertainment activities that do not meet those requirements are subject to Minor Use Permit approval.

- **Outdoor Dining and Seating.** Outdoor dining and seating is allowed as an accessory use to a legally established eating and drinking establishment. Outdoor dining and seating areas between 400 and 1,000 square feet require Minor Use Permit approval; those larger than 1,000 square feet require Conditional Use Permit approval. All outdoor dining and seating areas shall be located at least 50 feet from a Residential Zone and may not be located within pedestrian pathways or required parking areas.
- **Outdoor Display and Sales.** Standards provide allowances for outdoor display and sales, with locational and operational requirements.
- **Personal Services.** Current standards and limitations applicable to massage therapy businesses and tattoo/body ~~modification parlors~~ **piercing studios** are carried forward.
- **Recycling Facilities.** Standards addressing recycling facilities, including reverse vending machines and recycling collection facilities are carried forward with revisions for clarity and consistency with the updated format.
- **Restaurants.** Current limitations applicable to restaurants that sell, serve, or allow on-sale alcoholic beverages are carried forward with revisions for clarity and consistency with the update format.
- **Single Room Occupancy (SRO).** Standards for single room occupancy (SROs) are carried forward with revisions for consistency with the updated format.
- **Temporary Uses.** Existing standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur have been carried forward and simplified. Existing limitations specific to the M-1 Zone and specific dates where the Police Department determines the accumulation of activities in the City may exceed its capacity to adequately protect public safety, including St. Patrick's Day, July 4th, Cinco de Mayo, and New Year's Eve, have been carried forward.
- **Wind Energy Systems.** Standards addressing wind energy systems are carried forward with revisions for clarity and consistency with the updated format.
- **Wireless Telecommunication Facilities.** Standards applicable to wireless telecommunication facilities have been revised and updated, establishing requirements for location and siting, support structures, height, design and screening, security features, radio frequency standards, co-location, and emergency response. Replacement and co-located facilities are allowed pursuant to federal law; other wireless telecommunication facilities are allowed in non-residential districts subject to Conditional Use Permit approval.

Uses for which existing standards will be carried forward with refinements to remove redundancies and for consistency with the new format and organization include the following:

- Accessory Dwelling Units
- Adult Businesses
- Cannabis
- Emergency Shelters
- Short-Term Vacation Rentals

Placeholders have been included for these provisions to show where they will be included in the complete Zoning Code.

Use Classifications

The final portion of the paper establishes the use classifications and definitions that are used and referenced throughout the Zoning Ordinance. This portion will be located in Part V, Terms and Definitions, of the updated Zoning Ordinance.

The use classification approach groups all uses by type: Residential Uses; Public and Semi-Public Uses; Commercial Uses; Industrial Uses; and Transportation, Communication, and Utility Uses. Land uses contained in the current Ordinance have been revised and consolidated into use groups based on common function, product, impacts, or physical characteristics. The groups are designed to be broad enough to allow classification of new, unanticipated uses, to reduce confusion and the need to amend this section of the Ordinance.

Many uses in the existing Ordinance have been renamed to reflect standard terminology in modern land use law and practice. Some outdated uses have been removed from the Ordinance entirely, while other new categories have been introduced to the classification system, such as Custom Manufacturing. In circumstances where the City desires more fine-tuned regulation, additional subclassifications of standard uses have been proposed. For example, the Eating and Drinking Establishments land use classification is separated into two subclassifications: Bars/Nightclubs/Lounges and Restaurants.

Zone District Use Regulations

Chapter 17.01 Residential Zones

17.01.010 Purpose and Applicability

The purposes of the Residential Zones are to:

- A. Provide for a full range of housing types to meet the diverse economic and social needs of residents;
- B. Preserve, protect, and enhance the character of the City's neighborhoods;
- C. Enhance the quality of life of residents;
- D. Ensure that the scale and design of new development and alterations to existing development are appropriate to the physical and aesthetic characteristics of the proposed location; and
- E. Provide sites for public and semi-public uses such as parks, schools, day care, and other community uses that serve residents and complement surrounding residential development.

Additional purposes of each Residential Zone:

Residential Low Density (RL). This Zone is intended to provide for residential development and other compatible uses in a low density residential neighborhood setting with a variety of lot sizes. The permitted density range is 2.0 to 13.0 units per acre. This Zone implements the Residential Low Density General Plan Land Use Designation.

Residential Medium Density (RM). This Zone is intended to provide for residential development and other compatible uses in a medium density residential neighborhood setting with a variety of housing types including single unit dwellings, duplexes, triplexes, apartments, and condominiums. The permitted density range is 13.1 to 25.0 units per acre. This Zone implements the Residential Medium Density General Plan Land Use Designation.

Residential High Density (RH). This Zone is intended to provide for a variety of medium- and large-scale multi-unit development projects, including townhouses, condominiums, and apartments, and other compatible uses and amenities. At a permitted density range is 25.1 to 33.0 units per acre, this Zone implements the Residential High Density General Plan Land Use Designation.

Mobile Home Park (MHP). The Mobile Home Park Zone is intended to retain land area for the sole use of mobile homes and recreational vehicles. The permitted density range is 2.0 to 13 units per acre. This Zone implements the Mobile Home General Plan Land Use Designation.

17.01.020 Land Use Regulations

Table TBD: Land Use Regulations – Residential Zones, sets the land use regulations for the Residential Zones. Land uses are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the

land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE TBD: LAND USE REGULATIONS - RESIDENTIAL ZONES					
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-“ = use not allowed					
Land Use Classification	RL	RM	RH	MHP	Additional Regulations
Residential Uses					
Residential Dwelling Unit	P	P	P	-	See Chapter TBD, Condominiums, Stock Cooperatives, and Community Apartments
Accessory Dwelling Units	See Section TBD, Accessory Dwelling Units				
Family Day Care	Small and large family day cares are permitted in all zoning districts where residential uses are allowed and are considered residential uses of a property.				
Group Residential	-	C	C	-	
Mobilehome Park	-	-	-	P	
Residential Care Facility	See subclassifications below				
<i>Small</i>	Small residential care facilities constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.				
<i>Large</i>	-	-	C	-	
Residential Facility, Assisted Living	-	-	P	-	
Single Room Occupancy	-	-	P/C(1)	-	See Section TBD, Single Room Occupancy (SRO)
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.				
Transitional Housing					
Public/Semi-Public Uses					
Community Assembly	C	C	C	-	
Community Garden	P	P	P	-	
Hospitals and Clinics	See subclassifications below				
<i>Skilled Nursing Facilities</i>	-	-	C	-	
Park and Recreation Facilities	P	P	P	-	
Parking Lots and Structures	-	-	P	-	
Public Safety Facilities	P	P	-	-	
Schools	C	C	-	-	

Commented [Revision1]: Correction based on Housing Element

TABLE TBD: LAND USE REGULATIONS - RESIDENTIAL ZONES					
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed					
Land Use Classification	RL	RM	RH	MHP	Additional Regulations
Transportation, Communication, and Utility Uses					
Wireless Communication Facilities	See Section TBD, Wireless Communication Facilities				
Other Uses					
Accessory Uses, Activities, and Structures	See Section TBD, Accessory Uses and Activities and Section TBD, Accessory Structures				
Home Occupations	See Section TBD, Home Occupations				
Cannabis	Commercial cannabis activities and cannabis cultivation are prohibited. See Section TBD, Cannabis				
Condominiums, Stock Cooperatives, and Community Apartments	See Chapter TBD, Condominiums, Stock Cooperatives, and Community Apartments				
Nonconforming Uses	See Chapter TBD, Nonconforming Uses, Sites, and Structures				
Temporary Uses	See Section TBD, Temporary Uses				
Wind Energy Systems	See Section TBD, Wind Energy Systems				
Notes:					
1. Maximum six units Conditional Use Permit required for SROs with seven or more units.					

Commented [Revision2]: Correction based on Housing Element

Chapter 17.02 Commercial Zones

17.02.010 Purpose and Applicability

The purposes of the Commercial Zones are to:

- A. Provide for the orderly, well-planned, and balanced development of commercial areas;
- B. Designate adequate land for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region, consistent with the General Plan;
- C. Maintain and strengthen the City's economic resources, and also protect small businesses that serve City residents;
- D. Provide appropriately located commercial areas that provide a variety of goods and services for residents, employees, and visitors;
- E. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site; and
- F. Promote pedestrian-oriented, mixed-use centers at appropriate locations.

Additional purposes of each Commercial Zone:

Neighborhood Commercial (NC). The Neighborhood Commercial Zone is intended to provide for neighborhood activity centers which provide goods and services to meet the day-to-day needs of residents and visitors. This Zone implements the Neighborhood Commercial General Plan Land Use Designation.

Downtown (DT). The Downtown Zone is intended to create, maintain, and enhance a vibrant, pedestrian-oriented City center with active ground floor uses that attract and serve local residents, in addition to visitors. This Zone implements the Community Commercial General Plan Land Use Designation.

Community Commercial (CC). The Community Commercial zones is intended to provide areas that serve the shopping, dining, and employment desires of the entire community with focus on active ground floor uses. This Zone implements the Community Commercial General Plan Land Use Designation.

Recreational Commercial (RC). The Recreational Commercial Zone is intended to establish a primary cultural and entertainment center with a wide variety of recreational and coastal-related services to serve both visitors and residents near the beach and capturing a large portion of the City's economic activity generated by visitors. This Zone implements the Recreational Commercial General Plan Land Use Designation.

Gateway Commercial (GC). The General Commercial Zone is intended to offer a variety of employment, retail, and economic activity at key entryways and intersections. In addition to providing commercial services and facilities for the community, the Gateway Commercial Zone provides areas for services and amenities that serve visitors and the region such as hotels and larger employment centers. This Zone implements the Gateway Commercial General Plan Land Use Designation.

Service Commercial (SC). The Service Commercial Zone is intended to provide opportunities for the full range of office, retail, and service businesses that serve residents and the region, including business not appropriate for other zones because they attract heavy vehicular traffic or require indoor or outdoor warehousing or storage space to display or sell their inventory. This Zone implements the Service Commercial General Plan Land Use Designation.

17.02.020 Land Use Regulations

Table TBD: Land Use Regulations – Commercial Zones, sets the land use regulations for the Commercial Zones. Land uses are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES							
“P” =Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed							
Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Residential Uses							
Residential Dwelling Unit	P(1)	-	(2)	-	(2)	(2)	
Accessory Dwelling Units	See Section TBD, Accessory Dwelling Units						
Family Day Care	Small and large family day cares are permitted in all zoning districts where residential uses are allowed and are considered residential uses of a property.						
Residential Care Facility	See subclassifications below						
<i>Small</i>	Small residential care facilities constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.						
Residential Facility, Assisted Living	-	-	C	-	-	-	
Single Room Occupancy	-	-	C	-	C	C	See Section TBD, Single Room Occupancy (SRO)
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.						
Transitional Housing							
Public/Semi-Public Uses							
Colleges and Trade Schools	-	-	M	-	P(4)	-	
Community Assembly	-	C	C	C	C	C	
Community Gardens	P	-	-	-	-	-	
Cultural Institutions	-	M	M	P	P	-	

Commented [Revision3]: Correction based on Housing Element

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES

"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed

Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Day Care Centers	M	P(1) <u>P/M(8)</u>	P		M		Adequate space for loading and unloading children shall be available or shall be provided on the site
Emergency Shelter	-	-	P	-	P	-	See Section TBD, Emergency Shelter
Government Offices	-	P(1) <u>P/M(8)</u>	P	-	P	-	
Hospitals and Clinics	See subclassifications below						
Hospitals	-	-	C	-	C		
Clinics	P	-	P	-	P	P	
Skilled Nursing Facilities	-	-	C	-	-	-	
Instructional Services	P/C (6)	P/C (6)	P	P/C (6)	P	P	
Park and Recreation Facilities	-	P	-	P	P	-	
Parking Lots and Structures	P	C	P	P	P	P	
Public Safety Facilities	-	P(1) <u>P/M(8)</u>	P	-	-	-	
Schools	-	P(1) <u>P/M(8)</u>	M(4)	-	-	-	
Social Service Facilities	-	P(1) <u>P/M(8)</u>	P	-	-	-	
Commercial Uses							
Adult Businesses	-	-	C	-	C	C	See Section TBD, Adult Businesses
Animal Services	See subclassifications below						
Animal Daycare	-	-	M	-	-	M	
Animal Shelter and Boarding	-	-	C	-	-	M	
Veterinary Services	-	-	P	-	P	P	Shall be entirely enclosed, soundproofed, and air-conditioned
Architects Studio	P	P(1) <u>P/M(8)</u>	P	P(1)	P	-	
Artist Studio	-	P	P	P	-	P	

Commented [Revision4]: This and similar revisions made for more flexibility related to allowed uses in the Downtown while ensuring active uses along Pier Avenue.

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES							
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed							
Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Automobile/Vehicle Sales and Services	See subclassifications below						
Automobile/Vehicle Rental	-	-	P	-	C	P	See Section TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	-	-	P	-	C	P	See Section TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	-	-	C	-	-	M	See Section TBD, Automobile/Vehicle Sales and Services
Vehicle Repair, Major	-	-	C	-	-	M	See Section TBD, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	-	-	-	-	-	M	See Section TBD, Automobile/Vehicle Sales and Services
Service Stations	-	-	C	-	C	C	See Section TBD, Automobile/Vehicle Sales and Services
Towing and Impound	-	-	-	-	-	C	See Section TBD, Automobile/Vehicle Sales and Services
Washing	-	-	C	-	C	C	See Section TBD, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	-	P	P		P		
Business Services	P	P	P	P(1)	P	P	
Commercial Entertainment and Recreation	See subclassifications below						
Cinema/Theaters	-	M	M	P	P	-	
Indoor Entertainment and Recreation	-	M	M	P	P	M	
Convention Facility	-	-	M	C	P	-	
Drive-Through Facility	-	-	C	C	C	C	
Eating and Drinking Establishments	See subclassifications below						

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES							
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed							
Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Bars/Night Clubs/Lounges	-	C	C	C	C	C	See Section TBD, Alcoholic Beverage Sales
Food and Beverage Tasting	P	P	P	P	P	P	
Restaurant	P/C(3)	P/C(3)	P/C(3)	P/C(3)	P/C(3)	M/C(3)	See Section TBD, Alcoholic Beverage Sales and Section TBD, Restaurants
Farmer's Market	P	P	P	P	P		
Food Preparation	-	P	P	-	P	P	
Funeral Parlors and Interment Services	-	P(1) P/M(8)	P	-	-	-	
Lodging	See subclassifications below						
Hotels	-	P(94)	P	P	P	-	
Short Term Vacation Rentals	-	P	P	P	P	P	Limited to nonconforming residential dwellings. See Section TBD, Short Term Vacation Rentals
Maintenance and Repair Services	P	P	P	P(1)	P	P	
Offices	P	P/M(18)	P	P(1)	P	-	
Parcel Delivery Terminal	P(5)	P(1) P/M(8)	P		P		
Personal Services	See subclassifications below						
General Personal Services	P/C(7)	P/C(7)	P/C(7)	P/C(7)	P/C(7)	P/C(7)	See Section TBD, Personal Services
Tattoo or Body Modification Parlor/Piercing Studio	-	-	P	P	P	P	See Section TBD, Personal Services
Massage Therapy Business	-	C	C	C	C	C	See Section TBD, Personal Services
Retail Sales	See subclassifications below						
Building Materials Sales and Services	-	-	P	-	P	P	
Food and Beverage Sales	P/C(3)	P/C(3)	P/C(3)	P/C(3)	P/C(3)	P/C(3)	See Section TBD, Alcoholic Beverage Sales
General Retail	P	P	P	P	P	P	
Nurseries	P	P	P	P	P	P	

Commented [Revision5]: PC comment to allow associated active uses on the ground floor.

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES							
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed							
Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Industrial Uses							
Construction and Material Yard	-	-	-	-	-	C	
Custom Manufacturing	-	-	P	-	-	P	
Food and Beverage Manufacturing	See subclassifications below						
Limited/Small Scale	-	-	P	-	-	P	
General/Large Scale	-	-	C	-	-	C	
General Industrial	-	-	C	-	-	C	
Light Industrial	-	-	P	-	-	P	
Research and Development	-	-	P	P(1)	P	P	
Warehousing and Storage	See subclassifications below						
Indoor Warehousing and Storage	-	-	C	-	-	C	
Outdoor Storage	-	-	-	-	-	C	
Self Storage	-	-	-	-	-	C	
Vehicle Storage	-	-	-	-	-	C	
Wholesaling and Distribution	-	-	-	-	-	C	
Transportation, Communication, and Utility Uses							
Broadcasting Studio	-	-	M	-	M	M	
Freight/Trucking Terminals	-	-	-	-	-	C	
Light Fleet-Based Services	-	P	P	-	P	P	
Recycling Facility	See subclassifications below						
Reverse Vending Machine	-	C	C	-	-	P	See Section TBD, Recycling Facilities
Small Recycling Collection Facility	-	-	C	-	-	C	See Section TBD, Recycling Facilities
Large Recycling Collection Facility	-	-	C	-	-	C	See Section TBD, Recycling Facilities
Recycling Processing Facility	-	-	-	-	-	C	See Section TBD, Recycling Facilities
Transit Stations and Terminals	-	-	P	-	P	P	
Wireless Communication Facilities	See Section TBD, Wireless Communication Facilities						

TABLE TBD: LAND USE REGULATIONS - COMMERCIAL ZONES

"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed

Land Use Classification	NC	DT	CC	RC	GC	SC	Additional Regulations
Other Uses							
Accessory Uses, Activities, and Structures	See Section TBD, Accessory Uses and Activities and Section TBD, Accessory Structures						
Home Occupations	See Section TBD, Home Occupations						
Live Entertainment	See Section TBD, Live Entertainment						
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating						
Outdoor Display and Sales	See Section TBD, Outdoor Display and Sales						
Alcoholic Beverage Sales	See Section TBD, Alcoholic Beverage Sales						
Cannabis	Commercial cannabis activities and cannabis cultivation are prohibited. See Section TBD, Cannabis						
Condominiums, Stock Cooperatives, and Community Apartments	See Chapter TBD, Condominiums, Stock Cooperatives, and Community Apartments						
Nonconforming Uses	See Chapter TBD, Nonconforming Uses, Sites, and Structures						
Temporary Uses	See Section TBD, Temporary Uses						
Wind Energy Systems	See Section TBD, Wind Energy Systems						

Notes

1. Must be located on upper floors.
2. Permitted if existing. New residential development is prohibited.
3. Conditional Use Permit required for establishments which sell alcoholic beverages and are open between 11:01 pm and 2:00 am.
4. Prohibited on the ground floor within 50 feet of any parcel-property line abutting with frontage on Pacific Coast Highway, Sepulveda Boulevard, Aviation Boulevard, Artesia Boulevard or Pier Avenue.
5. Limited to a maximum of 1,000 square feet.
6. ~~Conditional-Minor~~ Use Permit required for establishments serving more than 20 clients at any one time or that are open between ~~9:01-10:00~~ pm and 6:00 am.
7. Conditional Use Permit required for establishments that are open between 10:01 pm and 7:00 am.
8. Minor Use Permit required to be located on the ground floor along Pier Avenue. Permitted elsewhere.
9. Along Pier Avenue, ground floor uses are limited to check in areas and service areas open to the public, such as restaurants. Guest rooms and facilities restricted to guest use must be located on upper floors.

Commented [Revision6]: PC comment that these uses could be appropriate setback on larger lots

Commented [Revision7]: To align with time thresholds of Noise Ordinance

Chapter 17.03 Light Industrial Zone

17.03.010 Purpose and Applicability

The Light Industrial (M-1) Zone is intended to create a suitable environment for small businesses that rely on manufacturing, warehousing, or production to operate successfully while minimizing impacts to adjacent residential uses. This designation is reserved for the provision of production uses for light manufacturing, creative art, or design services. Professional office or specialty retail are allowed only as an accessory use to the primary production uses. This Zone implements the Creative Light Industrial General Plan Land Use Designation.

17.03.020 Land Use Regulations

Table TBD: Land Use Regulations – Light Industrial Zone, sets the land use regulations for the Light Industrial Zone. Land uses are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE TBD: LAND USE REGULATIONS – LIGHT INDUSTRIAL ZONE		
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “–” = use not allowed		
Land Use Classification	M-1	Additional Regulations
Public/Semi-Public Uses		
Colleges and Trade Schools	M	
Commercial Uses		
Architects Studio	P	
Artist Studio	P	
Automobile/Vehicle Sales and Services	See subclassifications below	
Automobile/Vehicle Service and Repair, Minor	C	See Section TBD, Automobile/Vehicle Sales and Services
Vehicle Repair, Major	C	See Section TBD, Automobile/Vehicle Sales and Services
Maintenance and Repair Services	P	
Industrial Uses		
Construction and Material Yard	P	
Custom Manufacturing	P	
Food and Beverage Manufacturing	See subclassifications below	
Limited/Small Scale	P	
General/Large Scale	P	
General Industrial	C	

TABLE TBD: LAND USE REGULATIONS – LIGHT INDUSTRIAL ZONE		
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed		
Land Use Classification	M-1	Additional Regulations
Light Industrial	P	
Salvage and Wrecking	C	
Warehousing and Storage	See subclassifications below	
Indoor Warehousing and Storage	P	
Wholesaling and Distribution	P	
Transportation, Communication, and Utility Uses		
Broadcasting Studio	P	
Freight/Trucking Terminals	C	
Recycling Facility	See subclassifications below	
Recycling Processing Facility	C	See Section TBD, Recycling Facilities
Wireless Communication Facilities	See Section TBD, Wireless Communication Facilities	
Other Uses		
Accessory Uses, Activities, and Structures	In the M-1 Zone, accessory uses, including, but not limited to offices, retail sales, and food and beverage tasting, are limited to a maximum of 10 percent of the gross floor area of the primary use and shall not attract or generate excessive auto or foot traffic in excess of that which is customary for the primary use. See Section TBD, Accessory Uses and Activities and Section TBD, Accessory Structures	
Cannabis	Commercial cannabis activities and cannabis cultivation are prohibited. See Section TBD, Cannabis	
Nonconforming Uses	See Chapter TBD, Nonconforming Uses, Sites, and Structures	
Temporary Uses	See Section TBD, Temporary Uses	
Wind Energy Systems	See Section TBD, Wind Energy Systems	

Chapter 17.04 Public and Semi-Public Zones

17.04.010 Purpose and Applicability

The purposes of the Public and Semi-Public Zones are to:

- A. Provide land for the development of public, semi-public, and recreational uses that provide services to the community and support existing and new residential, commercial, and manufacturing land uses;
- B. Provide areas for public facilities which serve the community, such as the civic center, educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses; and
- C. Reserve areas for active and passive recreation and open space.

Additional purposes of each Public and Semi-Public Zone:

Public Facilities (PF). The PF Zone is intended to provide for a broad range of government, institutional, educational, assembly, and community-serving uses. This Zone provides for government-owned facilities, civic-related administrative offices, community space, operational yards, educational or institutional facilities, and other public and quasi-public uses. The PF Zone implements the Public Facility General Plan Land Use Designation.

Open Space (OS). The OS Zone is intended to prohibit intensive urban development to those open space areas of the City which are necessary to assure permanent open space in and for public parks and recreation areas; and where urban development would be put at risk from natural hazards. This designation provides for public and community-serving facilities ranging in scale from a few thousand square feet to several acres of land. This Zone implements the Open Space General Plan Land Use Designation.

Beach (B). The B Zone is intended to protect the recreational, aesthetic, and natural values of the beach and provide for coastal-related activities and essential public facilities such as lifeguard towers and restrooms along the sandy shoreline. This Zone provides for existing and major planned public parks. The B Zone implements the Beach General Plan Land Use Designation.

17.04.020 Land Use Regulations

Table TBD: Land Use Regulations – Public and Semi-Public Zones, sets the land use regulations for the Public and Semi-Public Zones. Land uses are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed				
Land Use Classification	PF	OS	B	Additional Regulations
Public/Semi-Public Uses				
Cemeteries and Columbariums	P	-	-	
Colleges and Trade Schools	P	-	-	
Community Assembly	P	P	-	
Community Garden	P	P	-	
Cultural Institutions	P	P	-	
Day Care Centers	P	-	-	
Emergency Shelter	P	-	-	See Section TBD, Emergency Shelters
Government Offices	P	-	-	
Hospitals and Clinics	See subclassifications below			
<i>Hospitals</i>	P	-	-	
<i>Clinics</i>	P	-	-	
<i>Skilled Nursing Facilities</i>	P	-	-	
Instructional Services	P	-	-	
Park and Recreation Facilities	P	P	P	
Parking Lots and Structures	P	-	-	
Public Safety Facilities	P	-	-	
Schools	P	-	-	
Social Service Facilities	P	-	-	
Commercial Uses				
Animal Services	See subclassifications below			
<i>Animal Shelter and Boarding</i>	P	-	-	
Commercial Entertainment and Recreation	See subclassifications below			
<i>Cinema/Theaters</i>	P	-	-	
<i>Indoor Entertainment and Recreation</i>	P	-	-	
<i>Outdoor Entertainment</i>	P	-	-	
<i>Outdoor Recreation</i>	P	-	-	
Convention Facility	P	-	-	
Farmer's Market	P	-	-	

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
“P” =Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required; “-“ = use not allowed				
Land Use Classification	PF	OS	B	Additional Regulations
Transportation, Communication, and Utility Uses				
Freight/Trucking Terminals	P	-	-	
Light Fleet-Based Services	P	-	-	
Public Works and Utilities	P	-	-	
Recycling Facility	See subclassifications below			
Reverse Vending Machine	P	-	-	See Section TBD, Recycling Facilities
Small Recycling Collection Facility	P	-	-	See Section TBD, Recycling Facilities
Large Recycling Collection Facility	P	-	-	See Section TBD, Recycling Facilities
Recycling Processing Facility	P	-	-	See Section TBD, Recycling Facilities
Transit Stations and Terminals	P	-	-	
Wireless Communication Facilities	See Section TBD, Wireless Communication Facilities			
Other Uses				
Accessory Uses, Activities, and Structures	See Section TBD, Accessory Uses and Activities and Section TBD, Accessory Structures			
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating			
Outdoor Display and Sales	See Section TBD, Outdoor Display and Sales			
Alcoholic Beverage Sales	See Section TBD, Alcoholic Beverage Sales			
Cannabis	Commercial cannabis activities and cannabis cultivation are prohibited. See Section TBD, Cannabis			
Nonconforming Uses	See Chapter TBD, Nonconforming Uses, Sites, and Structures			
Temporary Uses	See Section TBD, Temporary Uses			
Wind Energy Systems	See Section TBD, Wind Energy Systems			

Standards for Specific Uses

Chapter 17.05 Standards for Specific Uses

17.05.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.05.020 Applicability

- A. Each land use and activity covered by this Chapter shall comply with the requirements of the Section applicable to the specific use or activity.
- B. These standards are in addition to any applicable standard this Title required in the zone where the use or activity is proposed, all other applicable provisions of this Title, and any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, if applicable.
- C. The uses that are subject to the standards in this Chapter shall be located only where allowed by zone, specific plan, and planned development use regulations.
- D. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zone, specific plan, or planned development regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

17.05.030 Accessory Uses

- A. **General Requirements.** Accessory uses that are clearly incidental to and customarily associated with a principal use on the site may be allowed in conjunction with the principal use to which it relates. Accessory uses shall be subject to the same regulations as the principal use and any standards applicable to specific uses and activities found in this Chapter.
 - 1. Accessory Dwelling Units
 - 2. Drive-Through Facilities
 - 3. Family Day Care
 - 4. Food and Beverage Tasting
 - 5. Home Occupations
 - 6. Live Entertainment
 - 7. Outdoor Dining and Seating
 - 8. Outdoor Display and Sales

- B. **Additional Limitations, M-1 Zone.** In the M-1 Zone, accessory uses, including, but not limited to offices, retail sales, and food and beverage tasting are limited to a maximum of 10 percent of the gross floor area of the primary use and shall not attract or generate excessive auto or foot traffic in excess of that which is customary for the primary use.

Commented [Revision8]: April 6, 2022 PC Study Session discussion item. Appropriate amount.

17.05.040 Accessory Dwelling Units

Placeholder. Accessory Dwelling Unit provisions are being updated as part of the Housing Element Update effort. These provisions will be incorporated into the final Zoning Ordinance.

17.05.050 Adult Businesses

Placeholder. No changes to existing Section 17.40.050, Adult Businesses, other than revisions for consistency with the updated Zoning Ordinance are proposed. These provisions will be incorporated into the final Zoning Ordinance.

17.05.060 Alcohol Beverage Sales

- A. **All Alcoholic Beverage Sales.** Conditional Use Permit approval is required for establishments which sell alcoholic beverages and are open between 11:01 pm and 2:00 am the next day. This requirement applies to both off-sale and on-sale alcoholic beverage establishments.
- B. **Additional Requirements, Off-Sale Alcohol Beverage Establishment.** Any new off-sale alcohol beverage establishments open between the hours of 11:01 p.m. and 2:00 a.m. the next day shall be a minimum of 100 feet from any Residential Zone.

17.05.070 Automobile/Vehicle Sales and Services

Automobile/Vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

- A. **Application Review and Findings for Approval.** The review authority shall only approve a Use Permit for an automobile/vehicle sales and service facility only if it finds that the proposed project is designed and sited and will be operated in a manner as not to produce an objectionable odor, undue amount of noise, or unsightly appearance, and so as not to constitute a nuisance to adjacent residential or commercial uses.
- B. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.
- C. **Automobile/Vehicle Sales and Leasing.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle dealers that offer maintenance and servicing of the type of vehicles sold on site.
- D. **Service and Repair, Major and Minor.** Minor automobile/vehicle service and repair uses, major vehicle repair, and any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating

construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
3. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking area on the property that is screened in compliance with Section TBD, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.
4. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

E. **Service Stations.** Service stations are subject to the following standards.

1. Minor automotive services, including minor repairs and the installation of accessories, where such operations may normally be completed within one hour are permitted as an accessory use. The servicing of trucks is limited to trucks one and one-half tons or less in size.
2. Trailer rental in compliance with the following standards is permitted as an accessory.
 - a. No more than ten trailers may be stored on-site.
 - b. Trailers shall not exceed four feet by 12 feet in size.
 - c. Trailers shall be stored at least 20 feet from any street line.
 - d. Trailers shall be stored at least 20 feet from any property line unless separated from the adjoining by a six-foot masonry wall.
 - e. Trailers shall be stored in a location not required for off-street automobile parking.
3. A service station abutting property zoned for residential uses shall be screened concrete block wall six feet in height, except that the wall shall be 42 inches in height for a distance equal to the required front yard setback in the residential zone.

F. **Washing.** Automobile/vehicle washing facilities are subject to the following standards.

1. The maximum operating hours shall be between 6:00 a.m. and 10:00 p.m. unless more restrictive operating hours are established pursuant to Conditional Use Permit approval.
2. All structures and sites shall be maintained in a neat and orderly condition. Daily sweeping and cleanup shall be required. Annual repainting shall be required for all structures other than those having a baked enamel finish, and more frequent painting shall be required when necessary to maintain a clean and neat appearance.
3. Sites shall be supervised a minimum of four hours during each day of operation, and shall be securely closed to vehicular access during those hours when operation is prohibited.

4. All equipment, including vacuum cleaners, shall be located a minimum of 50 feet from any residential use unless enclosed within a building.
5. A washing facility abutting property zoned for residential uses shall be screened concrete block wall six feet in height, except that the wall shall be 42 inches in height for a distance equal to the required front yard setback in the residential zone.

17.05.080 Cannabis

Placeholder. No changes to existing Section 17.42.110 Commercial Cannabis Activities and Cannabis Cultivation Prohibited, other than revisions for consistency with the updated Zoning Ordinance are proposed. These provisions will be incorporated into the final Zoning Ordinance.

17.05.090 Emergency Shelters

Placeholder. No changes to existing Section 17.40.220, Emergency Shelters, other than revisions for consistency with the updated Zoning Ordinance are proposed. These provisions will be incorporated into the final Zoning Ordinance.

17.05.100 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the following.

- A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care or short term vacation rentals, which are regulated separately.
- B. **Home Occupation Permit Required.** A Home Occupation Permit is required for each home occupation, the term of which shall be for one year, or for such other period as authorized by the City Council.
- C. **Operational Standards.** All home occupations shall be located and operated consistent with the following standards:
 1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
 2. **Location.** All home occupation activities shall be conducted entirely within the residential unit except the assembly of small craft items or limited storage of materials may occur within a garage or accessory building.
 3. **Floor Area Limitation.** No more than 400 square feet or 25 percent of the floor area of the dwelling unit, whichever is less, may be used in the conduct of the home occupation.
 4. **Structural Modification Limitation.** No dwelling unit shall be altered to create an entrance to a space devoted to a home occupation that is not from within the building, or to create features not customary in dwellings.
 5. **Employees.** No employees or independent contractors other than residents of the dwelling unit shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

Commented [Revision9]: April 6, 2022 PC Study Session discussion item.

6. **On-Site Client Contact.** A maximum of two customers or clients are permitted on-site between the hours of 7:00 a.m. and 7:00 p.m. No customer or client visits are permitted between the hours of 7:00 p.m. and 7:00 a.m.
 7. **Storage.** There shall be no exterior storage of materials, supplies, and/or equipment for the home occupation.
 8. **Equipment.** No presses, data processing equipment, or any electrical or other equipment requiring specialized electrical installation, or requiring over 120 volts of power to operate are allowed, nor shall any mechanical shop or electrical tools be permitted except those which are customary to home crafts.
 9. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
 10. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a detached single-unit dwelling.
 11. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
 12. **Commercial Vehicles.** The use of commercial vehicles for the delivery of materials or equipment to or from the premises is expressly prohibited.
- D. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:
1. **Registration.** Cottage food operations shall be registered as "Class A" or "Class B" cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.
 2. **Sales.** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than \$50,000 in gross annual sales in each calendar year.
 3. **Operator and Employee Allowed.** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.
 4. **Equipment.** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining

residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

E. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations:

1. Automobile/vehicle sales and services;
2. Animal services;
3. Eating and drinking establishments;
4. Hospitals and clinics;
5. Lodging;
6. Personal services; and
7. Retail sales.

17.05.110 Live Entertainment

Live entertainment, such as a musical act (including karaoke); theatrical act (including stand-up comedy); play; revue; dance; magical act; disc jockey; or similar activity, performed live by one or more persons for the enjoyment of others, whether or not done for compensation and whether or not admission is charged, is allowed as accessory to a primary use in compliance with the following standards.

- A. Live entertainment activities shall be conducted indoors, with doors and windows closed, during normal business hours.
- B. No noise created by the live entertainment shall be audible on the exterior of the building.
- C. Live entertainment that is not in compliance with A and B above requires approval of a Minor Use Permit.

17.05.120 Mixed-Use Development

Placeholder. Standards specific to mixed-use development will be drafted with other development standards.

17.05.130 Multi-Unit Development

Placeholder. Standards specific to multi-unit development will be drafted with other development standards.

17.05.140 Outdoor Dining and Seating

Outdoor dining and seating areas shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public right-of-way is subject to an encroachment permit issued by the Public Works Department.

- B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
- C. **Use Permit Required.** Outdoor dining and seating area occupying 400 square feet or less area is allowed as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot. Outdoor dining and seating area occupying more than 400 square feet require use permit approval as follows:
 - 1. **More than 400 square feet and less than 1,000 square feet.** Minor Use Permit required.
 - 2. **More than 1,000 square feet.** Conditional Use Permit required.
- D. **Hours of Operation.** Hours of operation shall be limited to the hours of operation of the associated eating and drinking establishment, consistent with the Noise Ordinance, and any applicable approval or condition of approval.
- E. **Location.**
 - 1. Outdoor dining and seating areas may be located on upper story and roof decks located a minimum of 50 feet from a Residential Zone.
 - 2. Outdoor dining and seating areas may be located in required setback areas but shall not encroach into pedestrian pathways or required parking areas.
 - 3. Outdoor dining and seating areas may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the Public Works Director.
- F. **Litter Removal.** Outdoor dining and seating areas shall remain clear of litter at all times.

17.05.150 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

- A. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
- B. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.
- C. **Display Locations.** The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
 - 1. Outdoor display in the public right-of-way is prohibited except as allowed pursuant to Title 12, Street, Sidewalks and Public Places, of the Municipal Code.

17.05.160 Personal Services

Personal service establishments shall be located, developed, and operated in compliance with the following.

- A. **Massage Therapy Business.** Every massage therapy business shall be subject to the following in addition to all other requirements of law:
1. A licensed Massage Therapist, pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, shall be on the premises at all times when the business is open. The business may employ technicians or aides only if supervised by a licensed Massage Therapist.
 2. Management shall adopt, inform patrons and employees of, and strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in Chapter 5.74 of the Hermosa Beach Municipal Code.
 3. Hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. or other hours as established by the Planning Commission if deemed necessary because of proximity to residential uses.
- B. **Tattoo or Body ~~Modification Parlor~~Piercing Studio.** Every tattoo or body ~~modification parlor~~piercing studio shall be subject to the following in addition to all other requirements of law:
1. The exterior walls of any tattoo or body ~~piercing studio~~modification parlor located east of the greenbelt shall be located more than 1,000 feet from the exterior walls of any other tattoo or body ~~piercing studio~~modification parlor and the exterior walls of any establishment located west of the greenbelt shall be located more than 1,500 feet from the exterior walls of any other tattoo or body ~~piercing studio~~modification parlor.
 2. The operator of the tattoo or body ~~piercing studio~~modification parlor shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.
 3. Tattoo or body ~~piercing studio~~modification parlors shall not operate between the hours of 10:00 p.m. and 10:00 a.m.
 4. Live animals, except for service animals, shall not be allowed on the premises.
 5. Once established, tattoo or body ~~piercing studio~~modification parlors shall not be permitted to expand into another tenant space or building or otherwise on the site or any contiguous site, or to establish additional locations within the City.
 6. Temporary or mobile establishments or events are not authorized by this Section.

17.05.170 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the following.

- A. **Reverse Vending Machine(s).** Single fee reverse vending machines shall comply with the following requirements unless modified through approval of a Conditional Use Permit.
1. Reverse vending machines shall be established in conjunction with a commercial use or community service facility which is in compliance with this Title and applicable Building and Fire Codes.
 2. Reverse vending machines shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation or required parking.

3. Reverse vending machines shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.
4. Reverse vending machines shall be constructed of durable waterproof and rustproof material.
5. Reverse vending machines shall be clearly marked to identify the type material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
6. Reverse vending machines shall contain a maximum sign area of four square feet per machine, exclusive of operating instructions.
7. Reverse vending machines shall be clearly marked with signage that lists the appropriate emergency telephone number of County Health Department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards.
8. Reverse vending machines shall be maintained in a clean, litter-free condition on a daily basis.
9. Operating hours shall be at least the operating hours of the host use.
10. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
11. Annual business license to operate the reverse vending machine shall be obtained.

B. **Small Collection Facilities.** Small collection facilities shall comply with the following.

1. Small collection facilities shall be established in conjunction with an existing commercial use or community service facility which is in compliance with this Title and applicable Building and Fire Codes.
2. Small collection facilities shall be no larger than 500 square feet.
3. Small collection facilities shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation or required parking.
4. Small collection facilities shall accept only glass, metals, plastic containers, papers and other items as deemed acceptable by the Planning Commission.
5. Small collection facilities shall not utilize power-driven processing equipment except for reverse vending machines.
6. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in conjunction with the collection schedule.
7. All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials outside of containers when attendant is not present.
8. The site shall be maintained free of litter and any other undesirable materials, and mobile facilities, when truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
9. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property; a maximum of 70 dBA in all other cases.

10. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:30 p.m.
11. Containers for the 24 hour donation of materials shall be at least 100 feet from any property occupied for residential use unless there is a recognized service corridor and acoustical shielding between the container and the residential use.
12. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure of containers.
13. The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of the County Health Department for persons to contact in case of an immediate threat to public health and safety caused by debris and/or any other health hazards;
14. In addition to required informational signs, small recycling collection facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is larger. In the case of a wheeled facility, the side will be measured from the pavement to the top of the container.
15. The facility shall not encroach into any landscaping.
16. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
17. Occupation of parking spaces by the facility and the attendant may not reduce available parking spaces below the minimum number required for the primary host use.
18. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

C. **Large Collection Facilities.** Large collection facilities shall comply with the following.

1. Large collection facilities shall not abut a property zoned or planned for residential use.
2. Large collection facilities shall be screened from the public right-of-way by one of the following methods.
 - a. Operating in an enclosed building, or
 - b. Operating within an area enclosed by an opaque block wall at least six feet in height with landscaping, located a minimum of 150 feet from a property zoned or planned for residential use.
3. All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition.
 - a. Storage containers for flammable material shall be constructed of nonflammable material.
 - b. Oil storage must be in containers approved by the Fire Department.
 - c. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the perimeter fencing.

4. The site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
5. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dBA.
6. Hours of operation of large collection facilities located within 500 feet of property zoned, planned or occupied for residential use, shall be limited to between 7:00 a.m. and 7:00 p.m.
7. Any containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
8. Donation areas shall be kept free of litter and any other undesirable material, and containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers.
9. Large collection facilities shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
10. The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of County Health Department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards.
11. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved if noise and other conditions are met.

17.05.180 Restaurants

Any restaurant that sells, serves or allows on-sale alcohol beverages shall comply with the following standards.

- A. If open after 11:00 p.m., the restaurant shall make available to customers and serve prepared food items of their choice until 60 minutes prior to the close of business.
- B. Restaurants shall maintain sales reports showing the actual items sold and price charged and invoices for all food, nonalcoholic beverages and alcohol beverages sold for the prior 12 months.
- C. Restaurants shall operate such that the primary function of the operation is the sale or offering for sale of food.
 1. **Determination.** A food to alcohol sales ratio provides a quantitative tool to help evaluate whether the business is operating as a restaurant whose primary function is the sale or offering for sale of food, as opposed to a business whose primary purpose is the sale of alcoholic beverages.

- a. For purposes of determining whether this finding can be made, an on-sale restaurant that maintains a minimum of 50 percent of the total gross sales, computed monthly, from the sale of prepared food is presumed to be a restaurant. An on-sale restaurant that does not meet these percentages has the burden of demonstrating that it operates as a restaurant. Refusal to provide the information requested under this Subsection within 60 days shall be deemed prima facie evidence that the business is not operating as a restaurant.
2. The City may, at its discretion, require the subject business to provide a statement of the percentage of gross sales, computed monthly, that resulted from the sale of prepared food for not longer than the prior 12 months and the supporting data upon which the percentage is based.
3. The City may also require an audit of the records of the business by a certified public accountant to determine the gross sales of food and alcohol or a forensic audit by a qualified auditor selected by the City of the information and data systems by which the information is produced.
4. The results of these audits may be used to determine whether a violation exists.

17.05.190 Short Term Vacation Rentals

Placeholder. *Short Term Vacation Rental standards adopted as part of a separate effort will be incorporated.*

17.05.200 Single Room Occupancy (SRO)

Single room occupancy (SROs) shall be located, developed, and operated in compliance with the following.

- A. **Density.** SROs are not subject to the residential density standards of the General Plan or Zoning District.
- B. **Common Area.** At least four square feet per living unit, with at least 200 square feet of interior common area, excluding janitorial storage, laundry facilities and common hallways, must be provided.
- C. **Laundry Facilities.** Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 20 units or fractional number thereof, with at least one washer and one dryer per floor.
- D. **Cleaning Supply Room.** A cleaning supply room or utility closet with a wash tub with hot and cold running water must be provided on each floor.
- E. **Unit Size.** Each SRO unit shall be a minimum of 150 square feet and a maximum of 400 square feet in size.
- F. **Unit Occupancy.** Each SRO unit shall accommodate a maximum of two persons.
- G. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, one common shower or bathtub/shower combination shall be provided

per seven persons, with at least one full bathroom per floor. Locking doors shall be provided.

- H. **Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
- I. **Closet.** Each SRO unit shall have a separate closet.
- J. **Code Compliance.** SRO units shall comply with all requirements of the California Building Code. All SRO units and facilities shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
- K. **Affordability.** All SRO units shall be restricted to lower-income households. Deed restriction(s) approved by the City shall be recorded including monitoring provisions.
- L. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.
- M. **Management.**
 - 1. An SRO with six or more units shall provide on-site management.
 - 2. Each SRO shall provide a management plan which addresses management and operation of the facility, rental procedures, safety and security of residents and building maintenance for review and approval by the Community Development Director.

17.05.210 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses on Public Property.** A special event permit pursuant to Chapter 12.30, Special Events on Public Property, of the Hermosa Beach Municipal Code, is required for any temporary use or event open to the general public and located in City parks, public streets, City buildings, or other facilities.
- B. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a use permit. Other permits, such as building permits, may be required.
 - 1. **Garage Sales.** Garage sales are subject to the provisions of Municipal Code Chapter 5.44, Garage Sales.
 - 2. **Non-Profit Fund Raising.** Fund raising activities by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code are allowed in non-residential zones with no limitation on the number of occasions and duration where there is no disruption to the normal circulation of the site; encroachment upon driveways, pedestrian walkways, or required parking or landscaped areas; obstruction to sight distances; or other created hazard for vehicle or pedestrian traffic.
 - 3. **Temporary Construction Offices.** On-site temporary construction offices during the period of construction.

4. **Sales Offices and Model Units.** Model units with sales offices and temporary information/sales offices in new residential developments of five or more units may be used during construction and until completion of the sale of the units or three years, whichever comes first.

- a. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.
- b. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.

- C. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter TBD, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

1. **Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards. This subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business and are not applicable to farmers' markets or the sale of fireworks.

- a. *Location.* Seasonal sales are limited to the CC and GC zones.
- b. *Time Period.*
 - i. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday.
 - ii. The subject lot shall not be used for seasonal sales more than three times within the calendar year.
- c. *Display.*
 - i. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - ii. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

2. **Special Events and Sales.** Short-term special events and sales including, but not limited to grand opening events, festivals, mobile vending, and other special sales events, are allowed in accordance with the following standards:

- a. *Date Limitation.* Special events shall not occur on St. Patrick's Day, July 4th, Cinco de Mayo, New Year's Eve or any other date where the Police Department determines the accumulation of activities in the City may exceed its capacity to adequately protect public safety.
- b. *Location.* Events are limited to non-residential zones.

- c. *Number of Events.* No more than four events at one site shall be allowed within any 12-month period except as provided below.
 - i. In the M-1 Zone, there may be a maximum of three events per month.
- d. *Duration.* The maximum duration of a single event is three consecutive days, with a minimum of 14 days between each event except as provided below.
 - i. In the M-1 Zone, a single event is limited to a maximum duration of three hours. There may be a maximum of two events in any seven day period.
- e. *Display.* Location of the event or displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- f. *Hours.* Events shall operate only during the customary operating hours of the associated use or between 8:00 a.m. to 10:00 p.m., whichever is more restrictive.
- g. *Noise.* Amplified noise is limited to 10:00 a.m. to 9:00 p.m. for not more than four hours in any day. Noise levels shall not exceed 80 dBA at the property line, except in the M-1 Zone where event noise shall not be audible at the property line. At no time may noise levels constitute a nuisance or violate the Noise Control Ordinance in Chapter 8.24 of the Municipal Code.
- h. *Displaced Parking.* A maximum of 10 percent of the total number of parking spaces on site may be displaced by the event.
- i. *Attendance.* Control over attendance is the responsibility of the permittee. Advertising and media to attract people to the event shall be moderated to reduce the potential for impacts. Adequate security shall be provided.
- j. *Restrooms.* If the duration of the use exceeds one hour or if seating is provided, then restroom access for both employees and customers shall be provided on the property or a contiguous property for the duration of the use with directional signs thereto. No portable restrooms are allowed.

- D. **Temporary Uses Requiring a Minor Use Permit.** Other temporary uses that do not meet the standards for temporary uses not requiring a permit or requiring a Temporary Use Permit may be allowed in nonresidential zones with the approval of a Minor Use Permit so long as they are not intended to extend longer than one month and they are determined to not unreasonable impair circulation or the operation of other uses in the area or otherwise create significant impacts.

17.05.220 Wind Energy Systems

Wind energy systems shall be located, developed, and operated in compliance with the following.

- A. **Conditional Use Permit Required.** Small wind energy systems (SWES) are allowed in all zones subject to Conditional Use Permit approval pursuant to Chapter TBD, Use Permits. In

addition to all other requirements of this Title and law, applications for SWES shall include the following.

1. Drawings and an engineering analysis of the system's tower showing compliance with the California Building Code certified by a qualified professional licensed by the state of California.
2. Information demonstrating that the system will be used primarily to reduce onsite consumption of electricity.
3. Where an on-grid system is proposed, evidence that the electric utility service provider that serves the proposed site has been informed of the intent to install an interconnected electricity generator.
4. Evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.
5. Visual impact study including the erection of a silhouette of the proposed SWES, unless this requirement is waived by the Community Development Director due to limited height, mass and low probability of visual impacts in the particular case.
6. Noise specifications for the proposed system, including an acoustical evaluation demonstrating compliance with the noise requirements of this Section prepared by a qualified professional, unless waived by the Director based on information demonstrating compliance.
7. Demonstration that the proposed system will not produce or result in noise levels exceeding 45 dBA under various wind conditions at the closest residential dwelling or similar sensitive receptor shall not require an acoustic evaluation.
8. Additional information required by the Director necessary to make all the determinations required by this Section.

B. System Type.

1. SWES are limited to wind energy systems consisting of a wind turbine, tower, and ancillary equipment that will be used primarily to reduce consumption of utility power on the site.
2. SWES must be approved under a State program or any other small wind energy system certification program recognized by the American Wind Energy Association or its equivalent.

C. Number of Systems. More than one SWES may be located on the same site if all requirements of this Section and applicable laws are met.

D. Ancillary Equipment. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with site elements.

E. Height.

1. The SWES shall not exceed 10 feet above the maximum height limit of the Zone in which it is located.
2. The SWES shall not constitute an obstruction or hazard to air navigation and shall comply with all applicable requirements of the Federal Aviation Administration including the Federal Aviation Regulations (including Part 77 of Title 14 of the Code of Federal Regulations), the State Aeronautics Act (Part 1, commencing with

Section 21001 of Division 9 of the California Public Utilities Code), and any other applicable law.

F. **Setbacks and Clearances.**

1. **Yards Setbacks.** The SWES shall be considered an accessory structure and shall comply with the setbacks applicable to the Zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
2. **Blade Clearances.** No portion of a blade when fully operational shall extend within 20 feet of the finished grade or within 10 feet of a property line, unless the Planning Commission finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the Zone in which the property is located.
3. **Clearance to Structures.** A minimum clearance of six feet shall be maintained between any tower and any structure, tree, utility line, or similar object, unless the Planning Commission finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.
4. **Fire Clearance.** The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits or standpipes, as determined by the Fire Department.
5. **Ladders.** Every SWES shall be designed so that no ladder or other means of climbing a tower is located within 12 feet of the finished grade or accessible space. The Planning Commission may require a fence with a minimum height of five feet when necessary to prevent the climbing of ladders, provided that the use of barbed wire or other similar materials is not permitted unless otherwise specifically allowed by this Title.
6. **Guy Wires.** Any guy wires utilized to support a tower shall be located within the property lines and shall not be attached to, cross or affect any above-ground utility lines.

G. **Controls and Systems.**

1. **Over-Speed Controls.** The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.
2. **Automatic Shut-Off.** An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.
3. **On-Grid Systems.** All on-grid SWES shall be approved by the applicable utility prior to installation.
4. **Undergrounding Electrical Facilities.** Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground pursuant to Municipal Code Chapter 13.08, Underground Utility Districts.

- H. **Noise.** The SWES shall comply with the requirements of Municipal Chapter 8.24, Noise Control; provided, that noise generated by the SWES shall not exceed 55 decibels-A weighted (dBA), or five dBA above background noise, whichever results in lower noise

levels, as measured from the closest residential dwelling or similar sensitive receptor, except during short-term events such as utility outages and severe wind storms.

I. **Signs.**

1. One sign not exceeding 18 inches in length and one foot in height shall be posted at the base of a ground-mounted tower or a generator, including a notice of no trespassing, a warning of high voltage or electrical shock, and the property owner's telephone number or telephone number of another individual designated by the property owner as responsible for operation and maintenance of the SWES, in addition to any other signs required by law.
2. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.

J. **Lighting.** No lighting shall be placed upon, attached to, or in any way illuminate a SWES unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the Community Development Director.

K. **Maintenance and Removal.**

1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this Section, permit approval, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety or other adverse effects to the site, or persons, improvements or properties in the vicinity.
2. The Community Development Director may require the SWES to be removed from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for 12 consecutive months or more. The City may pursue all available means to abate the SWES and recover all costs to the City if not voluntarily removed by the property owner.

17.05.230 Wireless Telecommunication Facilities

Wireless telecommunication facilities shall be located, developed, and operated in compliance with the following.

A. **Applicability and Exemptions.** The requirements of this Section apply to all wireless telecommunication facilities except the following.

1. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Community Development Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
2. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section and will have little or no change in the visual appearance of the facility.

B. **Allowed Zoning Districts and Permit Requirements.** Wireless telecommunication facilities are allowed in nonresidential zoning districts subject to Conditional Use Permit approval, except as follows.

1. Replacement, Removal, or Co-location of Transmission Equipment (Eligible Facilities Request, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012). The co-location of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is permitted by right provided the modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base structure, including an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter, and profile.
 2. **Co-located Facilities.** Facilities proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration are permitted by right.
- C. **Application Requirements.** In addition to all other requirements of this Title and law, applications for wireless telecommunication facilities shall include the following.
1. A brief narrative accompanied by written documentation that explains and validates the applicant's efforts to locate the facility in accordance with the Screening and Site Selection Guidelines set forth in this Section.
 2. A narrative that discloses the exact location and nature of any and all existing facilities that are owned (including publicly owned structures), operated or used by the applicant and located within five miles from the geographic borders of the City of Hermosa Beach.
 3. A narrative and scaled map(s) that precisely disclose the geographic area(s) within the City of Hermosa Beach that are proposed to be serviced by the proposed facility, the geographic area(s) bordering the City of Hermosa Beach, if any, that will be serviced by the proposed facility, the nature of the service to be provided or purpose of the facility, the reasons, if any, why the applicant cannot locate the facility outside the City of Hermosa Beach, and the efforts, if any, that applicant has made to locate the facility outside the City of Hermosa Beach.
 4. A letter to the Community Development Director stating willingness to allow other carriers to co-locate on their facilities wherever feasible or a written explanation why the subject facility is not a candidate for co-location.
 5. An RF Environmental Evaluation Report indicating that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations.
- D. **Screening and Site Selection Guidelines.** Telecommunication facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible. The following shall be considered by the City in connection with its processing of any wireless telecommunication facility permit:

1. The extent to which the proposed facility blends into the surrounding environment or is architecturally integrated into a concealing structure, taking into consideration alternate sites that are available.
2. The extent to which the proposed facility is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures.
3. The total size of the proposed facility, particularly in relation to surrounding and supporting structures.
4. The availability of suitable alternative locations for the facility.
5. Preference shall be given to facilities located on publicly owned structures, co-location and shared sites.
6. Preference shall be given to sites which are not located along primary street frontage, front yard areas or adjacent to residential uses.
7. Whenever possible, wireless telecommunication facilities should be located on existing buildings, existing poles, or other existing support structures.

E. **Design and Development Standards.**

1. Monopoles are prohibited.
2. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage.
3. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within a building, enclosure, or underground vault in a manner that complies with the development standards of the zoning district in which such equipment is located. In addition, if equipment is located above ground, it shall be visually compatible with the surrounding buildings and either (1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings. If no recent and/or reasonable architectural theme is present, the Planning Commission may require a particular design that is deemed by the Commission to be suitable to the subject location.
4. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors.
5. Any screening used in connection with a wall mounted and/or roof mounted facility shall be compatible with the architecture, color, texture and materials of the building or other structure to which it is mounted.

F. **Radio Frequency.** Wireless Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Ten days after installation and every two years thereafter, the telecommunications service provider must submit a certification report, attested to by a licensed engineer expert in the field of RF emissions, that the facility is compliant with the applicable FCC regulations for RF emissions. Failure to meet federal standards may result in termination or modification of the permit.

G. **Co-location.** The applicant and owner of any site on which a wireless telecommunication facility is located shall cooperate and exercise good faith in co-locating wireless telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-

location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other wireless telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.
2. All co-located and multiple-user wireless telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities, and equipment buildings, shall be shared by site users whenever possible.
3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.

H. **Required Finding.** In approving a Conditional Use Permit for a wireless telecommunication facility, the review authority shall find that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. The intention of the alternatives analysis is to present alternative strategies which would minimize the number or size and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding areas.

I. **Compliance with Other Codes and Regulations.** Notwithstanding any permit that may be granted in accordance with this Section, the facility shall be erected, located, operated and maintained at all times in compliance with this Section and all applicable laws, regulations and requirements of the Building Code, and every other code and regulation imposed or enforced by the City of Hermosa Beach, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.

J. **Lease of Public Property.**

1. Any lease of City property for the purpose of erecting a wireless communication facility shall require a negotiated lease agreement or other written license granted by the City. The existence of a lease agreement or license shall not relieve the applicant of any obligations to obtain appropriate permits as required by this Section.
2. The City Council, by resolution following a public hearing, may approve a list of sites located on existing City property or within the public rights-of-way which are

approved for major facilities. Each site shall include a description of permissible development and design characteristics, including but not limited to maximum height requirements. The City shall make such resolution available to all persons upon request. The approved list of locations may be subsequently amended by the City Council by resolution from time to time.

3. All proposed facilities to be located on a City property site which are pre-approved in accordance with the requirements of this Section following an effective date of the ordinance codified in this Section may be approved subject to a Conditional Use Permit and any additional or different requirements made applicable by this Section.
4. All leases of any City property that are pre-approved in accordance with the requirements of this Section shall be nonexclusive. The operator of a facility located on such public property shall make the supporting structure of the facility available to any other provider wishing to co-locate to the extent technically feasible.

Use Classifications

Chapter 17.06 Use Classifications

17.06.010 Residential Uses

Residential Dwelling Unit. A dwelling unit that is designed for occupancy by one household. This classification includes manufactured housing units.

Accessory Dwelling Unit.

Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code, and a manufactured home, as defined in Section 18007 of the California Health and Safety Code.

Junior Accessory Dwelling Unit (JADU). A residential unit that is no more than 500 square feet in size and contained entirely within any portion of an existing or proposed single-family dwelling including an attached garage. It includes its own separate provisions for living, sleeping, cooking, and eating, and may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.

Family Day Care. A day care facility licensed by the State of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.44).

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.465).

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Residential Care Facilities.

Mobilehome Park. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own

spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households ~~for a weekly or monthly period of time~~. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (i) of Section 65582 of the California Government Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that mandate the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

17.06.020 Public/Semi Public Uses

Cemetery and Columbariums. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, religious facilities, banquet rooms/centers, civic and private auditoriums, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; ~~art galleries~~; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature (See Colleges and Trade Schools).

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. No person or patients are permitted to remain overnight. This category includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Works and Utilities).

Hospital and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency

medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program.

Instructional Services. Establishments that offer specialized instructional programs in personal growth and development such as music, martial arts, vocal, yoga, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. The establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, ~~and~~ botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

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

17.06.030 Commercial Uses

Adult Businesses. A business establishment in which a regular or substantial portion of its stock-in-trade material is specifically intended for the exclusive patronage of adults and/or is precluded from selling such material to minors and/or admitting minors into the premises of the business by Section 313 et seq. of the California Penal Code. "Regular or substantial portion" is defined as greater than 20 percent of an establishment's stock-in-trade materials and/or services offered to patrons, for compensation or some form of gratuity. For the purposes of this Title, "adult businesses" shall refer only to those establishments which involve forms of written or visual speech protected by the First Amendment, specifically adult bookstores, adult cabarets, adult motion picture theaters/arcades, and adult newsracks. This definition does not include businesses primarily

characterized by activities not protected by the First Amendment, which specifically refers to adult bathhouses, adult massage parlors, adult motels/hotels, outcall services and sexual encounter establishments.

Animal Services. ~~Retail sales and s~~Services related to the boarding, ~~grooming,~~ and care of household pets including:

Animal Daycare. Facilities providing non-medical care on a less than 24-hour basis for four or more dogs, cats, or other household pets not owned by the business owner or operator.

Animal Shelter and Boarding. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, dogs, cats, or other household pets not owned by the owner or operator of the facility.

Veterinary Services. Veterinary services for dogs, cats, or other household pets. This classification allows 24-hour accommodation of animals receiving medical services and treatment, including animal hospitals, and pet clinics.

Architects Studio. A creative workspace with worktables, drawing tables and space for preparing models and graphic representations which may be in conjunction with ancillary office and storage area.

Artist Studio. Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use may include incidental retail sales of items produced on the premises and does not include uses that are generally industrial in nature (See Custom Manufacturing).

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

Automobile/Vehicle Rentals. Establishment providing for the rental of automobiles and small vehicles. Typical uses include car, light truck, motorcycle, and scooter rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, personal watercraft, motorcycles, and scooters, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

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

Vehicle Repair, Major. Repair of automobiles, trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

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

Service Stations. Establishments primarily engaged in retailing automotive fuels and charging or retailing these fuels/charging in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes "mini-marts" and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

Indoor Entertainment and Recreation. Establishments providing predominantly participant sports, fitness, indoor amusement and entertainment services conducted within an enclosed building, including electronic amusement centers. Typical uses include bowling alleys, billiard parlors, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Convention Facility. A facility accommodating gatherings, assembly, entertainment, and related support facilities (e.g., kitchens, offices, etc.) for special events or occasions.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and deposit/pick-up establishments, but excludes drive-in theaters (see Commercial Entertainment and Recreation), service stations, or car-wash operations (see Automobile/Vehicle Sales and Services).

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks. This use classification includes establishments where alcoholic beverages are sold and consumed but are not operated and maintained as bona fide eating establishments and establishments where beverage production, brewing, or distilling is subordinate to the sale of alcoholic beverages..

Food and Beverage Tasting. Businesses serving samples of food or beverages as an accessory use associated with a production facility such as wine or beer making, or retail sales.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered. This use classification includes restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers, as well as establishments whose primary function is the sale or offering for sale of food, as opposed to a business whose primary purpose is the sale of alcoholic beverages, and that are operated and maintained as a bona fide eating place that serves alcoholic beverages and is licensed as such by the California Department of Alcoholic Beverage Control (ABC). It excludes catering services and commercial kitchens that do not sell food or beverages for on-site consumption.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Establishments preparing and/or packaging food primarily for off-site consumption, including catering kitchens, retail bakeries, and small-scale specialty food

production. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. This subclassification includes funeral parlors, crematories, and mortuaries, but excludes cemeteries and burial parks (see Cemeteries and Columbariums).

Lodging. An establishment providing overnight accommodations to transient patrons for payment periods of 30 consecutive calendar days or less.

Hotels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, recreational vehicle parks, and tourist courts.

Short-term Vacation Rental. The rental or making available for rent (by way of a rental agreement, lease, license, or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit, or a room in a dwelling for less than 30 consecutive days.

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

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, real estate and mortgage brokers, ~~banks and savings and loan associations with retail banking services (see Banks and Financial Institutions).~~ This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics, independent research laboratory facilities (see Research and Development), and hospitals.

Parcel Delivery Terminal. Parcel and package delivery, pick-up, and storage services.

Personal Services.

General Personal Services. An establishment providing ~~non-medical services~~ of personal convenience to individuals as a primary use, ~~of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies.~~ Personal services include barber and beauty shops, permanent makeup studios, day spas, nail salons, tanning salons, electrolysis, and other cosmetic and appearance care services; pet grooming, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, copyingself-serve laundry and dry cleaning pick-up, repair and fitting of clothes, fortune telling, and similar services.

Massage Therapy Business. An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than 25 percent of the area of the establishment.

Tattoo or Body Modification-ParlorPiercing Studio. An establishment whose principal business activity is one or more of the following: 1) ~~creating permanent images, patterns, designs, or words on the skin using needles or other instruments designed to contact or puncture the skin and apply ink or other substances using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin;~~ or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, grocery stores, liquor stores, meat markets and butcher shops, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, florists, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, commercial art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Nurseries. Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This use classification includes wholesale and retail nurseries offering plants for sale.

17.06.040 Industrial Uses

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Any establishment primarily engaged in on-site production of goods by small scale manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for off-site consumption.

Limited/Small Scale. A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 5,000 square feet per lot. The use may include wholesale or retail sales. It is characterized by local or regional products, specialty or artisanal foods, in facilities less than 5,000 square feet. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, and wholesale bakeries.

General/Large Scale. A large-scale food and beverage manufacturing located in a facility over 5,000 square feet per lot.

General Industrial. Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

Light Industrial. Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously-prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use, commercial laundries and dry-cleaning plants, monument works, printing and engraving, publishing, computer and electronic product manufacturing, furniture and related product manufacturing, and industrial services.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of commercial goods in open lots.

Self Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

17.06.050 Transportation, Communication, and Utility Uses

Broadcasting Studio. Indoor facilities for the provision of broadcasting and other information relay services and studios that create broadcasting or media content outside of an office environment, including but not limited to radio, television or Internet broadcasting facilities, audio rehearsal or recording studios, motion picture studios, sound stages, special effects studios, and similar uses.

Freight/Trucking Terminals. Property and improvements used for freight, courier, and postal services; freight transfer truck terminals; transfer, loading, and unloading points for ~~trucks and automobiles~~ vehicles carrying goods and produces; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and

limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services, storage facilities for vehicles and equipment, their associated offices, and similar facilities of public agencies or public utilities.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Small Collection Facility. Small collection facilities occupy no more than 200 square feet and may include:

A "mobile recycling unit," which means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, and used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials;

Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

Booth-type units which may include permanent structures; and

Unattended containers placed for the donation of recyclable materials.

Large Collection Facility. A recycling facility for the acceptance by donation, redemption or purchase of recyclable materials from the public. A large collection facility does not use power-driven processing equipment and occupies an area greater than 200 square feet.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Transit Stations and Terminals. Facilities for passenger transportation operations, including rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

Wireless Communication Facilities. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment

cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.