MODULE 1: DRAFT USE CLASSIFICATIONS AND DEFINITIONS

Prepared for
City of Vallejo

By
DYETT & BHATIA
Urban and Regional Planners

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Table of Contents

1.  **INTRODUCTION**.................................................................................................................. 1
1.1  Use Classifications.................................................................................................................. 3
1.2  Definitions ............................................................................................................................... 5
1.3  Organization and Format ......................................................................................................... 7

*Attachment A: Existing and Draft Use Classifications*.......................................................... A-1

*Attachment B: Draft Use Classifications*.................................................................................. B-1

*Attachment C: Sample Table of Land Use Regulations*....................................................... C-1

*Attachment D: Draft Definitions*.............................................................................................. D-1
1. INTRODUCTION

The objective of establishing use classifications, as the Existing Code states, is to group uses into “a limited number of use types on the basis of common functional, product, or compatibility characteristics” to provide a basis for regulation that is “directly relevant to the public interest”. This approach is also intended to establish an effective means for implementing General Plan policies by focusing on the most important characteristics and features, which distinguish different uses rather than the identity of users. Definitions explain the meaning of terms that may be unfamiliar to the user (e.g. mansard, sky plane, sight distance triangle, etc.) as well as terms that are in common use but have a distinct meaning when used in the Zoning Code (e.g. elevation, grade, lot, basement, etc.). They also help code users to determine the appropriate category in which to assign a use.

The existing Code identifies six categories of use types:

- Residential;
- Civic;
- Commercial;
- Industrial;
- Agricultural; and
- Extractive.

It then further divides these into an unnecessarily lengthy list of Use Classifications (Section 16.06.020), which are further divided into sub-classifications. The broad categories of Use Classifications as well as the lists of use types need to be revised to better reflect existing and proposed land use patterns and types of use and to eliminate redundancy and some archaic and apparently irrelevant use types as explained in more detail below.

The existing definitions in Chapter 16.04 also need to be updated to provide a comprehensive set of terms that will facilitate understanding and administering a new Zoning Code. Plain English is preferred, and duplication of terms that also are included in the Use Classifications should be avoided. Grouping of terms under a heading (e.g. “Fence-related Terms” and “Lot Line Types”) would make it easier to find and compare specific definitions. These provisions will also benefit from the addition of graphics, which have not been included in this preliminary draft.
Not included with this report are Rules for Measurement, which will explain how to make measurements and calculations needed to implement the requirements of the new Code. Some of these rules are now incorporated in definitions such as instructions for determining height included in the definition for “grade” the for measuring “yard depth” in the definition of that term.
1.1 Use Classifications

Use classifications describe one or more uses of land that have similar characteristics but do not list every use or activity that may appropriately be within the classification. The Staff Approval Authority will be specifically authorized to determine whether a specific use proposed use is within one or more use classifications or is not within any classification in this section. The Approval Authority may also determine that a specific use is not within a classification, whether or not it is identified in the Code if it has characteristics or features that are substantially incompatible with those typical of the uses the Code lists as being within the classification.

The existing Code includes agricultural, and extractive use types. Because there does not appear to be any land in Vallejo where these types of activity are a primary use, the proposed Use Classifications (Attachment B) does not include them. Where similar uses such as the stabling of horses, cultivation of community or home gardens, processing of agricultural products, composting, or animal auctions occur they will be identified as a within the appropriate Use classification or as Accessory or Incidental uses. By presenting a separate list of Accessory Use Types the new Code would allow for the tables of land use regulations to include specific references to sections where these uses are regulated. This will also avoid confusion about how to regulate certain Accessory uses, such as home occupations, which are not primary uses and are not, therefore, permitted to be established on lots that are separate from the residential uses to which they are accessory.

The proposed Use Classifications will also establish a fifth type of uses called Transportation, communications and utilities, which will include use types such as Airports and heliports, Bus/rail/ferry stations and terminals, and Communication facilities (e.g. antennas and transmission towers).

The updated Code should eliminate unnecessary redundancy by grouping uses in broad classifications (e.g. Residential, Retail Commercial, Public-Semi Public, Industrial, etc.) and then further distinguish them by sub-types (e.g. Commercial Lodging including Bed and Breakfast, Hotels and Motels, Vacation Rentals, etc.) grouping uses together according to how they will be regulated. For example, rather than listing Food and beverage retail sales (Section 16.06.370) and Convenience sales and personal services including grocery stores Section 16.06.330) separately, we recommend creating a use type called Food and beverage sales with a series of sub-types that are subject to specific use requirements as shown in the following illustrative example:

**Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

*Convenience Market.* Retail establishment that sells a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a Gasoline
Service Station but does not include delicatessens, specialty food shops, or grocery stores offering an assortment of fresh produce and fresh-cut meat, fish, or poultry.

**Farmers’ Market.** Temporary but recurrent outdoor retail sales of food, plants, flowers, and value-added products such as livestock products, jellies, breads, and smoked meats that are predominantly locally-grown or produced by the vendors who sell them.

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

**Liquor Store.** Establishment selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption under a Type 21 License of the California Alcoholic Beverage Control Board. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

The City’s current use classifications are outdated in a number or respects: they include some terms that are unclear and others that combine uses that have different impacts. In some cases, the use list is quite specific, in calling out ambulance and laundry services, for example, and different types of funeral and interment services, but in other cases, such as "Family Residential" it is too general to allow for meaningful land use regulation of different types of housing, including those that are protected by federal and State law. Live-work units are classified as a residential use as well as a commercial use. (To distinguish them from Home occupations, which are an accessory use, the proposed use classification system identifies Live-work unit as a commercial use.)

Adult businesses are not addressed, nor is Family day care, which in a limited form must be allowed by right within residential neighborhoods. New terms related to cannabis production and sales, transitional and supportive housing, electric vehicle charging, health/fitness studios, and tasting rooms need to be incorporated, and distinctions that will implement General Plan policies for mixed use corridors and pedestrian orientation should be added.

Ideally, the use classification system for the new Zoning Code should be streamlined and easy to understand; like uses should be grouped into use types, and subcategories can be established to distinguish small-scale from large-scale uses and to call out those which might warrant discretionary review and special standards and limitations to ensure neighborhood compatibility. Within the category of General Retail Sales, for example, both large format retail and small "mom and pop” shops are considered equivalent. Breaking these out will enable use regulations to be tailored to the expected character of mixed use areas as well as pedestrian-oriented vs. auto-oriented shopping districts. Making it easier to establish small food stores may also make it easier to implement Plan policies that address the need for local grocery stores that sell fresh produce and basic foods.

Similarly, the current use types classify finance with insurance and real estate, but it may make sense to distinguish banks and check cashing - both of which deal with on-site circulation of cash - from uses that are similar to other office uses. Banks also may have drive-up and drive-through
facilities, which insurance and real estate offices do not. Offices that serve walk-in clientele also might be distinguished from professional offices and offices for backroom activities, with no public contact. Those serving walk-in clientele could be allowed as ground-floor uses along with retail where pedestrian orientation is desired.

Other important categories that are missing include Limited Industry and Research and Development. Limited Industry typically takes place within buildings and produces minimal impacts on adjacent properties as it often involves assembly of finished parts or products from previously prepared materials, including computer and electronic products. Similarly, Research and Development has a high technology focus and may well be suitable where General Industry would not.

This approach to use classification will make it easier to accommodate new uses and to ensure that uses are regulated based on development features or performance rather than user characteristics, which is particularly important when dealing with uses protected by federal and State law such as religious assembly and residential care facilities.

1.2 Definitions

The existing definitions in Chapter 16.04 of the Vallejo’s Zoning Ordinance need to be updated to provide a comprehensive set of terms that will facilitate understanding and administering a new Zoning Code. Plain English is preferred, and duplication of terms that also are included in the Use Classifications should be avoided. The most significant changes are summarized in the following list and described below:

- Ensure that definitions simply define terms the Code uses and do not establish standards (e.g. distillery, large format liquor store, special events at bed and breakfast inns, winery, and tasting room, accessory use, etc.);
- When definitions are based on State law (e.g. emergency shelter for homeless, group care, transitional and supportive housing, freeway, etc.) identify specific section in statute to make it easy for users to find additional information and note that definition will reflect the law as it may be amended;
- Revise definitions to ensure they include all of the terms the Staff, stakeholders, and other Code users mentioned in their comments and to reflect contemporary usage (e.g. family day care, pet day care, garage sale, therapeutic massage);
- Remove definitions that establish rules for calculation and measurement (e.g. determining existing grade, measuring building height, etc.) and consolidate them in a separate chapter;
- Move definitions that only apply to a single chapter to the chapters that include the provisions to which they apply (e.g. signs, water-efficient landscaping, telecommunications facilities, etc.) to make them easier to find.
Establishing a more robust and detailed set of Use Classifications, as described above, will allow the definitions in the new Code to exclude terms such as Liquor store, large format, and Banquet facility, ancillary and Banquet facility, stand alone, which may warrant different levels of regulation.

The draft definitions (Attachment D) group related terms under a heading (e.g. "Fence-related Terms" and "Lot Line Types") to make it easy to find and compare specific definitions. Cross references within the definitions for common terms that may be defined by a single generic concept or consolidated with like terms (e.g. "Structure height: see Height" or "Cellar: see Basement") will help the reader understand the overall organization of the definitions section. Numbers that are less than 10 are spelled out, while numerals are used for numbers of 10 or more.

A number of terms have been added to the City’s current list of definitions to avoid ambiguity in zoning administration. These include terms specifically related to land use and development, including "change of use", "construction", "development", and "land use", and terms related to permit processing, including "allowable use", "applicant", "condition of approval", and "effective date", among others. Also added are terms that will facilitate regulating architectural features, building size, location, massing and articulation (e.g. "balcony", "bay window", "buffer", "build-to line" and "deck") and terms derived from recently enacted State mandates such as “cottage food operations” and “major transit stop”.

Unnecessary detail has been eliminated but specific references to State statutes have been retained or added to make it easy for users to find out which rules have been enacted to implement State law and to check for revisions in the event such laws are changed in the future. In addition to revising definitions to exclude rules for measurement (e.g. average slope and street frontage), which a new section of the Code will cover separately, definitions such as “Building frontage, for sign determination only” should be eliminated and moved to the Code chapter that establishes regulations for this specific use.

Definitions should simply provide the meaning of terms but not establish specific policies or standards because these should be within the zoning district regulations or the citywide regulations of the Code. Otherwise, it’s not readily apparent that they would apply to a specific situation. Examples of such embedded standards include Accessory Dwelling Unit size limitations, which are not consistent and so seem somewhat arbitrary, regulations for special events and tasting rooms, regulations for bona fide eating places, and convenience store size limits. The new Code will include cross-references to the specific regulations in the new Code as necessary.

Additional definitions will be added after new regulations and performance standards are drafted to implement General Plan policies. How classes of zoning districts, such as residential districts and industrial districts, can be cited will be established in General Provisions. Acronyms will be added at the end of the Code drafting process once it is known how they are actually used in the new Zoning Code. The definitions in the new Code will also include graphics when necessary to clarify terms that may be unfamiliar to some users.
## ATTACHMENT A: EXISTING AND PROPOSED USE CLASSIFICATIONS

<table>
<thead>
<tr>
<th>Existing Use Classification</th>
<th>Proposed Use Classification</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. RESIDENTIAL USE TYPES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family residential</td>
<td>Single Unit Residential:</td>
<td>Need to identify different housing types</td>
</tr>
<tr>
<td></td>
<td>Attached and detached</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplex</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multiple Unit Residential</td>
<td></td>
</tr>
<tr>
<td>Second family residential</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>Group residential</td>
<td>Group residential</td>
<td>Expanded to include clean and sober facilities, residential hotels, convents and other types of organizational housing and farmworker housing and exclude Residential care and other licensed facilities.</td>
</tr>
<tr>
<td>Mobile home residential</td>
<td>Mobile home park</td>
<td></td>
</tr>
<tr>
<td>Farm employee residential</td>
<td>Group residential</td>
<td>Is there any existing or proposed farmworker housing? Should be identified in Housing Element</td>
</tr>
<tr>
<td>Guest residential</td>
<td>Guest house</td>
<td>Accessory use.</td>
</tr>
<tr>
<td>Live/work residential</td>
<td>Live/work unit</td>
<td>Classified as commercial use with incidental residential occupancy to distinguish from Home occupation</td>
</tr>
<tr>
<td>Residential Care:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior</td>
<td></td>
<td></td>
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<tr>
<td>Skilled nursing facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospice, General and Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single room occupancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transitional housing and supportive housing</td>
<td>Supportive housing</td>
<td>Both are permitted but should be listed separately to distinguish differences</td>
</tr>
<tr>
<td>Transitional housing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B. CIVIC USE TYPES</strong></th>
<th>PUBLIC/SEMI-PUBLIC USE TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult day care</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Child care and early education facility</td>
<td>Government Building</td>
</tr>
<tr>
<td>Administrative services</td>
<td></td>
</tr>
<tr>
<td>Ambulance services</td>
<td></td>
</tr>
<tr>
<td>Clinic services</td>
<td></td>
</tr>
<tr>
<td>Community education</td>
<td>College and Trade School</td>
</tr>
<tr>
<td>Community recreation</td>
<td>Park and Recreation Facility</td>
</tr>
<tr>
<td>Cultural exhibits and library services</td>
<td>Cultural Facility</td>
</tr>
<tr>
<td>Essential services</td>
<td>Utility, major</td>
</tr>
<tr>
<td></td>
<td>Utility, minor</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Existing Use Classification</th>
<th>Proposed Use Classification</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group care</td>
<td>Adult Day Care</td>
<td>Term “half-way house” has been replaced by correctional facility.</td>
</tr>
<tr>
<td>Child care and early education facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major impact health care services</td>
<td>Hospitals and Clinics Hospitals Clinics</td>
<td></td>
</tr>
<tr>
<td>Major impact services and utilities</td>
<td></td>
<td>Specific uses (e.g. correctional facilities) classified separately.</td>
</tr>
<tr>
<td>Parking services</td>
<td>Parking Facility Public</td>
<td></td>
</tr>
<tr>
<td>Postal services</td>
<td>Government office</td>
<td>Not separately classified</td>
</tr>
<tr>
<td>Religious assembly</td>
<td>Community assembly</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Communications facilities Antennas and transmission towers Equipment within buildings</td>
<td></td>
</tr>
</tbody>
</table>

### C. COMMERCIAL USE TYPES

<table>
<thead>
<tr>
<th>Administrative and professional services</th>
<th>Offices, Business and Professional: General Medical and Dental Walk-in Clientele</th>
<th>Walk-in Clientele can be on the ground-floor and support pedestrian-orientation for street level uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative and professional services</td>
<td>Adult Business</td>
<td></td>
</tr>
<tr>
<td>Agricultural supplies and services</td>
<td>Animal sales and services: Animal care, sales and services: Animal boarding</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Auctioning</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Grooming</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Kennels</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Stockyards</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Veterinary (large animals)</td>
<td></td>
</tr>
<tr>
<td>Animal sales and services</td>
<td>Veterinary (small animals)</td>
<td></td>
</tr>
<tr>
<td>Automotive and equipment</td>
<td>Auto/Vehicle Sales and Services Alternative Fuel and Recharging Facility</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Auto/Vehicle Sales and Services Automotive Rentals</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Auto/Vehicle Sales and Leasing: New</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Auto/Vehicle Sales and Leasing: Used</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Auto/Vehicle Sales and Leasing: Major and Minor</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Gas Stations</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Towing and Impound</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Vehicle Storage</td>
<td></td>
</tr>
<tr>
<td>Fleet storage</td>
<td>Warehousing, Storage, and Distribution</td>
<td></td>
</tr>
<tr>
<td>Fleet storage</td>
<td>Outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Building maintenance services</td>
<td>Business services</td>
<td></td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Existing Use Classification</th>
<th>Proposed Use Classification</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business equipment sales and services</td>
<td>Building equipment sales not separately classified</td>
<td></td>
</tr>
<tr>
<td>Business support services</td>
<td>Business Services</td>
<td></td>
</tr>
<tr>
<td>Communications services</td>
<td>Catering Service</td>
<td></td>
</tr>
<tr>
<td>Construction sales and services</td>
<td>Building Materials Sales and Services</td>
<td></td>
</tr>
<tr>
<td>Convenience sales and personal services</td>
<td>Personal Services: General Personal Services Health/Fitness Facility Massage Establishment Tattoo or Body Modification Parlor Food and beverage retail sales: Convenience store General market</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>Eating and drinking establishments: Bar/nightclub Brewpub Restaurant, Full Service Restaurant, Limited Service Restaurant with drive thru Tasting room.</td>
<td></td>
</tr>
<tr>
<td>Explosive storage</td>
<td>Hazardous materials storage</td>
<td></td>
</tr>
<tr>
<td>Financial, insurance and real estate services</td>
<td>Banks and financial institutions: Banks, credit unions - With Drive Thru Service Check cashing business Financial, insurance and real estate services</td>
<td></td>
</tr>
<tr>
<td>Food and beverage retail sales</td>
<td>Food and beverage sales: Convenience store Farmers Market General Market Liquor Stores</td>
<td></td>
</tr>
<tr>
<td>Funeral and interment services</td>
<td>Funeral and Interment Services May exclude crematory, which some codes classify as industrial use</td>
<td></td>
</tr>
<tr>
<td>Gasoline sales</td>
<td>See Automobile/Vehicle Sales and Services, Service Stations above</td>
<td></td>
</tr>
<tr>
<td>Instructional Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry services</td>
<td>See Personal Services Large-scale laundry and bulk cleaning plants classified as General industrial use</td>
<td></td>
</tr>
<tr>
<td>Live/work-Commercial</td>
<td>Living and work quarters</td>
<td></td>
</tr>
<tr>
<td>Medical offices</td>
<td>See Offices, Business and Professional: Medical and dental above</td>
<td></td>
</tr>
<tr>
<td>Medical services</td>
<td>See Clinic and Laboratory</td>
<td></td>
</tr>
<tr>
<td>Existing Use Classification</td>
<td>Proposed Use Classification</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Nursery and Garden Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participant sports and recreation: indoor</td>
<td>Commercial entertainment and recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Large-scale Facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Small-scale Facility</td>
<td></td>
</tr>
<tr>
<td>Participant sports and recreation: outdoor</td>
<td>See above</td>
<td></td>
</tr>
<tr>
<td>Personal services, training for developmentally disabled</td>
<td>Social services center</td>
<td></td>
</tr>
<tr>
<td>Personal services, general</td>
<td>Personal services-General</td>
<td></td>
</tr>
<tr>
<td>Public entertainment</td>
<td>See Commercial entertainment and recreation or Community Assembly</td>
<td>Cinema and Theater can be sub-classifications</td>
</tr>
<tr>
<td>Research services</td>
<td>See Laboratory, Offices, and Research and Development</td>
<td></td>
</tr>
<tr>
<td>Retail sales: general</td>
<td>Retail Sales:</td>
<td></td>
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<tr>
<td></td>
<td>General Sales: Small-scale</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Sales: Large-scale</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pawn Shops; Secondhand Sales With Drive-through Service</td>
<td></td>
</tr>
<tr>
<td>Retail sales: swap meets</td>
<td>Swap meet</td>
<td></td>
</tr>
<tr>
<td>Scrap operations</td>
<td>See Salvage and Wrecking or Recycling Facilities</td>
<td></td>
</tr>
<tr>
<td>Spectator sports and entertainment: limited</td>
<td>See Commercial entertainment and recreation above</td>
<td></td>
</tr>
<tr>
<td>Spectator sports and entertainment: general</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transient habitation: campground</td>
<td>Transient Lodging:</td>
<td></td>
</tr>
<tr>
<td>Transient habitation: lodging</td>
<td>Bed and Breakfast</td>
<td></td>
</tr>
<tr>
<td>Transient habitation: resort</td>
<td>Campground</td>
<td></td>
</tr>
<tr>
<td>Transient habitation: resort</td>
<td>Hotel and motel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacation rental (Short-term Rental)</td>
<td></td>
</tr>
<tr>
<td>Wholesaling, storage and distribution: light</td>
<td>Wholesaling, Warehousing, Storage and Distribution:</td>
<td></td>
</tr>
<tr>
<td>Wholesaling, storage and distribution: heavy</td>
<td>Chemical, Mineral and Explosive Storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Warehousing and Storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Outdoor Storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mini-storage</td>
<td></td>
</tr>
<tr>
<td>Dredge disposal ponds</td>
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<td>E. Transportation, Communications and Utilities Use Types</td>
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<td>Agricultural Use Types</td>
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<td>Horticulture: cultivation</td>
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<td>Horticulture: storage</td>
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<td>Packing and processing: limited</td>
<td>Agricultural Products and Services</td>
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<td>Hastings and St. John’s Mines appear to be located in the unincorporated area and are not subject to local regulation.</td>
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ATTACHMENT B: DRAFT USE CLASSIFICATIONS

A. Residential Types

Single unit residential. A building containing one dwelling unit located on a single lot. These include mobile homes and factory-built housing installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a single lot that does not contain any other unit (except an accessory dwelling unit, where permitted) and is attached through common vertical walls to one or more dwellings on abutting lot. An attached single-unit dwelling is sometimes called a “townhouse” or “zero-lot line” development. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a single lot that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Duplex. A single building that contains two dwelling units or two single unit dwellings on a single lot. This use is distinguished from an Accessory Dwelling Unit.

Multiple unit residential. Three or more dwelling units within a single building or within two or more buildings on a site or lot. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment buildings. The classification is distinguished from Group Residential.

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 clean and sober facilities, rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, farmworker housing, and private residential clubs but excludes Residential Care facilities licensed by the State Department of Social Services and Hotel and Motel establishments intended for transient occupancy, both of which types are classified separately.

Mobile home park. Any area or tract of land where two or more lots are used to accommodate mobile homes for human habitation in compliance with the State Health and Safety Code Section 18214, or any successor regulation. This use type includes 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 facility. Facility that provides permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes

...
facilities that are operated for profit or not-for-profit institutions including group homes for minors, persons with disabilities, people in recovery from alcohol or drug addictions, and hospice facilities.

**Residential Care, General.** State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance.

**Residential Care, Limited.** State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for six or fewer adults, children, or adults and children as-in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual and which is required by state law to be treated as a single housekeeping unit for zoning purposes. This use includes the administration of limited medical assistance.

**Residential Care, Senior.** A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person, where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

**Skilled Nursing Facility.** A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

**Hospice, General.** A facility that provides residential living quarters for more than six terminally ill persons.

**Hospice, Limited.** A facility that provides residential living quarters for up to six terminally ill persons.

**Shop-keeper unit.** A dwelling unit located above and with an internal connection to a ground floor commercial space that is operated by the resident of the dwelling unit and meets applicable occupancy separation requirements of the California Building Code. This use type is distinguished from a live-work unit.

**Single room occupancy.** A facility providing dwelling units where each unit meets the requirements of California Health and Safety Code Section 17958.1 as an efficiency unit or guest room. The unit may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

**Supportive housing.** Housing with no limit on length of stay, that is occupied by the target population as defined by the state Government Code Section 65582, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
Transitional housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single-family dwelling). This classification includes domestic violence shelters.

B. Public and Semi-Public Use Types

Adult day care. Establishments providing non-medical care for persons 18 years of age or older on a less-than-24-hour basis licensed by the State of California.

Cemetery. A place, either public or private, religious or secular, for the interment of human or animal remains, including mausoleums, burial places, memorial gardens, statuary and incidental structures for storage, maintenance, administrative functions, and memorial services. A cemetery may include a columbarium for the storage of cremated remains.

Crematory. A place with a building or structure containing a furnace used for the reduction of human remains by way of incineration.

Child care and early education facility. Establishments providing non-medical care for persons less than 18 years of age on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California.

Colleges and trade schools, public or private. Institutions of higher education, including public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, junior colleges, business and computer schools, management training, technical and trade schools, but excluding personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic retreats associated with such institutions. This use may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities) administrative centers, student unions, libraries, and cafeteria facilities.

Community assembly. A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiuims or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community garden. A site used by the community or a neighborhood for the growing of ornamental plants, herbs, fruits, flowers, or vegetables that are not sold commercially but are used exclusively for personal use. The use is without permanent structures. Community gardens may be accesssory to public or institutional uses, such as parks, schools, community centers, or religious assembly uses. This classification
does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community Gardens do not include Medical Marijuana Collectives or the cultivation of cannabis for personal use, whether medicinal or recreational.

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

**Emergency shelters.** A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to 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 office.** Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

**Hospitals and clinics.** State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. 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).

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

**Extended care.** An establishment providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

*Hospital.* A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. It may include a facility that provides continuous skilled nursing care and supportive care to patients whose primary need is for skilled nursing care on an extended basis.

**Park and recreation facilities, Public.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.
Neighborhood parks. Facilities typically four to seven acres in size, and are designed primarily to provide facilities for preschool, and elementary, age children. They may be combined with or be located adjacent to elementary school site and may include open, multiuse turfed playfields, play apparatus areas, park-like landscaped areas, multigame court areas, sanitation facilities and/or meeting facilities.

Community parks. Facilities that are usually 10 or more acres in size and are designed primarily for recreational activities of all age groups. They may be combined with or be located adjacent to junior high or high school sites. They may include open, multiuse turfed areas, sports fields, play apparatus areas, park-like landscaped areas, tennis courts, swim centers, recreation buildings, lighted ballfields, picnic areas, parking, and sanitation facilities.

District/citywide parks. These facilities afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. Improvements may include a variety of special use facilities such as swimming, boating, fishing, golf, hiking, interpretive facilities, scenic overlooks, picnic areas, and other similar facilities.

Trail systems. This includes district/citywide pathways using public easements, rights-of-way, and natural features such as watercourses and ridgelines, providing a non-vehicular circulation system throughout the city and district to connect major facilities and points of activity and interest. Such a trail system increases the effectiveness of recreational opportunities by providing the linkage between separate facilities to create a continuous recreational network. Such a system itself also provides recreation opportunities, such as walking, jogging, bicycling, nature study, photography, and the like.

Open space. Areas with recreational value and merit that provide visual relief from the urban landscape and provide opportunities for passive and active recreation. Open space areas are defined in the public facilities and other services element of the general plan.

Parking facility. A surface lot or structure wither publicly or privately-owned where parking is offered to the public when such use is not incidental to another activity.

Public safety facility. A facility for public safety and emergency services, including police and fire protection, with incidental storage, training and maintenance facilities. This use includes facilities used by the National Guard or the Military Reserve.

School. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools.

Social services center. Facility 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 Adult Day Care and Child Care and Early Education Facility), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

C. Commercial Use Types
Adult Business. Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, videos, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts, or by an emphasis on male or female genitals, buttocks or female breasts. Such activity includes adult book stores, adult arcades, adult movie theaters, sexual encounter establishments, adult cabarets, adult hotels/motels, massage parlors (excluding those in compliance with Section 5.04.205 of the Municipal Code), and adult theaters, which exclude minors by virtue of age. See Chapter 16.59 of the Municipal Code for Adult Use Regulations.

Adult Bookstore or Adult Video Store. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

Adult Cabaret. A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Viewing Room. The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets, including:

Animal Boarding. The provision of shelter and care for small animals on a commercial basis including keeping, feeding, exercising, grooming, and incidental medical care. This classification includes animal shelters and kennels.

Auctioning. Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property for periods not exceeding 40 hours. Typical uses include animal auctions or livestock auction yards.

Grooming and Pet Store. Retail sales and services of dogs, cats, birds, and similar small animals, including grooming, on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, sales of pet supplies and equipment, and boarding of domestic animals for a maximum period of 48 hours completely within a structure. This classification excludes dog walking and similar pet care services not performed at a fixed location.

Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses
include boarding stables or public stables with indoor or outdoor rings, a dressing room, a harness room, a staff area, watering place, and a room for animal care services.

**Kennel.** A commercial, non-profit, or government facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet hospitals that provide boarding for animals not receiving services on the site but excludes boarding for periods of 48 hours or less.

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

**Pet Day Care Service.** A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.

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

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

- **Automobile Rental.** Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

- **Auto/Vehicle/Equipment Repair.** The repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. These uses include auto repair shops, body and fender shops, wheel and brake shops, oil change shops, auto glass sales and installation, stereo and alarm sales and installation, and tire sales and installation, but exclude vehicle dismantling or salvaging and tire retreading or recapping.

- **Auto/Vehicle Sales and Leasing.** The sale, or leasing of automobiles, trucks, tractors, construction or agricultural equipment, recreational vehicles, and similar equipment, including storage and incidental maintenance and repair. This use does not include uses that exclusively rent vehicles (see Auto/Vehicle Sales and Services — Automobile Rental).

  - **Limited.** Sales and leasing within an enclosed structure without any incidental maintenance or repair work, outdoor display, or outdoor storage.

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

**Auto/Vehicle Washing/Detailing.** Washing, detailing, waxing or cleaning of automobiles or similar light duty motor vehicles including self-service washing facilities.
– **Small Scale.** Washing and detailing businesses that do not occupy more than 1,000 square feet and are located within a parking structure.

**Service Stations.** An establishment engaged in the retail sale of vehicle fuel, lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes and facilities having service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light trucks but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles.

– **Full Service.** A service station that has one or more service bays.
– **Minimum Service.** A service station that has no service bays.

**Towing and Impound.** The storage of operative or inoperative vehicles. These uses include storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

**Banks and Financial Institutions**

**Banks and Credit Union.** A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses but excluding Check Cashing Businesses. These uses include only those institutions engaged in the on-site circulation of cash money. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Finance, Insurance and Real Estate Services.

**Check Cashing Business.** Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in California Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers that cash checks or issue money orders incidental to their main purpose or business.

**Business services.** Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick printing services, and blueprint services.

**Catering services.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, and comedy clubs, and restaurants, snack bars, and other incidental good and beverage service for patrons.

**Cinema.** Facilities for indoor display of films and motion pictures.
**Electronic Game Center.** An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using.

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

**Large-scale facility.** This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses. It also includes indoor and facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.

**Small-Scale facility.** This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, electronic game centers, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

**Eating and drinking establishment.** Businesses primarily engaged in the selling and serving of prepared food and beverages for consumption on or off premises. Typical uses include restaurants, bars, brewpubs and tasting rooms, but does not include adult uses as defined and regulated by Chapter 16.TBD.

**Bars/Taverns/Lounge.** Establishments that operate under a Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) and sell beer, wine and distilled spirits for consumption on the premises or Type 42 license (On-sale Beer and Wine—Public Premises) but do not necessarily sell food. Tavern also includes bars and pubs that operate under a Type 40 license (On-sale Beer) and which sell sandwiches or snacks but not wine or distilled spirits. This use does not include Night Clubs as defined by these regulations or restaurants that operate under a Type 47 or Type 41 License.

**Brewpub.** A full-service or limited-service restaurant with a micro-brewery as an accessory use. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

**Restaurant, Full Service.** Restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided. Full-service restaurant includes eating places authorized to sell beer, wine, and distilled spirits for consumption on-site under Type 47 Department of Alcoholic Beverage Control license and eating places that are authorized to sell beer and wine under a Type 41 License.

**Restaurant, Limited Service.** Establishment where food and beverages are consumed on the premises, taken out, or delivered, and where limited table service is provided. This classification includes 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. This classification includes bakeries that have tables for on-site consumption of products.
Restaurant with Drive Through. Establishment where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction including drive-up service.

Tasting Room. An establishment or place within a winery or brewery or other premises licensed by the State Department of Alcoholic Beverage Control where wine, beer, and other alcoholic beverages produced, grown, or processed on the same site are offered for sale or without charge to members of the public. Food may also be served.

Equipment Rental. Establishment engaged in rental of equipment, such as medical devices and party equipment to individuals and businesses, and whose activities may include storage and delivery of items to customers. This use type does not include the rental of machines or vehicles.

Financial, Insurance and Real Estate Services. The finance, insurance and real estate services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include investment banks, insurance agencies or real estate firms, but exclude uses involving the on-site circulation of cash, which are classified as Banks and Financial Institutions, and Pawn Shops.

Food and beverage retail sales. Retail sales of food and beverages retail for consumption off-premises. Typical uses include groceries, liquor stores or delicatessens.

Convenience Store. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs, including a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. This classification includes small retail stores located on the same lot as or operated in conjunction with a fuel Service Station but does not include small general markets, delicatessens or specialty food shops.

Farmers' Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5.

General Market. The retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, video rentals, etc.) under one roof. The use includes neighborhood grocery stores selling fresh fruits, vegetables, and other items for off-site preparation and consumption.

Package store. A retail establishment licensed by the State Department of Alcoholic Beverage Control to sell alcoholic beverages for off-site consumption. See Section TBD for additional details and requirements.

Off-sale general. A store operating under a Type 21 license authorizing sale of distilled spirits, beer, wine, and other alcoholic beverages for consumption off the premises.

Off-sale beer and wine. A store operating under a Type 20 license authorizing sale of beer and wine for consumption off the premises.
Mobile Food Truck Off-Street. Commercial vending of food and beverages from vehicles parked off-street. See Section TBD for additional details.

Funeral/interment service. An establishment providing services involving the care, preparation, or disposition of human remains for burial including arranging and managing funerals but not including cemeteries, crematories, or religious assembly uses, which are separately regulated.

Laboratory. An establishment providing dental or medical laboratory services; or an establishment providing analytical, photographic, or testing services.

Live/work Unit. A unit that combines a work space and incidental residential occupancy, in which the work component is the primary use and the residential component is secondary, occupied by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. The "work" activity is conducted by a person or persons for whom the living space is their principal residence. See Section 16.TBD for further details.

Cannabis dispensary. A retail establishment licensed by the State of California to dispense, sell or make available cannabis for medical or recreational purposes.

Maintenance or Repair Services. An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles (see Vehicle/Equipment Repair).

Nursery and Garden Center. A retail establishment selling plants, seeds, shrubs, and various gardening equipment. Garden products such as trees, shrubs, plants, seeds, bulbs, and sod are predominantly grown elsewhere. All merchandise other than plants is kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.

Offices. Offices of firms or organizations 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, excluding 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 excluding clinics or independent research laboratory facilities (See Research and Development) and hospitals (see Hospitals and Clinics).

Business and professional. Offices of firms or organizations providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (See Offices, Walk-In Clientele).

Medical and dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.
Walk-In clientele. Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, private utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).

Parking facilities. Surface lots and structures for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

Personal services

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas, nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photcopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of the Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612, but excludes gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction (see Personal Services, Physical Training).

Massage Establishments. Any premises, place of business or membership club where the primary use is providing or giving for a fee or other form of consideration a massage, fomentation, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure. A use where accessory massage occurs i.e., chair massage services in a supermarket, massage services in the courtyard of an outdoor or indoor shopping center) shall not be classified as a massage establishment. Exempted from this classification are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who are duly State-licensed to practice their respective professions in the State of California, trainers of athletes, and State-licensed barbers, beauticians, manicurists, cosmetologists, and estheticians while engaging in practices as part their license.

Personal Services, Physical Training. Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of more than five persons.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) 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 Service. Retailing, wholesaling or rental of building supplies or equipment. These uses include lumber yards, tool and equipment sales or rental establishments, and building contractors’ yards, but excludes the exclusive retail sales of paint and hardware, plant nurseries, and activities classified under Auto/Vehicle Sales and Services - Sales and Leasing. Accessory sales of paint and hardware are permitted.
**Firearm Sale.** The retail sale of firearms or ammunition by a firearms dealer, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, 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, 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.

**Large Format Retail.** Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

**Pawnshop.** An establishment engaged in the buying, selling, trading, accepting for consignment, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for or secured by personal property.

**Smoke shop.** Any establishment that devotes 20 percent or more of the display area to the sale or exchange of tobacco products and/or tobacco paraphernalia. (See Definition.) This does not include retail sales of cannabis for recreational or medical purposes, which are separately regulated.

**Swap meet.** The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, clothing, personal effects, household furnishings and household appliances at an approved location. These include both indoor and outdoor swap meets, conducted on either a permanent or recurring basis. Also known as a flea market.

**Transient lodging.** An establishment primarily engaged in the provision of overnight accommodations for patrons who maintain a permanent place of residence elsewhere. Incidental food, drink and other sales and services intended for the convenience of guests may be provided.

**Bed and breakfast.** An establishment offering lodging on less than a weekly basis in a residential structure in which the property owner or manager lives on site with incidental eating and drinking service for lodgers only provided from a single kitchen on the premises.

**Campground.** Campground services involving transient habitation areas for travelers in recreational vehicles or tents including recreational vehicle parks.

**Hotels and motel.** An establishment providing temporary lodging to transient patrons but not providing room rentals on an hourly basis. 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, apartment hotels, hostels and
tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, single-room occupancy housing, or bed and breakfast establishments within a single-unit residence.

**Vacation rental.** A property with a dwelling unit or guest house intended for permanent occupancy that is available for rent or hire for any person other than the primary owner for transient use for 30 days or less or is otherwise occupied or utilized on a transient basis for 30 days or less. Vacation rental does not include a Bed and Breakfast as defined above.

D. Industrial

**Artisan/small-scale manufacturing.** The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturers.

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

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

**Studio-Heavy.** Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios. **Brewery, Production.** An establishment that produces annually 15,000 barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite. Production breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms.

**Brewery.** A facility licensed by the State to manufacture beer, ale, mead, hard cider and similar brewed beverages. See Chapter TBD, Definitions

**Brewery, Brew-on-Premises.** A do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or microbrewery. Customers also may purchase the ingredients, rent the equipment, time and space, and be provided assistance by an on-site brew master.

**Brewery, Production.** An establishment that annually produces 15,000 barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite subject to a Type 1 license. Production breweries may also serve beverages onsite, with or without the service of food, and sell beverages for offsite consumption pursuant to the regulations of this Code, the California Department of Alcohol Beverage Control, and the federal Bureau of Alcohol, Tobacco, and Firearms.

**Micro-brewery.** An establishment licensed by the California Department of Alcohol Beverage Control to less than 15,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite annually subject to a Type 23 license. Micro-breweries may also serve beverages onsite and sell beverages for
offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage
Control and the federal Bureau of Alcohol, Tobacco, and Firearms.

**Cannabis uses.** Establishments involved in the planting, growing, harvesting, drying, curing, grading,
trimming, or distribution of marijuana as defined in this Code and Chapter 7.100, Marijuana of the
Municipal Code.

**Cannabis cultivation.** Commercial activity involving the planting, growing, harvesting, drying, curing,
grading, or trimming of marijuana.

**Cannabis distribution.** The procurement, sale, and transport of marijuana and marijuana products
between holders of state licenses and local permits but excludes retail sales to medical marijuana
customers.

**Cannabis manufacturing.** A facility involved in the non-volatile production, preparation, propagation,
or compounding of marijuana or marijuana products either directly or indirectly or by extraction
methods, or independently by means of chemical synthesis, or by a combination of extraction and
chemical synthesis, at a fixed location that packages or repackages medical marijuana or medical
marijuana products or labels or re-labels its container.

**Commercial kitchen.** Kitchens used for the preparation of food to be delivered and consumed off-site.
Typical uses include catering facilities. This classification does not include businesses involved in the
processing or manufacturing of wholesale food products (See Industry, Limited).

**Industry, general.** The manufacturing, compounding, processing, assembling, packaging, treatment or
fabrication of materials and products, primarily from extracted or raw materials, or bulk storage and
handling of the products and materials. Uses in this classification involve an incidence of truck or rail
traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. These uses include auto
dismantling within an enclosed building; biomass energy conversion; food processing and packaging,
laundry and dry-cleaning plants greater than 5,000 square feet in size, production apparel manufacturing;
photographic processing plants; leather and allied product manufacturing; wood product manufacturing;
paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic
mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and
automotive and heavy equipment manufacturing, concrete products manufacture (excluding concrete
ready-mix plants), small animal production and processing within an enclosed building, and power
generation.

**Industry, limited.** The manufacturing of finished parts or products primarily from previously prepared
materials; and provision of industrial services within an enclosed building. These uses include processing,
fabrication, assembly and treatment, commercial laundries and dry cleaning plants with 5,000 square feet
of less; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical
shops; computer and electronic product manufacturing; furniture and related product manufacturing; and
industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site
consumption. Typical food manufacturing uses include canners, roasters, breweries, wholesale bakeries,
and frozen food manufacturers. It excludes basic industrial processing from raw materials, food processing,
and vehicle/equipment services and commercial bakeries that provide seating for on-site consumption
which are classified as take-out restaurants.
Media production. Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (see Commercial Entertainment and Recreation) or transmission and receiving equipment for radio or television broadcasting (see Communication Facility).

Support facility. Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.

Full-service facility. Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.

Recycling facilities. A collection facility for recycling materials including glass, metal, paper products and other materials as may be determined by the Zoning Administrator. This use includes donation collection facilities, mobile recycling units, reverse vending machines and small and large collection facilities.

Recycling, large. A recycling facility over 700 square feet for the drop-off or deposit of recyclable materials. These uses include mobile recycling units, storage bins, and required enclosures and reverse vending machines collectively over 700 square feet.

Recycling, small. A recycling facility of 700 square feet or less for the deposit or drop-off of CRV recyclable materials. These uses include mobile recycling units, storage bins, and required enclosures and reverse vending machines.

Research and development. A facility for scientific research and the design development, and testing of 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. It may also include offices as a secondary use. Typical uses include electronics research laboratories, space research and development firms, and pharmaceutical research labs but excludes medical testing and analysis and product testing.

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, storage, and distribution. 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.

Chemical, mineral, and explosives storage. Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.
**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. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.

**Outdoor storage.** Storage of vehicles or commercial goods or materials in open lots. Typical uses include monument or stone yards, grain elevators or open storage yards.

**Mini-storage.** A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, office or other business services, or human habitation. Also called self-service storage.

### E. Transportation, Communication and Utilities

**Airports and heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. This classification also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

**Passenger station.** Facilities for passenger transportation operations. This classification includes rail, bus and ferry stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right-of-way, restrooms, and accessory uses such as cafés.

**Communications facilities.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities and wireless telecommunications antenna facilities. See Chapter TBD, Wireless Telecommunications for additional details.

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

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

**Freight/truck terminal and warehouse.** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).
Light fleet-based service. 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. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site.

Marina. Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, and a harbor masters office.

Utility, major. Generating plants, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, dredge disposal sites, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utility, minor. A utility facility that is necessary to support a legally established use and involves only minor structures (e.g., electrical distribution lines).

F. Accessory Uses

Accessory dwelling unit. An attached or a detached residential dwelling unit as defined by Section 65852.2(j) of the Government Code, as may be amended, which provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same parcel as the single-family dwelling with which it is associated. This term also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as may be amended, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, as may be amended. This use is distinguished from a duplex, which is not subject to the requirements of State law for Accessory Dwelling Units.

Caretaker unit. Living accommodations for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep.

Family day care. A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one (1) for up to fourteen (14) children for periods of less than 24-hours per day while the parents or authorized representatives are away. The provider shall be licensed per the State Health and Safety Code unless specifically exempted therein.

Family day care home, small. A family day care home which provides family day care for up to eight (8), including children who reside at the home, pursuant to Health and Safety Code Section 1597, as may be amended.

Family day care home, large. A family day care home which provides family day care up to seven (7) to fourteen (14) children, including children who reside at the home pursuant to Health and Safety Code Section 1597, as may be amended.

Guest house. Living quarters for temporary occupancy by guests of the owner that have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit.
**Home occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

**Tasting room.** A space for on-site tasting of alcoholic beverages and retail sales that is licensed by the California Department of Alcoholic Beverage Control and operated within a winery, micro-brewery/micro-distillery, grocery store, large format liquor store or wine shop but not within a liquor store or a convenience store or mini-market associated with fuel sales.
## ATTACHMENT C: SAMPLE TABLE OF PROPOSED USE CLASSIFICATIONS

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<th>Uses</th>
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<td>Hospitals and Clinics</td>
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<td>Public Safety Facility</td>
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### Commercial Use Types

<table>
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<tr>
<th>Animal Care, Sales and Services</th>
<th>See subclassifications below</th>
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<tbody>
<tr>
<td>Animal Boarding</td>
<td>C</td>
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<tr>
<td>Horse Stables</td>
<td>C</td>
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<tr>
<td>Kennel</td>
<td>C</td>
</tr>
<tr>
<td>Pet Day Care Service</td>
<td>C</td>
</tr>
<tr>
<td>Food and Beverage Retail Sales</td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>-</td>
</tr>
<tr>
<td>Funeral and Interment Service</td>
<td>-</td>
</tr>
<tr>
<td>Offices</td>
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<td>Medical</td>
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<td>Walk in Clientele</td>
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<td>Uses</td>
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<tr>
<td><strong>General Personal Services</strong></td>
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<tr>
<td><strong>Personal Services, Physical Training</strong></td>
<td></td>
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<tr>
<td>Transient Lodging</td>
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<td><strong>Bed and Breakfast</strong></td>
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<tr>
<td><strong>Hotels, Motels</strong></td>
<td></td>
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<tr>
<td>Transportation, Communication and Utilities</td>
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<tr>
<td><strong>Utilities, Minor</strong></td>
<td>P</td>
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<td><strong>Other</strong></td>
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<td>Accessory Uses</td>
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<td>Nonconforming Uses</td>
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<td>Temporary Uses</td>
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**Notes:**

L1 Site Development Plan approval required for three to nine units; over nine units, a conditional use permit is required.

L2 An administrative/minor use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.

L3 Only allowed on the ground floor in mixed-use buildings; a conditional use permit is required for more than 1,500 sq. ft.

L4 Only allowed in mixed-use buildings; an administrative/minor use permit is required for more than 1,500 sq. ft.

L5 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.
D. DRAFT DEFINITIONS

Note: All citations to State or federal law mean existing provisions and any subsequent amendments.

**Abandoned, Abandonment.** Ceasing continuous use of a nonconforming building, parcel, activity or permit without any authorization that may be granted under the provisions of this Code.

**Abutting, Adjoining.** Having a common boundary or property line or district line.

**Access.** The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Code.

**Act of Nature.** A natural occurrence such as an earthquake, flood, landslide, tidal wave, hurricane, fire, tornado or similar event, which causes substantial damage to buildings or property.

**Addition.** The creation of any new portion of a building which results in a vertical or horizontal extension of the building, or results in any new gross floor area that was not present in the building prior to construction of the addition. The creation of a mezzanine or loft, or a conversion of a previously unused attic or underfloor space to usable floor area, shall be considered an addition for the purposes of this Code.

**Adjacent.** Having a boundary or lot property line(s) in common or bordering directly, or separated by a natural barrier, street, or other public right-of-way.

**Administrative Review.** The process for permit/project review with a formal decision by the Director, Zoning Administrator, or designated Staff with approval authority.

**Alcohol-Related Terms.**

**Alcoholic Beverage.** Any beverage, including, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, that contains one-half of one percent or more of alcohol by volume and is fit for human consumption, either alone or when diluted, mixed, or combined with other substances, and sales of which require a California Department of Alcoholic Beverage Control license.

**Off-sale liquor establishment.** Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will not be consumed on the property on which the alcohol was sold.

**On-sale liquor establishment.** Any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any facility that requires an Alcoholic Beverage Control license.
Allowed Use. A use of land as a permitted or conditional use that may be established with zoning compliance review (for an “as-of-right” or permitted use) or a use permit for a conditionally permitted use and, where applicable, design review and/or building permit approval, subject to compliance with all applicable provisions of this Code.

Alley. A public thoroughfare other than a street that is permanent reserved for access to the rear or side or a property that abuts on a street.

Alteration. Any change, addition or modification that changes the interior construction or exterior architectural appearance or materials of a structure. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Minor alteration. Modifications to a building or structure affecting the interior or exterior of a structure that comply in all respects with this Code, are cosmetic in nature, do not result in a change in height, floor area, or lot coverage or affect an historic property or structure, and do not require work in the public right-of-way. Typical projects include minor in-kind repairs, reroofing, improvements to plumbing, electrical and mechanical systems, installation of cabinets, exterior cladding, and work on interior partitions other than bearing walls, and work for which no building permit is required.

Major alteration. Construction or demolition of structures, any change in the supporting members of a building or structure, changes in maximum height, total floor area, number of bedrooms or dwelling units, creation or removal of parking, or projects that require grading subject to a grading permit, or changes to the exterior of an historic structure.

Amusement machine. Any device, machine, apparatus, or other instrument operated electrically, mechanically or manually, for amusement purposes only (other than those now or hereafter prohibited by the ordinances of the City or laws of the state, and other than mechanical and electrical musical devices), for the use of which there is required to be deposited a coin, token, or thing of value. "Amusement machine" includes pinball machines, miniature bowling lanes, simulated shooting galleries, electronic tennis and related machines which create electronically produced images on video screens as amusement devices, and similar machines or devices.

Animals, domestic (Household pets). Small pets such as cats, dogs, and birds. This definition excludes large animals, such as horses, goats, swine and similar size animals, and farm animals, such as chickens, ducks, and rabbits.

Animal husbandry. Breeding and raising of small domesticated animals for sale, or in order to use or sell products such as meat, honey, milk, eggs, and fibers.

Animal keeping. The keeping of animals, such as household pets, for personal use and enjoyment.
Animal shelter. Any place where animals where stray, lost, abandoned or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

Antenna. any system of poles, panels, rods, reflectors, wires or similar devices used for the transmission or reception of electromagnetic signals, including but not limited to radio waves at any radio frequency operated by any person or organization regulated by the FCC, other than in the Amateur Radio Service. An antenna does not include the support structure the antenna(s) are mounted upon. See Chapter TBD: Wireless telecommunications.

Applicant. Any entity or person who applies for a ministerial or discretionary permit, certificate, zoning approval or other entitlement.

Approval Authority. The decision-making body or official responsible for approving, approving with conditions or denying application. As an illustration, the Planning Commission is the Approval Authority over an application for a conditional use permit, and the Zoning Administrator is the Approval Authority over an application for an administrative use permit or minor use permit.

Area. Any geographical area, for example a portion of a block, a block, or a larger district.

Architectural feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Attic. The area less than the minimum height that the California Building Code requires, which is located above the ceiling of the top story and below the roof and is not usable as habitable or commercial space.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects horizontally from the wall of a building 30 inches or more above grade that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than two sides (see also “Deck”).

Banquet facility. A room or area available for use, lease or rent by private parties.

Ancillary. A room or area, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged, where the banquet facility use is incidental and subordinate to the facility's primary use as a restaurant, hotel, golf course, winery, microbrewery or other use.
Stand alone. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged.

Basement. The lowest usable space of a building, between the floor and the ceiling, for non-habitable use such as, but not limited to, garage or storage use, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bathroom. A room containing toilet, sink, and bathing facilities.

Bay window. A portion of a building cantilevered so as to project out from a wall and containing angular or curved windows.

Bedroom. Any room meeting the standards of the Building Code as a sleeping room.

Block. An area designated on an official map of the City, which is bounded on all sides by the public right-of-way, a railroad right-of-way, private streets or a boundary line of unsubdivided acreage or any combination of such thoroughfares.

Brewery. An establishment licensed by the State to manufacture beer, ale, mead, hard cider and similar brewed beverages with or without food service subject to the requirements of this Code. See Chapter TBD: Use Classifications for additional detail.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Build-to line. A line parallel to the lot line establishing the distance from the curb where the façade of the building is required to be located. See Setback

Building. Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

Building, accessory. A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected to it by common roof line or fully enclosed space.

Building, principal. A building in which the principal use of the parcel on which it is located is conducted except for an Accessory Dwelling Unit as defined in this Code.

Building Code. Any ordinance adopted by the City that governs the type and method of construction of buildings, signs, and sign structures as it may be amended including, but not limited
to, the California Building Code, the State Historic Building Code, and other State-adopted uniform codes and any subsequent amendments.

**Building face or facade.** That portion of any exterior elevation of a building extending vertically from grade to tap of a parapet, wall or eaves, and horizontally across the entire width of the building elevation.

**Building frontage.** That portion of the exterior building wall constituting primary access to a single place of business which is both adjacent to and parallel to either a public street, or walkway or parking lot.

**Building lines.** See "Setback" and “Build-to Line”.

**California Environmental Quality Act (CEQA)-Related terms.** Public Resources Code Sections 21000 et seq. is a law enacted by the State in 1970 requiring review of public agency decisions to inform government officials and the public about the potential significant effect of proposed activities on the physical environment for the purpose of identifying ways to avoid or significantly reduce environmental damage.

**CEQA Guidelines.** California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq., is a set of regulations issued by the State Resources Agency that prescribes how State and local agencies shall comply with CEQA requirements.

**Environmental Impact Report (EIR).** A detailed document providing information about the effect a proposed project is likely to have on the environment, listing ways in which the significant effects of the project might be minimized, and identifying alternatives to the project.

**Environmental initial study.** A preliminary analysis the public agency prepares to determine if a project may have significant effects on the environment and whether they can be reduced or avoided.

**Environmental review.** An evaluation process conducted pursuant to the California Environmental Quality Act to determine whether a proposed project may have a significant impact on the environment.

**Mitigated negative declaration.** A declaration prepared for a project when the initial study has identified potentially significant effects on the environment but (1) the applicant has made or agreed to revisions before the initial study and negative declaration has been released for public review; and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

**Negative declaration.** A written finding approved by the City Council or designated Staff with approval authority that a proposed project would have no effect on the environment and briefly stating the reasons for that determination.
Camping. The occupancy of any place by the property owner or with the permission of the property owner for temporary living, sleeping, or other human occupancy purposes. This definition does not include: parking or storage of an unoccupied and otherwise unused trailer coach, recreational vehicle, or tent trailer on a privately-owned parcel or the occupancy of a trailer or recreational vehicle for any accessory use that this Code allows.

Cannabis-Related terms

Cannabis. Cannabis has the same meaning as cannabis concentrate, cannabis products, and edible cannabis product as defined in California Business & Professions Code Section 26001. Words or phrases related to cannabis uses, wherever used in this chapter, shall be given the definitions specified in Chapter 7.100, Marijuana, of the Municipal Code.

Cannabis medical. Cannabis or a cannabis or marijuana product intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health & Safety Code, by a medical cannabis patient who possesses a State of California licensed and board certified physician’s recommendation or identification card issued pursuant to State law. Words or phrases related to medical cannabis uses, wherever used in this Chapter, shall be given the definitions specified in Chapter 7.100, Marijuana.

Medical cannabis dispensary. Any storefront that dispenses, sells, makes available, or distributes cannabis for medicinal purposes that requires a license pursuant to MAUCRSA (e.g. Microbusiness license), and any association, collective or cooperative that sells, makes available or distributes cannabis for medicinal purposes pursuant to Health & Safety Code Section 11362.775 until that section is repealed pursuant to Section 11362.775(e). Medical cannabis dispensary does not include the donation or provision of medical cannabis meeting the requirements of MAUCRSA at California Business & Professions Code Section 26033 for an exemption from state licensure.

Recreational cannabis dispensary. Any storefront that dispenses, sells, or makes available marijuana to another person or entity.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Care Facility Types

Care facility, large, licensed. Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients):

A health facility, as defined by Health and Safety Code Section 1250, as it may be amended, including general acute care hospital; acute psychiatric hospital; skilled
nursing facility; intermediate care facility; intermediate care facility/developmentally disabled – rehabilitative; special hospital; intermediate care facility/developmentally disabled; intermediate care facility/developmentally disabled – nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled – continuous nursing.

A community care facility, as defined by Health and Safety Code Section 1502, as it may be amended, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency.

A residential care facility, as defined at Health and Safety Code Section 1568.01, as it may be amended, as a residential care facility for persons with chronic, life-threatening illnesses who are eighteen (18) years of age or older, or are emancipated minors, and for family units.

A residential care facility for the elderly, as defined at Health and Safety Code Section 1569.2, as it may be amended, as a housing arrangement chosen voluntarily by persons sixty (60) years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

A pediatric day health and respite care facility, as defined at Health and Safety Code Section 1760.2, as may be amended, as a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to medically fragile children twenty (21) years of age or younger, including terminally ill and technology dependent children.

An alcoholism or drug abuse recovery or treatment facility, as defined at Health and Safety Code Section 11834.02, as may be amended, licensed by the State.

Care facility, small, licensed. A community care facility as defined by Health and Safety Code Section 1502, as may be amended, which serves six (6) or fewer adult residents (not including the licensee or members of the licensee’s family or staff) and is licensed by the California State Department of Social Services to provide non-medical care and supervision.

Care facility, large, unlicensed. A residential facility, not licensed by the State, for seven (7) or more individuals with a disability who are not living together as a household (as defined) and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).
**Care facility, small, unlicensed.** A residential facility, not licensed by the State, for six (6) or fewer total residents managed under a single operator and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).

**Carport.** A permanently roofed structure enclosed on not more than two sides, designed, constructed, and maintained for the parking or temporary storage of one or more motor vehicles.

**Cellar.** See “Basement”.

**Centerline of street.** The geographic center of a public or private road right-of-way.

**Change of use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use but not including a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Collection facility.** A facility for the redemption or drop-off of recyclable materials. Such a facility does not process materials except limited bailing, batching and sorting of materials other than glass.

**Columbarium.** A building that contains vaults with recesses for storage of cinerary or cremation remains.

**Commercial kitchen.** Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products.

**Community garden.** A piece of land used for the cultivation of edible and non-edible plants grown for and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community and/or may be used for educational purposes.

**Condition of approval.** A requirement attached to a permit or entitlement, which the decision making authority has imposed to alter or modify a project in any manner from the description in the application originally submitted for City approval.

**Conditional use.** A use generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions of approval to ensure the appropriateness of the use at that particular location.

**Construction.** Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, building elements, or land, together with any associated scientific surveys.
**Correctional facility.** A facility owned and/or operated by an individual, a for-profit, or a non-profit entity used for housing or provision of services for persons who are either (1) serving a sentence from a federal, State or county court and are under restraint, supervision, or security or (2) have served a sentence or have been released from a federal, State, or county prison or jail and are living under government supervision by a government-funded program. This definition shall include, but not be limited to prisons, jails, reformatories detention centers, correction centers, re-entry centers, halfway houses, and pre-release centers.

**Cottage food operation.** A business operated by a person, in compliance with State regulations, for the production and/or preparation of certain non-potentially hazardous food or drink products in a kitchen within the person’s primary dwelling.

**Courtyard.** An open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings that is completely or mostly enclosed by fences, walls, or other screening but not including any off-street parking or loading area, street, or road right-of-way

**Days.** Calendar days unless this code or State law specifies otherwise.

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts. See also Balcony.

**Deemed approved use.** A business or entity that uses a building, structure, or site, or portion of such, for the sale of alcoholic beverages, that was lawfully established and maintained (not terminated for a period of twelve continuous months), but no longer conforms to the relevant provisions of this title. A "deemed approved use" is not a "nonconforming use."

**Density-related Terms.**

*Density, residential.* The computation expressing number of dwelling units per acre.

*Density bonus.* A density increase over the otherwise maximum allowable residential density under the applicable zoning district and land-use element of the General Plan as of the date of application by the developer to the City (Government Code 65915(f)) as it may be amended).

*Density bonus housing agreement.** An agreement between the City and a developer setting forth the terms and conditions of the award of a density bonus, and which the City Council finds is required to make an affordable housing project economically feasible (Government Code Section 65915(h)).

**Designated ridgeline area.** A visible or prominent area along the highest points of a ridge that the City has designated on a map and which is subject to restrictions as to its density of development.
Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Distillery. A facility authorized to produce, bottle, rectify, process, and store distilled spirits or alcohol (i.e. vodka or grain spirits), including, but not limited to: whiskey, gin, brandy, blended applejack, rum, tequila, cordials and liqueurs.

Drive-Through facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Distance, radius. The radius around a subject property line to another property line in any direction.

Duplex or duet. A structure containing two dwelling units, each of which has direct access to the outside.

Dwelling unit. One or more habitable rooms, which are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating. See Chapter TBD, Use Classifications for additional details.

Easement. A grant to the use of land by a property owner to a public agency, corporation, or a private entity or person for specific purposes such as access, construction of utilities, drainage or other activity.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Effective date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency unit. A dwelling unit having a living area of not less than 150 square feet of total floor area and an additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower. The unit shall be provided with a separate closet. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of not less than thirty inches in front. Light and ventilation conforming to the Building Code.

Erect. To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.
Family (Household). One or more persons living together as a single housekeeping unit in a dwelling unit with access to and common use of all living and eating areas and facilities for preparation and storage of food.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. A horizontal or vertical barrier that functions as a means of protection or confinement or obscures sight to provide privacy, including a wall, hedge, or structure made of metal, wood or similar material.

Flag lot. See Lot types.

Floor. See Story.

Floor area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building unless otherwise stipulated.

Freeway. A public right-of-way to which the owners of abutting lands have limited or restricted right of easement of access, and which is declared to be in compliance with the California Streets and Highways Code as it may be amended.

Frontage, street. That portion of a lot or parcel of land that borders a public street.

Food vending.

Garage. A building or portion of a building, either private or public, in which motor and other vehicles are stored or kept.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Grade. The location of the ground surface. See Chapter TBD, Rules for Measurement for additional details.

Adjacent grade. The lowest elevation of ground surface within five feet of the building exterior wall.

Average grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

Existing grade. On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required
survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

**Finished grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

**Grocery store.** A retail establishment where the majority of floor area open to the public is occupied by fresh or packaged food products to be sold for preparation and consumption off-site. "Grocery store" includes retail chains that carry a full range of food and household products and have more than one location, and retail bakeries where any on-site baking is only for on-site sales. "Grocery store" does not include large format stores that combine grocery sales with a retail store.

**Guest house.** An attached or detached habitable structure with only sleeping, living, and bathroom provisions, without indoor kitchen or cooking facilities.

**Habitable room.** A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

**Home occupation.** Any activity of a nonresidential nature carried on within a living unit, garage or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business.

**Household.** See “Family.”

**Household pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents.

**Improvement.** Projects constructed, financed, installed, or agreed to installed by a subdivider, public agencies, private utilities, any other entity approved by the City, or a combination thereof including, street work and utilities on land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners in the subdivision and to meet local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map; and any other specific infrastructure, such as streets and sidewalks, trails, drainage, utilities, or other types of physical improvements, the installation of which is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan.
**Incentive.** A regulatory or financial concession, grant, refund, or waiver which may reduce or avoids project costs or increase project feasibility.

**Junkyard.** Any yard, plot, space, enclosure, building, or other place where discarded items are collected, stored, gathered or kept.

**Kitchen.** A room that is primarily used for cooking and preparation of food that contains a kitchen sink, cooking equipment. (See Building Code)

**Land use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

**Live entertainment and dancing.** Any "public dance" and/or live musical performances where fixed seating or chairs are not provided for each patron or customer in attendance. A fee or cover charge may or may not be imposed. A "public dance" shall not include dancing at a banquet facility, where the rental of such hall is for a private function and not open to the general public. "Live entertainment" includes musical acts, karaoke, theatrical acts, stand-up comedy, magic acts, disc jockey, and similar activities.

**Living accommodations.** Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

**Living room.** The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

**Lot.** A parcel or plot of land of record in Solano County used or capable of being used under the regulations of this title and having either a frontage on a street as defined herein, or a frontage on an alley prior to February 24, 1970.

- **Abutting lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

- **Confronting lot.** A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.

- **Corner lot.** A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

- **Flag lot.** A lot whose sole access from a public street frontage is either over a private access driveway owned and maintained by the owner of said lot or over a private access easement. The shape of the lot resembles a flag with the driveway as the "flag pole" or stem. Other terms for flag lots are "dog-leg" or "pot handle" lots.

- **Interior lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street with an intersection greater than 135 degrees.
**Through lot.** A lot having frontage on two parallel or approximately parallel streets.

**Lot area.** The area of a lot measured horizontally between bounding lot lines.

**Lot area, net.** The lot area minus any public rights-of-way, public easements, flood-plains, environmentally sensitive areas, and areas with archaeological or cultural resources.

**Lot coverage.** The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are 50 percent or less open to the sky, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Lot Line Types.**

**Front Lot Line.** On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

**Front Lot Line, Corner Lot.** The narrowest lot line abutting a public or private street or lane.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Lot, nonconforming.** See “Nonconforming lot.”

**Maintenance and repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Marijuana.** See “Cannabis.”
**Mezzanine or Loft.** An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below.

**Major transit stop.** A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods as defined in California Public Resources Code Section 21064.3.

**Manufactured housing.** A dwelling unit having a permanent foundation system which is transported to the site, which is a minimum twenty feet in width, which was either constructed after September 15, 1971, and has an insignia of approval from the California Department of Housing and Community Development, or constructed after July 1, 1976, and has an insignia of approval from the U.S. Department of Housing and Urban Development, and which has not been altered in violation of applicable codes.

**Microenterprise home kitchen operation.** See Cottage food operation.

**Mobile food vending.** The sale of food from any motorized or trailer vehicle that is portable and not permanently attached to the ground from which food and beverages are sold, served free or sampled, displayed or offered for sale.

**Mobile home.**

A. A structure transportable in one (1) or more sections, designed to be used with or without a permanent foundation system. Mobile home does not include recreational vehicle, commercial coach, noncommercial coach or factory-built housing.

B. A trailer coach designed to be used without a permanent foundation and which is in excess of eight (8) feet in width and in excess of forty (40) feet in length.

**Mobile recycling unit.** An automobile truck, trailer or van, licensed by the California Department of Motor Vehicles, which is 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.

**Nonconforming-Related Terms.**

*Nonconforming lot.** A legally created lot that does not conform with current standards for area, width, frontage or other such standards for the zoning district in which the lot is located because of annexation or amendments to this Code.

*Nonconforming sign.** A legally created and lawfully erected sign existing on the effective date of this ordinance that does not conform to the general regulations for signs and the sign regulations standards for the zoning district where the sign is located.
**Nonconforming structure.** A structure legally constructed, which does not conform with current height, setback, coverage or other measurable standards for the zoning district in which the structure is located because of annexation or amendments to this title

**Nonconforming use.** A use of a building, structure, or site, or portion thereof, or a building, structure or facility itself, which was lawfully established, and maintained, erected or altered but which, because of the application of this article to it, no longer conforms to the specific regulations applicable to it. Provided however, that this term shall not apply to any use involving the sale of alcoholic beverages (see also "deemed approved use"). Nonconforming uses include, but are not limited to, uses that are no longer conforming because of annexation or amendments to this Code.

**Nursing facility, nursing home.** The generic name for an establishment licensed as a skilled nursing facility by the California State Department of Health Services providing 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, including without limitation rest homes and convalescent hospitals.

**Occupancy.** The purpose for which a building or portion of a building is used or intended to be used. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or owners.

**Opacity.** The degree of being impervious or obscure to light and sight.

**Open Space Types.**

**Open space, common.** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

**Open space, private.** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

**Open space, useable.** Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

**Ordinary maintenance.** Repair and maintenance activities that are periodic and that do not involve a change to the architectural or historic value, style or general design of the building, structure, or object. In-kind replacement or repair is included in this definition of ordinary maintenance.
**Overlay district.** A zoning designation specifically delineated on the zoning district map establishing land use requirements that govern in addition, or as an alternative, to the standards set forth in the underlying base district.

**Owner.** A person or persons holding single or unified beneficial title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm or corporation.

**Parapet.** A wall or railing that extends above the roof line and along all or a portion of its perimeter.

**Parking area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

  **Accessory parking.** An area of a lot, structure, or any other area, which is designed and reserved for off-street parking to serve a building or use that is the primary or main use of the lot.

  **Long-term parking.** An area designed for employee or non-employee-related uses, such as long-term parking for airport patrons, or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

**Parklet.** A small public sidewalk extension including up to two parking spaces that includes temporary furniture and other material such as tables, seating, shrubs, bicycle parking or other features approved by the City, available for use by the general public, and maintained by the owner of the adjacent business. See Section TBD, Sidewalk Seating and Parklets.

**Patio.** A level, surfaced area usually adjacent to a principal building that may be covered with a solid or open roof structure, which may be attached to the building or another structure. Patio does not include any area used for vehicle parking, storage rooms, or as a habitable room.

**Pedestrian way.** A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

**Persons with disabilities.** Persons who have a medical, physical, or mental condition, disorder or disability as defined in the California Government Code or the Americans With Disabilities Act, that limits one or more major life activities.

**Planting strip.** The area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties and is intended to be planted with trees or otherwise landscaped.

**Porch.** A roofed open area that provides access to a doorway and typically extends from the exterior wall of the structure and requires ground supports.
**Pre-existing.** In existence before the effective date of the ordinance updating Article XV to adopt this code and any subsequent amendments thereto.

**Primary unit.** The larger of two dwelling units on a property with an Accessory dwelling unit (ADU).

**Principal residence.** The dwelling unit in which a person lives the majority of the time or which is considered his/her primary residence as determined by factors that may include but are not limited to the address used on voting registration, driver's license, income tax forms, and passport.

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Public hearing.** A meeting noticed as required by this title in which testimony and arguments are presented publicly before any of the hearing bodies established by this Code including commissions, boards, city council, or staff approval authority.

**Public right-of-way.** A street, including adjacent sidewalks, providing the principal means of access to abutting property and dedicated to, or maintained by, the city; or a street providing the principal means of access to abutting property and with right-of-way or easement of at least forty feet, and paved and otherwise improved to meet city standards.

**Public services.** Includes, but is not limited to, water, sewer, gas, cable television, communications and electric power distribution lines.

**Reasonable accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Reclassification of land.** An amendment to this title, which amendment changes the classification of any property from one zone district to another zoning district provided for under this title.

**Recreation facilities.** Indoor or outdoor establishments or places where participants can engage in sports, have contact with the natural or historical environment, obtain visual relief from developed areas, or partake of or other activities for exercise and/or enjoyment. Spectators are incidental an on a recurring basis. See park, open space and recreation use classifications in

*Private.* Facilities operated by an organization and open only to bona fide members of such organization.
Public. Facilities operated by a public or quasi-public agency or organization that are open to the general public. An admission fee may be required, and hours of operation limited.

Recreational vehicles. A motor home, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes.

Recreational vehicle storage. On-site parking of recreational vehicle(s) on a parking space approved for a recreational vehicle and that is separate from the required off-street parking provided.

Recreational vehicle storage, private. Recreational vehicle storage that is owned and operated by an individual homeowner or homeowners' association and used exclusively by the homeowner or members of that association.

Recreational vehicle storage, public. Recreational vehicle storage that is provided for use by the general public.

Recyclable material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

Remodel. See Alteration, major and minor.

Rooming house and/or boardinghouse. A building or portion thereof, other than a hotel or motel, providing room and/or board for compensation.

Screening. A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Security grate. A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

Senior citizen. As defined in California Civil Code Section 51.3, a person 62 years of age or older, or 55 years of age or older who may occupy a senior citizen housing development.

Senior housing. Residential development designed for senior citizen households. Any age restrictions must be consistent with federal and state requirements.

Setback lines. Line established by this title or other ordinances to govern the placement of structures with respect to streets, alleys and property lines.
Shopkeeper unit. A dwelling unit with both living quarter and commercial space that meets of occupancy separation requirements of the California Building Code, where the commercial use is located on the ground floor and operated by the resident of the dwelling unit.

Sight distance triangle. A minimum area of unobstructed view that occurs at street intersections.

Sign. Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, placard, or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures. See Chapter TBD Signs for additional details.

Significant tree. Any tree or stand of trees on private property having either a height of twenty-five feet measured above ground level, or a diameter of ten inches.

Site. A continuous area of land held under one ownership.

Smoke shop. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.

Stable. A building for the lodging and care of horses, ponies, and similar animals.

    Stable, commercial. A stable for horses to be let, hired, kept, bred, trained, or used for compensation.

    Stable, private. A stable owned and operated by the owner or an occupant of the property for his or her own use.

Story. That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. See Section TBD, for additional information on measuring the number and height of stories.

Street. A public or permanent private thoroughfare which affords a primary means of access to property.

    Street frontage. The length of the property line of any one premises parallel to and along the public right-of-way which it borders, and which is identified by an officially assigned street address.
**Street tree.** Any tree of any species or size planted in parkways, sidewalk areas, easements, and rights-of-way granted to the city.

**Structural alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape. See Alterations, major and minor.

**Structure.** A physical structure that is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

**Structure, accessory.** A detached subordinate structure used only as incidental to the main structure on the same lot. "Accessory structure" shall not mean an accessory dwelling unit, as defined in this article.

**Structure, detached.** A structure, no part of which is attached by any means to any other structure.

**Structure, existing.** A structure legally erected prior to the effective date of this ordinance, or one for which a valid legal building permit has been issued prior to this effective date of this ordinance.

**Structure, primary (Structure, main).** A structure housing the principal use of a site or functioning as the principal use.

**Structure, temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Structure height.** The vertical distance between a point or all points on top of a structure or any of its appurtenances and the ground below. See Section TBD, Rules for Measurement for additional information on measuring structure height.

**Structure, nonconforming.** See Nonconforming Structure.

**Tobacco related products.** This term means:

A. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.
B. Any implement or object that is or may be used in conjunction with the consumption, inhalation or ingestion of either tobacco or other like dried plant material or other substance which may be consumed in the same manner, including but not limited to cigarette papers, smoking accessories, herbal vaporizers, or any other instruments or paraphernalia for the smoking or ingestion of tobacco or other like plant, herbal or fruit products.

**Undevelopable land.** All portions of the site that, if developed, would subject persons or property to a high level of risk for personal injury or property damage due to its proximity to a known hazard, including, but not limited to, any portion of the site within 50 feet of a cliff, or fault line, within an unrepaired slide area or in a ravine. Areas of undevelopable land are excluded from calculations of net site area, allowable floor area, allowable residential units, minimum lot size, and density.

**Unenclosed.** Open on at least one side.

**Use.** The purpose for which land, premises or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or used.

**Accessory use.** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use and occupies no more than 30 percent of the gross floor area or a lower limit if one is set of a specific use in this article.

**Incidental use.** A use of a lot and/or building that is secondary to the primary or principal use of the property and is not customarily associated with such use but which could be independent of the primary use.

**Primary use.** A primary, principal or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

**Temporary use.** A use of a building or property that is limited in duration and does not permanently alter the character or physical facilities of the premises or property. See Section. TBD.

**Use classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, retail, commercial and office; institutional and community facilities, industrial, and transportation, communication, and utilities. See Chapter TBD, Use classifications.

**Use permit.** A discretionary permit, such as minor use permit, or major use permit, that provides for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted as of right
but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval. See Chapter TBD, Procedures for additional details.

Use type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Use, nonconforming. See “Nonconforming Use”.

Variance. A discretionary permit allowing a departure from specific provisions of a zoning ordinance such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Warehouse. A building used primarily to store goods and materials.

Wetlands. Marshes, swamps or other areas characterized by wet soil conditions either permanently or seasonally, which are important to sustaining wildlife.

Wine cellar. A storage room or warehouse facility for the blending, cellar treatment, storage, bottling, and/or packaging of wine but not wine production. It may include eating areas, tasting rooms and retail areas as accessory uses.

Yard. An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward. See Chapter TBD, Rules for Measurement, for additional information on making calculations regarding yards.

Front yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

Interior side yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the interior side lot line.

Street side yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the street side lot line.

Rear yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified for the zoning district in which it is located. If a lot
has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Yard depth. That dimension of a yard measured at a right angle and horizontally from an abutting property line.

Yard, required. The strip of land which abuts property lines and is unoccupied or unobstructed except as permitted by this title.

Zero lot line. A building or structure constructed at a property line. Typically a detached single-unit dwelling.
1.3 Organization and Format

Instead of appearing in the beginning of the new Zoning Code, the proposed use classifications and definitions will be moved to the end of the Code, in Part VI, underscoring their function as “terms” rather than “policy”. The chapter on use classifications will list all use groups established by the ordinance and regulated in every zoning district by type (i.e., residential, commercial, industrial, institutional, etc.). The second chapter will contain definitions of all key terms used in the ordinance, mainly drawn from definitions in the current ordinance, supplemented by new terms used in supplemental standards and new regulations and procedures.

The proposed use classifications will be incorporated in the tables of use regulations that will be presented for the districts in Parts II and III of the new Zoning Code using the format shown in the preliminary Annotated Outline.

Attachments

A. Correspondence Table summarizing existing and draft use classifications.
B. Draft Use Classifications
C. Sample Table of Land Use Regulations
D. Draft Definitions