

## **Chapter 20.086**

### **MIXED-USE ZONE (MU)**

#### **Sections:**

- 20.086.010 - Purpose and intent.
- 20.086.015 - Applicability.
- 20.086.020 - Approval procedure.
- 20.086.025 - Permitted uses.
- 20.086.030 - Development standards.
- 20.086.035 - General requirements.
- 20.086.040 – Comprehensive Plan
- 20.086.045 – Comprehensive Plan, Modifications
- 20.086.050 – Comprehensive Plan, Conditions of Approval

#### **20.086.010 - Purpose and intent.**

- A. Purpose. The purpose of the Mixed-Use Zone (MU) is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, light industrial, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the Mendocino County General Plan and Ukiah Valley Area Plan, and consistent with the policy direction in both of these documents.
- B. Intent. Mixed-Use zones are intended to promote high quality developments which benefit the community more than single-use development which complies with the standard requirements of single-use zoning districts. The objective is to foster imaginative design while allowing greater flexibility in the design of such developments.

The intent of this zone is to accomplish the following objectives:

1. Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging.
2. Provide complementary residential, commercial, and other uses within walking distance of each other.
3. Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with County design criteria and goals.
4. Create quality mixed-use development that maintains value through buildings with architectural qualities that create attractive street scenes and enhance the public realm.
5. Provide a variety of open space, including private, recreation areas and public open space and parks.
6. Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment.
7. Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

As an incentive to achieve these objectives, residential density bonus may be allowed (for affordable housing) and the development regulations contained within this Chapter may be modified through the Comprehensive Plan approval process if it can be demonstrated that there is a public benefit derived by allowing the proposed modification of development standards.

As a basis for approval of modified development standards, the County shall consider and base its findings on the ability of the proposed development's design to satisfy the following criteria:

- Incorporation of sustainable design features and materials;
- Incorporation of affordable housing;
- Compatibility with surrounding property development;
- Public improvements and amenities in connection with the development;
- Preservation of unique natural features of the property;
- Visual impact and compatibility of the development on the surrounding area;
- Arrangement of buildings and open spaces as they relate to various uses within or adjacent to the development;
- Design which complements the unique characteristics of the property; and
- Maximization of pedestrian linkages both within the project and linkages to the surrounding community.

#### 20.086.015 – Applicability

- A. The Mixed-Use zone, ~~and its herein described variations~~, may be applied to properties out side the Coastal Zone as designated in the General Plan and/or the Ukiah Valley Area Plan.
- B. Mixed-use development shall be a development that combines and integrates two or more uses, one of which shall be a residential use, and some form of public amenity or open space, utilizing a strong pedestrian orientation. The mix of uses may be combined in a vertical mixed-use building or combined in separate buildings located on one property or on multiple properties within an approved Conceptual Development Plan and/or under unified control. A Conceptual Development Plan along with a The mix of permitted uses shall be approved as part of in a Comprehensive Plan process that is required for each Mixed-Use development approval.
- ~~C. The Mixed-Use district provides for three variations of mixed-use zoning, described as follows:~~
- ~~1. **Mixed-Use General (MUG)** The Mixed-Use: General classification is intended to allow two to three story mixed-use development with commercial uses encouraged at street level. Uses may be mixed vertically or horizontally (stacked or linearly) on the site. Mixed-use developments should combine at least two of the permitted uses listed in Table 1, *Allowed Land Uses and Permit Requirements*, and single use development is discouraged and may be prohibited through the Comprehensive Plan approval process.~~
  - ~~2. **Mixed-Use Brush Street (MUB)** The Mixed-Use: Brush Street classification is intended to allow two to three story mixed-use development with commercial uses encouraged at street level at lower intensities than are allowed in Mixed-Use General areas. Uses may be mixed vertically or horizontally (stacked or linearly) on the site. Mixed-use developments shall combine two or more of the permitted uses listed below along with some form of public open space, and single use development shall be prohibited through the Comprehensive Plan approval process. This zoning is intended to be applied to the area know as the Brush-Street Triangle as further defined in the Ukiah Valley Area Plan.~~
  - ~~3. **Mixed-Use State Street (MUS)** The Mixed-Use State Street classification is intended to encourage mixed-use development combining commercial uses, encouraged at street level, retail and service businesses, residential uses, processing, and manufacturing and assembly uses. Mixed-use developments shall combine two or more of the permitted uses listed in Table 1 along with some form of public open space, and single use development is discouraged and may be prohibited through the Comprehensive Plan approval process. This zoning is intended to be applied to the State Street area as further defined in the Ukiah Valley Area Plan,~~

- D.C. The Mixed-use designation on lots or parcels of less than 40,000 square feet allows single-use development without requiring a Comprehensive Plan approval. However, where two or more parcels of less than 40,000 square feet are to be combined into an integrated development, a Comprehensive Plan approval is required, and the development standards of Section 20.086.030 apply.

#### **20.086.020 – Approval Procedure**

##### **A. General Requirements.**

1. Allowable land uses, and site planning and development standards for mixed-use development within an area designated with Mixed-Use zoning shall initially be established by a Comprehensive Plan process. The Comprehensive Plan process is a two-step process requiring an initial Conceptual Development Plan approval for an area designated Mixed-Use and then a Precise Development Plan approval for site specific development. and Comprehensive Plans shall be approved in accordance with the requirements of Section 20.086.070, 075 and 080. The Planning Commission shall approve or disapprove Conceptual Development Plans and Precise Development Plans as part of the such Comprehensive Plan process upon receiving a recommendation from the Planning Director.
2. The Comprehensive Plan of design must comply with the provisions of this Chapter and any Mixed Use Design Guidelines which may be developed, to be used in concert with this ordinance.
3. Mixed-use developments shall be located within a water or sewer district.
4. Subsequent use changes within an approved Comprehensive Plan shall be allowed with Planning Director approval, per Section 20.086.045 (B), if the use is shown as a permitted use in Table 1, *Allowed Land Uses and Permit Requirements*.

Subsequent use changes for uses shown in Table 1 to require an Administrative Use Permit shall require approval through the Administrative Use Permit process per Chapter 20.192.

5. Where single-use development is proposed, uses shall be permitted by right or approved by use permit as shown in Table 1. Single-use development shall be subject to Design Review approval by the Director of Planning and Building Services or his designee in accordance with Section 20.086.040.B.4, except that the Director's decision need not be reviewed by the Planning Commission. Design Review submittal requirements shall be in accordance with Section 20.086.040.B.3.

#### **20.086.025 – Permitted Uses**

- A. The following uses are allowed in a mixed-use development or under certain circumstances as single-use development. The actual mix of uses permitted in each Mixed-Use development shall be defined by the Comprehensive Plan approval for such development.
- B. Unlisted Land Uses: As it is not possible for every land use to be identified in the Zoning Code and because new land uses evolve over time, this section establishes the Planning Director's authority to determine if unlisted uses shall be permitted by right, permitted by Administrative Use Permit, or not permitted in the Mixed-Use District. In order to determine that a use is permitted by right or with a use permit, the Director shall make all of the following findings:
  1. The proposed use is consistent with the goals and policies of the General Plan;
  2. The proposed use is consistent with the purpose and intent of the Mixed-Use District in which it is proposed to be located;

3. The proposed use is similar to other uses which are permitted in the district in which it is to be located; and
4. The proposed use will not have a material adverse effect on the health, safety or welfare of residents or other persons in the vicinity of the use.

If the Director determines that review is required on a case-by-case basis for an unlisted use in order to make Finding 4 above, such use shall be permitted only by approval of an Administrative Use Permit in each case.

Any determination regarding a proposed unlisted use may be referred to the Planning Commission for review if the Director determines on a case-by-case basis that the public interest would be better served by such referral. Such review and determination by the Planning Commission shall not require a public hearing.

Table 1 Allowed Land Uses & Permit Requirements LAND USES	P Permitted AUP Administrative Use Permit <sup>1</sup> --- Use Not Allowed	See Use Regulations
	Permit Requirements MU	
<b><i>Recreation, Education &amp; Public Assembly</i></b>		
Public recreation and cultural facilities	P	
Private residential recreational facilities	P	
Religious places of worship	AUP	
Public schools – Kindergarten to 12 <sup>th</sup> grade	P	
Private schools – Kindergarten to 12 <sup>th</sup> grade	AUP	
Arcade	P	
Clubs, lodges, private meeting halls	P	
Health/fitness facilities	P	
Indoor amusement/entertainment facilities	P	
Outdoor commercial recreation	AUP	
Studios - art, dance, music, photography	P	
Theaters	P	
<b><i>Residential</i></b>		
Multiple-family dwellings	P	
Condominiums	P	
Single Family dwellings	AUP <sup>2</sup>	
Seniors congregate care & nursing homes	AUP	
Seniors age-restricted housing	P	
Residential care facility, 6 or fewer clients	P	
Residential care facility, 7 or more clients	AUP	
Live/work units	P	
<b><i>Retail Trade</i></b>		
Art studios	P	
Appliance stores	P	
Auto and vehicle sales/rental	P	
Auto parts sales, retail	P	

Note <sup>1</sup> Uses requiring an AUP may initially be approved as part of a Comprehensive Plan approval. Subsequent use changes of uses so designated will require approval by AUP.

<sup>2</sup> Single family detached residential use only allowed as part of a mixed-use development.

<b>Table 1 Continued Allowed Land Uses &amp; Permit Requirements</b>	<b>P Permitted AUP Administrative Use Permit<sup>1</sup> --- Use Not Allowed</b>	
<b>LAND USES</b>	<b>Permit Requirements MU</b>	<b>See Use Regulations</b>

***Retail Trade (cont.)***

Bakery products, retail	P	
Bars, night clubs	AUP	
Building materials stores	P	
Convenience stores	P	
Department and variety stores	P	
Drug stores and pharmacies	P	
Electronics and home entertainment	P	
Florist shops	P	
General retail stores	P	
Grocery stores	P	
Hardware stores	P	
Jewelry stores	P	
Music stores	P	
Outlet store center	P	
Pet stores	P	
Plant nurseries, retail	P	
Restaurants, counter service	P	
Restaurants, table service	P	
Restaurants, outdoor dining	P	
Shopping center	P	
Warehouse retail stores	P	
Winery, retail and tasting room	P	

***Service and Professional Office***

Accountant	P	
Advertising agency	P	
Architect and engineers offices	P	
Banks and financial services	P	
Child day care centers	P	
General business offices	P	
Government buildings and offices	P	
Hotels and motels	AUP	
Medical services, offices/clinics	P	
Medical services, labs	P	
Medical services, hospitals & walk-in clinics	P	
Motels	P	
Mortuaries	P	

Note <sup>1</sup> Uses requiring an AUP may initially be approved as part of a Comprehensive Plan approval. Subsequent use changes of uses so designated will require approval by AUP.

<b>Table 1 Continued Allowed Land Uses &amp; Permit Requirements</b>	<b>P Permitted AUP Administrative Use Permit<sup>1</sup> --- Use Not Allowed</b>	
<b>LAND USES</b>	<b>Permit Requirements MU</b>	<b>See Use Regulations</b>
<b><i>Service and Professional Office (cont.)</i></b>		
Personal services	P	
Public safety and utility facilities	P	
Real estate services	P	
Secretarial services	P	
Travel agencies	P	
<b><i>Transportation &amp; Communications</i></b>		
Broadcast studios	P	
Multi-modal transportation center	AUP	
Parking facilities	P	
Pipelines and utility facilities, underground	AUP	
Telecommunications facilities, cellular	AUP	
<b><i>Industrial</i></b>		
Artisan/handcraft product manufacturing	P	
Aggregate processing plants	---	
Assembling and packaging facilities	P	
Catering food preparation	P	
Custom manufacturing	AUP	
Food processing, packaging and distribution	AUP	
Laboratory, research and development	P	
Prefabricated product assembly	P	
Media production	P	
Petroleum products and refining	---	
Printing and publishing	P	
Research and development facilities	P	
Recycling centers	---	
Wholesaling, storage and distribution	---	
<b><i>Agricultural</i></b>		
Animal raising	---	
Animal waste processing	---	
Forest products processing	---	
Packing and processing-general	AUP	
Wineries	AUP	

Note <sup>1</sup> Uses requiring an AUP may initially be approved as part of a Comprehensive Plan approval. Subsequent use changes of uses so designated will require approval by AUP.

- C. Residential and non-residential development intensity shall be permitted in a mixed-use development per the following:
1. Development density and intensity shall be consistent with the General Plan and/or Ukiah Valley Area Plan, or a concurrent General Plan or Ukiah Valley Area Plan amendment that is in process. Permitted residential densities and non-residential intensities for the ~~three types of~~ Mixed-Use zoning are listed below in Section 20.086.030 B.2, Development Intensity.
- D. Location of Uses.
1. Uses may be located in separate freestanding buildings or may be combined in multi-use buildings of single-story or multi-story design.
  2. Where residential uses are mixed with commercial or office uses, the residential uses shall be located either above the commercial and/or office components of a street frontage building, located at street level adjacent to the commercial or office uses, or located behind the commercial or office component on any floor where there is a distinct separation of uses and access, provided pedestrian connections are furnished as part of a unified development theme.
  3. Light industrial uses shall be permitted on any floor, but shall not be mixed with residential uses in the same building.

**20.086.030 - Development standards.**

- A. Public Realm and Streetscape.
1. Street Trees.
    - a. All species of street tree shall be selected for overall appearance, rate of growth, and maintenance and root control characteristics.
    - b. Streets shall be planted with street trees at an average spacing not greater than thirty (30) feet on center and a minimum 24" box size.
  2. Transit Stops.
    - a. Transit stops shall be designed as integral elements of a mixed-use development by co-locating them with pedestrian-oriented amenities, such as pocket parks, courtyards, plazas, and in retail/commercial centers, whenever possible.
    - b. When an existing transit stop is located on a sidewalk adjacent to the location of a development, a shelter for transit patrons shall be constructed that:
      - (1) Incorporates architectural features of the development and is compatible with the development; and
      - (2) Includes a shelter, bench and lighting.
  3. Public Open Space/Amenities.
    - a. Mixed-use developments are encouraged, and may be required through the Comprehensive Plan approval process, to provide public open space and/or amenities that provide development focal areas and places for social interaction. Such public amenities include, but are not limited to the following:
      - (1) Public parks;
      - (2) Central square or open space;

- (3) Fountains or other water features;
- (4) Central promenades;
- (5) Community gardens;
- (6) Gateway monumentation and landscape areas; and
- (7) Public art.

4. Outdoor Seating.

- a. No permanent seats or structures shall be placed in the public right-of-way without the review and approval of the Departments of Transportation and Planning and Building Services.
- b. Outdoor seating for retail or eating establishments furniture shall be a minimum of ten feet from the nearest transit stop.

5. Undergrounding of Utilities.

- a. Utility lines to a development from the building to the property line, including, but not limited to, electric, communications, street lighting and cable television shall be placed underground.
- b. Utility lines within the right-of way shall be placed underground to the maximum extent practicable. The requirements of this section may be waived by the Planning Commission upon recommendation from the Department of Transportation if it is determined that topographical, soil or any other conditions make such underground installations unreasonable or impractical.

B. Site Design.

1. Lot Size.

a. Mixed-use Development:

- (1) The minimum lot size for a mixed-use development shall be forty thousand (40,000) square feet. Mixed-use development proposed on lots less than 40,000 square feet may be approved if it can be demonstrated through a Comprehensive Plan approval per Section 20.086.040 that the proposed mixed-use development can function properly and meet the design requirements of this Chapter.

b. Single-use Development:

- (1) For lots and/or parcels of record with less than 40,000 square feet, a single use development may be permitted without requiring a Comprehensive Plan approval. However, such single use development shall be subject to Design Review approval per Section 20.086.040.B.4, *Precise Development Plan Design Review*, except the Director of Planning and Building Services' approval shall be final unless appealed to the Planning Commission. No minimum lot size is required.

2. Development Intensity.

a. Mixed-Use Development General:

- (1) Single-family detached residential density, 5 to 9 dwelling units per acre; Residential density up to twenty (20) dwelling units per acre;

- (2) Multi-family residential density, 9 to 20 dwelling units per acre; Non-residential Floor Area Ratio (FAR) of 0.3 minimum up to 1.0 maximum
  - (3) Non-residential Floor Area Ratio (FAR) of 0.3 minimum up to 1.0 maximum
  - b. Single-Use Development ~~Mixed-Use Brush Street:~~
    - (4) ~~Single-family detached residential density, 5 to 9 dwelling units per acre;~~
    - (2 1) Multi-family residential density, 9 to 20 dwelling units per acre;
    - (3 2) Non-residential Floor Area Ratio (FAR) of 0.3 minimum up to 1.0 maximum
  - c. ~~Mixed-Use North State:~~
    - (1) ~~Single-family detached residential density, 5 to 9 dwelling units per acre;~~
    - (2) ~~Multi-family residential density, 9 to 20 dwelling units per acre;~~
    - (3) ~~Non-residential Floor Area Ratio (FAR) of 0.3 minimum up to 1.0 maximum~~
3. Setbacks: Mixed-Use Development
- a. Front.
    - (1) The front setback on any street may be zero with a maximum setback of three feet. The setback area for the ground floor may be expanded beyond three feet up to an additional ten feet to provide enhanced building entrances, outdoor dining areas, courtyards, pedestrian arcades, and/or landscaping, etc.
  - b. Side Interior
    - (1) The minimum setback area from an interior side lot line may be zero but shall be a minimum of ten feet if more than zero.
  - c. Side Street.
    - (1) No minimum setback is required except where rear of lot abuts side of residential uses, school or park, in which case a setback of twenty (20) feet shall be maintained within twenty-five (25) feet of the established common property line. This required setback area may be used to meet the landscaping requirements, or for required open space, so long as all other provisions in this code are satisfied.
  - d. Rear.
    - (1) If the site abuts residential uses, school or park a minimum ten-foot setback is required.
    - (2) If the site abuts nonresidential uses, the minimum setback from the rear lot line may be zero but shall be a minimum of ten feet if more than zero.
    - (3) If the site abuts an alley, the minimum setback from the property line shall be ten feet, provided the setback does not contain an egress or ingress accessway to or from a parking area. If an egress or ingress accessway is provided to or from a parking Area, the minimum setback from the property line shall be twenty (20) feet within the accessway area.

- e. Parking Lot Abutting Public Street.
    - (1) Any area of a surface parking lot that abuts a public street shall be set back from the sidewalk a minimum of ten feet and screened by landscaping and a decorative three-foot high masonry wall or other approved solid barrier. Landscaping shall include trees planted a maximum of twenty-five (25 ~~30~~) feet on center ~~and other plantings to achieve sixty (60) percent ground coverage within two years of planting.~~
  - f. Encroachments.
    - (1) No part of the structure, permanent attachment or other similar architectural feature:
      - (a) May extend into a required front, side or rear yard or minimum distance between buildings for more than two feet; and
      - (b) May extend into the public right-of-way without approval of an encroachment permit.
4. Setbacks: Single-Use Development
- a. Front.
    - (1) Residential: The front setback on any street is fifteen (15) feet.
    - (2) Commercial/Industrial: The front setback on any street is ten (10) feet.
  - b. Side Interior
    - (1) Residential: The minimum setback from an interior side lot line is five (5) feet.
    - (2) Commercial/Industrial: The minimum setback from an interior side lot line is zero but shall be a minimum of ten feet if abutting a residential use.
  - c. Side Street.
    - (1) Residential: The minimum setback is ten (10) feet.
    - (2) Commercial/Industrial: No minimum setback is required except where rear of lot abuts side of residential uses, school or park, in which case a setback of twenty (20) feet shall be maintained within twenty-five (25) feet of the established common property line.
  - d. Rear.
    - (1) Residential: The minimum setback is twenty (20) feet.
    - (2) Commercial/Industrial: If the site abuts residential uses, school or park a minimum ten-foot setback is required.

If the site abuts nonresidential uses, the minimum setback from the rear lot line may be zero but shall be a minimum of ten feet if more than zero.
  - e. Parking Lot Abutting Public Street.

- (1) Any area of a surface parking lot that abuts a public street shall be set back from the sidewalk a minimum of ten feet and screened by landscaping and a decorative three-foot high masonry wall or other approved solid barrier. Landscaping shall include trees planted a maximum of twenty-five (~~25~~ 30) feet on center ~~and other plantings to achieve sixty (60) percent ground coverage within two years of planting.~~
- f. Encroachments.
  - (1) No part of the structure, permanent attachment or other similar architectural feature:
    - (a) May extend into a required front, side or rear yard or minimum distance between buildings for more than two feet; and
    - (b) May extend into the public right-of-way without approval of an encroachment permit.
5. Parking Requirements.
  - a. Residential:
    - (1) Single-family dwellings: Two (2) spaces within a garage or carport;
    - (2) Multi-family and/or condominium dwelling units: Two (2) spaces per unit, at least one (1) within a garage or carport
    - (3) One (1) guest space for each two (2) multi-family and/or condominium units;
    - (4) Residential parking shall be separate from commercial parking and signed accordingly; and
    - (5) A reduction in the required number of parking spaces may be approved upon the determination by the Planning Commission that a parking demand analysis prepared by a competent traffic and transportation engineer demonstrates, that the required number of spaces exceeds actual expected demand.
  - b. Commercial and Industrial:
    - (1) Parking requirements shall be provided in accordance with Chapter 20.180; and
    - (2) A reduction in the number of parking spaces may be approved upon the determination by the Planning Commission that a parking demand analysis prepared by a competent traffic and transportation engineer demonstrates, that the required number of spaces exceeds actual expected demand. This may be achieved by utilizing a shared parking agreement, with reciprocal access and parking agreements, and/or by counting adjacent on-street parking as a percentage of the use's parking requirement.
  - c. Bicycle Parking
    - (1) Bicycle parking spaces shall be equal to ten (10) percent of required off-street parking, with a minimum of eight bicycle parking spaces per residential/commercial mixed-use development.
    - (2) Bicycle parking facilities shall be:

- Securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist theft;
  - Separated by a physical barrier to protect the bicycle from damage by motor vehicles if located within a vehicle parking area; and
  - Separated from normal pedestrian traffic.
- d. Access and Location of Off-Street Parking.
- (1) At-grade parking shall not be located between any building and the street frontage.
  - (2) Vehicular access to corner lot developments shall be from an alley or from a side street.
  - (3) Access to parking on interior lots shall have only one vehicular access, which shall not be from the street if the lot abuts an alley. A second vehicular access may be allowed for lots that have a street frontage of three hundred fifty (350) feet or more and do not abut an alley. Developments on those lots may have additional driveways that are not closer than three hundred (300) feet apart.
6. On-Site Tree Preservation.
- a. All species of mature oak and redwood trees shall be preserved and integrated into the project design unless it is shown to be infeasible. Mature trees are defined as trees having a diameter of 30 inches or greater at a height of 4.5 feet above adjacent ground.
  - ~~b. The removal of other mature trees shall be subject to the review and approval of the Planning Commission.~~
  - e b. Removal of mature trees may be approved through the Comprehensive Plan approval process (see 20.086.040). Subsequent to Comprehensive Plan approval and/or for single-use development, removal may be approved by the Planning Director administratively. Mature tree removals shall be replaced with new trees that have at least a 24-inch box size and are the same species of the replaced mature trees.
7. Separation of Access to Residential and Commercial.
- a. Access to floors with residential units shall be by a separate gate or entry way from commercial use access.
8. Trash and Loading Areas.
- a. Trash and refuse collection, and recycling areas shall be provided in accordance with [a project's approved Comprehensive Plan](#).
  - b. All trash enclosures shall be fully enclosed with self-closing and self-latching doors, and each enclosure shall accommodate both trash and recycling bins.
  - c. Trash enclosures shall be an integral part of the building design whenever possible.
  - d. Trash enclosures shall be of the same architectural style as the development.
  - e. Trash chutes are encouraged. However, chute access must be screened from public view, be fully contained within a "chute closet" that is accessible by a self-latching door, and have a safety hatch that is necessary to pull in order to dispose of trash.

- f. Loading areas shall be clearly designated.
  - g. Loading areas shall be screened from public view to avoid negative noise, visual, and illumination impacts on the residential portion of the development and may be accomplished by the construction of six-foot high perimeter walls that are architecturally compatible with the primary structures and on-site landscaping.
  - h. All screening walls shall be landscaped using vines, hedges, or other plant material necessary to provide a minimum fifty (50) percent coverage.
9. Ground Floor Access.
- a. Commercial uses that have street frontage shall be accessible to the public through the street front entrance during all hours the business is open.
  - b. Residents of a development shall have a separate and secure street access to the residential units.
  - c. Pedestrian walkways or sidewalks shall connect all primary building entrances to one another. Pedestrian walkways shall also connect all on-site common areas, parking areas, storage areas, open space, and recreational facilities.
10. Open Space and Recreation.
- a. Usable Common Open Space.
    - (1) Each residential/commercial mixed-use development shall have at least one hundred fifty (150) square feet of usable common open space per dwelling unit.
    - (2) All usable common open space shall be conveniently located and readily accessible from all residential units in a residential/commercial mixed-use development.
    - (3) Each usable common open space shall have no side with a dimension of less than ten feet and may incorporate any areas of the site except where it is within five feet of public rights-of-way, private streets and alleys, and shall not include or incorporate any driveways or parking areas, trash pickup or storage areas, utility areas, or on any rooftop where mechanical equipment is located.
    - (5) There shall be a minimum distance of fifteen (15) feet measured horizontally between any swimming pool and the nearest point of any balcony, porch, second story patio, sun deck, or other architectural feature of a building or structure with windows, doors, or other openings of sufficient size to permit the passage of persons.
    - (6) All required usable common open space shall be developed and professionally maintained in accordance with approved landscape and irrigation plans.
  - b. Usable Private Open Space.
    - (1) Each dwelling unit shall also have a private patio or balcony for usable private open space that is not less than sixty (60) square feet in area, and shall have an average depth of not less than five feet.
11. Landscaping.

- a. A landscape and irrigation plan shall be prepared by a professional landscape architect or landscape contractor and shall be submitted and approved by the Planning and Building Services Department along with the application for a Comprehensive Plan of design. All usable open space, such as pedestrian walkways, separations between buildings, yard areas, and common recreation areas shall be landscaped and provided with control timer, and underground irrigation systems, or an alternative equivalent system. Said landscaping shall be developed in accordance with the submitted and approved landscaping plan and shall include a plan for continued maintenance. The landscape plan shall satisfy the following requirements:
    - (1) The landscaping plan shall consist of a combination of trees, shrubs and groundcovers with careful consideration given to size at maturity. The minimum planting material size standards for identified landscaped or open areas are:
      - (a) Specimen size tree materials (30-inch box), when required, shall be provided for the ultimate coverage of no less than ten percent of the area to be devoted to landscaping, or ten trees, whichever is greater.
      - (b) Tree material (15-gallon) shall be provided for the ultimate coverage of fifteen (15) percent of the area devoted to landscaping, or twenty (20) trees, whichever is greater.
      - (c) All shrubs shall be a minimum of one gallon in size and shall be used to enhance all entrances, walkways, building walls, and separation walls in a manner which compliments the entire project.
    - (2) The landscape and irrigation plan shall make use of drip irrigation and controlled timing devices or an alternative equivalent system, and shall provide irrigation for one hundred (100) percent watering to all planted areas.
      - (a) Landscape design must incorporate energy and water conservation measures, including efficient irrigation design and drought tolerant plant materials. Appropriate project-specific design measures shall be determined through the Comprehensive Plan approval process.
      - (b) Non-deciduous trees shall be planted in uncovered surface parking lots at a minimum of one tree per ten spaces or to provide a fifty (50) percent shade canopy coverage within a minimum of ten years after planting. All trees within the parking area shall be a minimum of 15 gallon size at planting. ~~However, larger trees (e.g., 24-inch box) may be required by the Planning Commission.~~ Each tree shall have a deep root watering system and a root barrier.
      - (c) The developer and subsequent owners shall be responsible for maintaining the landscaping as shown on the approved plan. Maintenance shall include regular irrigation, weeding, fertilizing, and pruning and replacement of dead materials.
12. Lighting.
- a. A lighting plan shall be approved by the County for each mixed-use development.
  - b. All residential/commercial mixed-use developments shall have exterior lighting that provides adequate visibility at entrances, public sidewalks and open areas with a safe level of illumination at night.

- c. Exterior lighting shall be of low intensity and shielded so that light will not spill out onto surrounding properties or project above the horizontal plane.
- d. Lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness. Unshielded or uncovered lighting shall be prohibited with the exception of neon signage where it has been reviewed and approved through the Comprehensive Plan process.
- e. Lighting for commercial uses shall be appropriately shielded to not negatively impact the on-site residential units.
- f. All lighting shall be integrated with landscaping wherever possible.

13. Walls and Fences.

- a. A six-foot high solid wall or fence shall be constructed along the property line of any lot where construction of any residential/commercial mixed-use development is adjacent to property zoned and or used for residential purposes. Said wall shall be limited in height to forty-two (42) inches where it abuts the required front yard setback on the adjacent property zoned or used for residential purposes.
- b. Walls shall have a decorative texture that matches the walls of the development. Vines shall be planted six feet apart along all masonry walls to soften a wall's appearance.
- c. Chain-link, ~~wood fences~~, barbed wire, razor-wire, and spikes shall be prohibited.

C. Building Form.

1. Building Massing.

- a. Massing is particularly important in creating the proper context and scale of structures in relation to their setting. Proper building massing shall be achieved through the use of sufficient vertical, horizontal and roof articulation of the building. Combinations of one and two story elements on the same building are encouraged to facilitate articulation. Dormers, gables, eaves and other projections may also be used to break up architectural forms.

2. Height.

- a. The maximum height of ~~a residential/commercial~~ any structure in mixed-use or single-use development shall be forty-five sixty (45 60) feet, subject to any fire protection requirements and/or Airport Land Use Compatibility constraints;
- ~~b. The maximum height of a commercial/industrial mixed-use development shall be forty-five (45) feet;~~
- ~~c. The maximum height of a single-use development shall be forty-five (45) feet.~~
- d. b. Height exceptions are allowed per Section 20.152.025. Additional height exceptions for architectural features may be approved through the Comprehensive Plan approval process.

3. Corner Buildings.

- a. On intersection corners, where one of the streets is an arterial or major collector:

- (1) Building architecture shall receive special treatment to enhance the pedestrian experience, and create visual interest and focal points at the entryways, such as, but not limited to, building cut-offs and corner entrances with additional architectural detail, decorative landscaping, hardscape, planters, canopy, overhang or other architectural covering over the building entry; and
  - (2) Buildings shall have a five-foot angled corner setback measured from both intersecting property lines.
- b. On intersection corners, regardless of the type of street:
- (1) Retail and office uses within buildings facing two or more streets shall have at least one customer entrance facing the primary street and one customer entrance facing the second street or instead of two entrances, a corner entrance; and
  - (2) Buildings on corner lots shall address both streets with an equal level of architectural detail.

4. Screening.

- a. Rooftops should be designed in a way that acknowledges their visibility from other buildings and the street. Equipment shall be screened on all four sides from both the street and neighboring buildings using parapets or similar architectural features and from the top where visible from an adjacent building of greater height.
- b. Service and loading zones where visible from public streets and from neighboring buildings and properties shall be screened by the use of decorative walls and/or dense landscaping that will serve as both a visual and a noise barrier.

D. Land Use.

1. Use Mix:

- a. Mixed-use developments shall combine two or more of the permitted uses along with some form of public open space/amenity.
- b. In mixed-use developments, no one principally permitted use shall occupy more than sixty (60) percent of the total area subject to a Comprehensive Conceptual Development Plan approval, ~~and no case more than sixty (60) percent of the total property area.~~
- c. In a phased mixed-use development, each phase as approved in a Comprehensive Plan shall incorporate some form of public space.

2. Ground Floor Uses.

- a. Within mixed-use buildings the ground floor uses on the street frontage shall be predominantly retail/commercial.
- b. Outdoor seating for dining or alcoholic beverage service may be allowed on private property with an Administrative Use Permit.
- c. When alcoholic beverages are permitted in outdoor seating areas that are immediately adjacent to a public pedestrian way, separation by landscape materials

or physical barriers shall be required and should complement the design of the building. Such barriers shall also satisfy the State Alcoholic Beverage Control requirements.

3. Vertical Compatibility of Uses.
  - a. Commercial uses shall be designed and operated such that neighboring residents of residential units on the floors above are not exposed to offensive noise or odors, especially from traffic, trash collection, routine deliveries or late night activity.
  - b. An Administrative Use Permit shall be required for commercial uses that operate after midnight.
  - c. No use, activity or process shall produce continual vibrations or noxious odors that are perceptible without instruments at the property lines of the site or within the interior of residential units on the site.
4. Noise Abatement.
  - a. Loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices that exceed sixty (60) decibels between the hours of 7:00 a.m. and 10:00 p.m. or forty-five (45) decibels between the hours of 10:00 p.m. and 7:00 a.m. at any one time beyond the boundaries of the property or within office or residential uses on the floors above shall not be permitted.
  - b. All windows in residential units in a residential/commercial mixed-use development shall be double-paned.
  - c. Mechanical equipment shall be set back a minimum of four feet from any residential property line and shall be insulated to prevent any noise disturbance.
  - d. Residential portions of the project shall be designed to limit the interior noise caused by the commercial and parking elements of the development. Proper design may include, but shall not be limited to, building orientation, double or extra-strength windows, wall and ceiling insulation, and orientation and insulation of vents.

E. Architecture.

1. Building Facades.
  - a. Consistent with the architectural style of the building, street-facing facades should incorporate articulation and mix of color and materials to create diversity in the streetscape.
  - b. Although buildings are not required to have consistent “four-sided” architectural treatments, building elevations other than the street-facing elevation shall have similar but less detailed architectural treatments.
2. Window Placement.
  - a. Windows of residential units in mixed-use developments shall not directly face windows of other residential units within the mixed-use development and windows of residential units on lots that abut the mixed-use development in order to maximize privacy and minimize overlook concerns.
3. Design Differentiation Between Floors.

- a. The area where the first floor meets the second floor shall clearly define a change in materials, colors, and style between the first and second floors.
4. Signs and Advertising Displays.
- a. A uniform sign program shall be approved by the Department of Planning and Building Services for each mixed-use development. This may be included in a Comprehensive Plan approval or as a separate administrative approval.
  - b. Permitted sign types shall be limited to wall, window, awning and monument signs and, with the exception of window signs as outlined below in Sub-section g, shall not be located above the first floor.
  - c. Building-mounted signs, including wall, window and awning, shall not exceed a cumulative total of one square foot of sign area per one lineal foot of building frontage of each business.
    - (1) For signs attached to the building the entire sign structure shall be considered as sign area.
  - d. Pole signs shall be prohibited.
  - e. A monument sign shall be used only to identify multiple businesses in the commercial portion of a residential/commercial mixed-use development based on the following criteria:
    - (1) One-third square foot of monument sign area per one lineal foot of lot frontage with a maximum of fifty (50) square feet.
    - (2) ~~The entire sign structure~~ Only the sign copy and copy background shall be considered as sign area.
    - ~~(3) The sign copy area shall not exceed sixty (60) percent of the background wall area.~~
    - (4 3) All monument signs shall contain only the name of the development and/or the names of the businesses.
    - ~~(5~~ 4) Monument signs shall not encroach into any required landscaped setback area when abutting open areas or encroach more than one-half the required landscaped setback area when located in front of a building.
    - ~~(6~~ 5) Sign copy shall be back-lighted or indirectly lighted.
    - ~~(7~~ 6) The background wall of the monument sign shall not exceed six feet in height.
    - ~~(8~~ 7) A maximum of one sign per street frontage.
    - ~~(9~~ 8) The monument sign shall be setback a minimum of three feet from the property line at a location where the building is setback a minimum of ten feet.
  - f. A-frame and sandwich board signs may be placed in front of businesses on a temporary basis, not to exceed five (5) consecutive days. Approval of location and size shall be subject to approval by the Director of Planning and Building Services or his designee, and a County encroachment permit may be required.

- g. Window signs are permitted subject to the following design criteria:
- (1) Window signs shall not occupy more than 20% of the total window area facing a public access street or walkway.
  - (2) Glass doors shall be considered as windows and a glass door sign shall be considered a window sign.
  - (3) Window signs shall only consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface.
  - (4) Window signs may only be placed on first and second floor windows.
  - (5) No window sign shall extend onto or over the perimeter window frame, mullion, or in the case of divided-lite windows over a divided-lite mutton.
- h. Prohibited Advertising and Display: The following advertising and displays shall be prohibited:
- (1) Outdoor advertising, displays and/or sales of merchandise or promotional materials in a location outside of a building except as provided for in Section 20.086.035.B.1;
  - (2) Inflatable advertising devices;
  - (3) Roof-mounted displays of flags, pennants or pennant-type banners, balloons, inflatable devices, or similar displays;
  - (4) Flags, banners or balloons displayed in a landscape area or on a fence or wall; and
  - (5) Window advertising displays other than permitted window signage as described in Sub-section g above.

5. Roofline Variation.

- a. Flat roofs for commercial and industrial buildings ~~are preferred and~~ shall be screened with parapets on all sides of the building. If no rooftop equipment exists or is proposed the parapet shall be a minimum of three feet in height.
- b. Where architecturally appropriate, sloped roofs shall provide articulation and variations to divide the massiveness of the roof. Sloped roofs shall include eaves, which are a minimum of eighteen (18) inches in width. Sloped roofs shall screen mechanical equipment by providing a "roof-well", or by placing the equipment within the roof structure.
- c. All rooflines in excess of forty (40) feet wide must be broken up through the use of gables, dormers, plantons, cutouts or other appropriate means.
- d. Residential buildings are encouraged to incorporate a variety of roof styles to create visual diversity and articulation.

6. Awnings.

- a. Awnings, arcades, and galleries may encroach into the public right-of-way by extending over the sidewalk or parkway with review and approval from the

Department of Planning and Building Services and the Department of Transportation.

- b. Awnings, arcades, and covered walkways may encroach into the sidewalk within two feet of the curb but must clear the sidewalk vertically by at least eight feet.
  - c. Projections beyond the front or exterior side lot line of a corner lot shall require the review and approval of the Department of Planning and Building Services and the Department of Transportation.
7. Mechanical Equipment.
- a. Wall-mounted equipment shall be flush with the exterior building walls and painted to match the color of the exterior of the building and screened from the view of any public right-of-way. Window-mounted air conditioners or exterior-mounted fans shall be prohibited depending of their location and visibility.
  - b. Ground-mounted and pad-mounted mechanical or utility equipment and other such similar equipment shall be screened from view from all public rights-of-way and adjacent properties by architectural building features, fencing or landscaping.

#### 20.086.035 – General Requirements

A. Use of Green Construction Materials and Energy and Water Conservation Features.

1. The following types of green building practices are encouraged:
  - a. Developments that use materials composed of renewable, rather than nonrenewable resources (green construction materials).
  - b. Developments that construct buildings that exceed minimum statewide energy construction requirements beyond Title 24 energy requirements.
  - c. Developments that employ passive heating and cooling design strategies to the maximum extent feasible. Strategies to be considered include orientation; natural ventilation, including cross-ventilation in residential units, high insulation values, energy efficient windows including high performance glass, light-colored or high-albedo (reflective) roofing and exterior walls, window shading, and landscaping that provides shading during appropriate seasons.
  - d. Developments that implement U.S. EPA Certified Water Sense labeled or equivalent faucets and high-efficiency toilets (HETs) in residential uses, and implement water conserving shower heads to the extent feasible.
  - e. Developments that provide Energy-Star rated appliances in the residential units.
  - f. Developments that incorporate Low Impact Development (LID) storm water best management practices.

B. Special Activities.

1. The temporary sale of locally produced any goods or products such as a Farmer's Market or other similar temporary sale of locally grown produce and food products on a sidewalk or alley adjacent to a mixed-use development ~~shall~~ may be approved through an Administrative Permit process per Section 20.192 prohibited, except for Farmer's Markets or other similar temporary sale of locally grown produce and food products.

2. Temporary Banners.
  - a. ~~The Director of Planning and Building Services or his designee may approve A banner permit is required for the use of temporary banners.~~
  - b. The use of temporary banners within an approved Conceptual Development Plan area shall be limited to ~~two~~ five events per year. The use of a temporary banner at each event shall be for a maximum of thirty fifteen (30 15) days. ~~If a temporary banner is used for more than thirty (30) days, the prohibited days will be accounted to the next event.~~
  - c. There shall be a maximum of two temporary banners per event.
  - d. The maximum size of a temporary banner shall be three feet by ten feet.
3. Traditional ~~noncommercial~~ holiday decorations that do not contain advertising shall be permitted.
4. The display of no more than one of any of the following flags and/or advertizing devices shall be permitted at the same time at any single location on a residential/commercial mixed-use development:
  - a. The flag of the United States;
  - b. The flag of the State of California or its political subdivisions; and
  - c. A-frame advertizing signs provided they are no higher than 42 inches tall and approved per Section 20.086.030, Sub-section E.4.f above ~~placed outside the public right-of-way.~~

~~C. Prohibited Advertising and Display.~~

- ~~1. The following advertising and displays shall be prohibited:
  - ~~a. Outdoor advertising, displays and/or sales of merchandise or promotional materials in a location outside of a building except as provided for in Sub-section B.1 above;~~
  - ~~b. Inflatable advertising displays;~~
  - ~~c. Roof mounted displays of flags, pennants or pennant type banners, balloons, inflatable devices, or similar displays; and~~
  - ~~d. Flags, banners or balloons displayed in a landscape area or on a fence.~~~~

**20.086.040 – Comprehensive Plans**

A. Applicability

No mixed-use development shall be permitted under the provisions of the Mixed-Use zoning designation without first obtaining approval of a Comprehensive Plan. The Comprehensive Plan shall address the entire property under the Mixed-Use designation, even though only a portion of the property is proposed to be developed initially. There are two stages of development plan approval under the Comprehensive Plan process. The first stage is a Conceptual Development Plan approval for an area designated Mixed-Use, and the second stage is approval of a Precise Development Plan for a site-specific or property-specific development proposal within an approved Conceptual Development Plan

1. Conceptual Development Plan: The purpose of the Comprehensive Conceptual Development Plan is to establish an overall development master plan for an area zoned Mixed-Use a ~~property~~ to guide subsequent development over time within the property. This Plan is intended to establish a general layout of land use areas, backbone circulation and infrastructure routing, and a list of permitted uses and statistical summary of acreages and projected development intensity within each land use allocation area of the Plan. The Conceptual Development Plan is to be presented in the form of textual material and schematic diagrams.
2. Precise Development Plan: The purpose of the Precise Development Plan is to approve detailed site-specific project development plans that would act as a "design review" approval of the proposed project. The Precise Development Plan would describe the final list of permitted uses, set the final statistical allocation of development intensity for the area subject to the Precise Development Plan, finalize road alignments, identify infrastructure services, set final development standards for the project area, and approve architecture, landscaping, signage, and any other project-specific design details. The Precise Development Plan approval must also demonstrate consistency with the approved Conceptual Development Plan for the area in which the Precise Development Plan is proposed.

An application for a Comprehensive Conceptual Development Plan and Precise Development Plan shall be filed with the Department of Planning and Building Services pursuant to the following requirements.

B. Application Filing, Processing and Review

1. Filing: ~~An~~ Applications for a Comprehensive Conceptual Development Plan and Precise Development Plan shall be completed, filed and processed in compliance with this Section. The application package shall include all information specified below and any additional information required by the Director of Planning and Building Services in order to conduct a through review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required below.
2. Comprehensive Conceptual Development Plan Requirements: All Comprehensive Conceptual Development Plan applications and accompanying exhibits shall ~~be prepared by a professional team which shall include a licensed landscape architect, a registered civil engineer, and a licensed architect, as applicable, and shall include, but not be limited to the following:~~
  - a) A completed application form including signatures of the legal owners of the property, and identifying the project representative or agent, if applicable.
  - b) An existing conditions plan showing existing uses within the Plan area, drainages and areas subject to flooding, topographic features, easements within the Plan area, surrounding land uses, perimeter streets and street connection points, and parcelization if any within the Plan area.
  - c) Schematic land use allocation plan (such as a bubble plan) identifying land use areas, schematic backbone circulation including preliminary street cross sections, and proposed public use facilities such as schools, parks, etc.
  - d) A statistical summary of the land use plan indicating the area, permitted uses allowed, development intensity allowed within each land use area, and a cumulative statistical summary of the entire Conceptual Plan indicating total area by land use allocation, maximum development yield for residential and non-residential uses presented in dwelling units and non-residential square footage, and projected population.
  - e) Proposed development phasing, if any.

- f) Other information or applicable materials as may be deemed necessary by the Director of Planning and Building Services to analyze the proposed development and prepare required CEQA documentation
3. Precise Development Plan Requirements: All Precise Development Plan applications and accompanying exhibits shall be prepared by a professional design team which includes planning, architecture, civil engineering and landscape architecture expertise, and shall include, but not be limited to the following:
- a) A completed application form including signatures of the legal owners of the property, and identifying the project representative or agent, if applicable.
  - b) A scalable existing conditions exhibit showing existing uses within the Plan area, topography, drainages and areas subject to flooding, topographic features, and easements within the Plan area.
  - c) Site plan at a scale not less than 1" = 40" (unless otherwise approved) showing building(s), various functional areas, parking and circulation, parcel lines if the site is made up of multiple parcels, and the project's location within an approved Conceptual Development Plan for the area in which the proposed Precise Development Plan approval is being requested.
  - d) A statistical summary of the site plan indicating areas, proposed land uses, residential use densities and non-residential use FAR, square footages, parking breakdown by use, etc.
  - e) Preliminary Title Report for the property identifying all easements and encumbrances.
  - f) Description of development standards and design guidelines, which may include, but not be limited to, building heights, setbacks, parking requirements and design standards, building massing and scale, materials and colors, and circulation design standards for vehicular and non-vehicular facilities.
  - g) Preliminary building plans, including floor plans, exterior elevations, and exterior materials color palette.
  - h) Landscape and irrigation plans, including a plant palette.
  - i) Lighting and signage plans.
  - j) Civil engineering plans including existing and proposed topography, site grading and drainage, drainage best management practices plan, circulation facilities preliminary improvement plans, trash/recycling areas and design, sewer, water, and public utility facilities plans, as necessary.
  - k) Proposed use and occupancy, construction type, building height and area of each building or structure, and distances between buildings and structures and setbacks to property lines.
  - l) Phasing plan if not proposed to be completed in one phase. For each phase describe the plan and improvements necessary to complete that phase and demonstrate that the phased improvements are consistent with the overall Comprehensive Precise Development Plan.

m) Other information, technical studies or applicable materials as may be deemed necessary by the Director of Planning and Building Services to analyze the proposed development and prepare required CEQA documentation.

4. Precise Development Plan Design Review: Design Review is required for each proposed Precise Development Plan and shall be conducted by the Director of Planning and Building Services or his designee.

a) Issues to be Considered: Design review shall consider site planning and design, relation to surrounding development, building architecture, adherence to development standards, landscape design and irrigation, integration of public facilities and open space, pedestrian and vehicle access and circulation, sustainable design features, efficiency of infrastructure design, exterior materials and colors, proposed signage and lighting design and location, and other topics determined to be pertinent to the overall character of the proposed development.

b) Form of Review: The Director of Planning and Building Services design review shall be in the form of an interactive process with the applicant's design team, and will result in a written recommendation to the Planning Commission.

4. Notice and Hearings: The Planning Commission shall hold at least one (1) public hearing on a proposed Comprehensive Conceptual Development Plan and a proposed Precise Development Plan, and shall give notice thereof at least ten (10) calendar days before the hearing in the following manner:

a) For each proposed Comprehensive Conceptual Development or Precise Development Plan, notice of public hearing shall be published at least once in a newspaper of general circulation within the area of the County where the Comprehensive Conceptual Development or Precise Development Plan is proposed. The notice shall state the time and place of hearing and a general explanation of the matter to be considered. In addition to publication, notices shall be mailed to the owners of the affected property(s) and also to owners of property within three hundred (300) feet from the exterior limits of the affected property(s).

C. Findings and Decision:

1. The Planning Commission may approve or conditionally approve a Comprehensive Conceptual Development Plan or Precise Development Plan provided the facts submitted and evaluated during the review process support the following findings:

a) The proposed Comprehensive Conceptual Development Plan or Precise Development Plan is consistent with the intent of the Mixed-Use designation to create an integrated environment that encourages compact building design, higher densities of development, a range of complementary use types, and walkable urban design that reduces dependency on vehicle use.

b) The proposed development is capable of creating an environment of sustained desirability and stability through an integrated approach to both public and private realm design components.

c) The proposed uses will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.

d) The streets, infrastructure, open space and public facilities are suitable and adequate to support the level of development proposed in the Comprehensive Conceptual Development Plan or Precise Development Plan.

- e) The Comprehensive Conceptual Development Plan or Precise Development Plan is in conformance with the General Plan, or a concurrent General Plan amendment in process.
  - f) Any exception from the standards and requirements of this Title is warranted by the design and amenities incorporated in the Comprehensive Precise Development Plan and is in keeping with the purpose and intent of the Mixed-Use District.
2. Decisions of the Planning Commission shall become final and effective on the eleventh (11<sup>th</sup>) day following the action of the Planning Commission to approve or deny the Comprehensive Plan unless prior to said eleventh (11<sup>th</sup>) day an appeal of the decision is filed as provided by Chapter 20.208 (Appeal).

**20.086.045 – Comprehensive Plan Modifications, Major and Minor**

- A. Major changes or alterations to an approved Comprehensive Conceptual Development Plan or Precise Development Plan shall be considered by the Planning Commission in the same manner as the approved Comprehensive Conceptual Development Plan or Precise Development Plan was initially considered, at a public hearing. The Planning Commission's decision shall become final and effective on the eleventh (11<sup>th</sup>) day following the action of the Planning Commission to approve or deny the Comprehensive Conceptual Development Plan or Precise development Plan Modification unless prior to said eleventh (11<sup>th</sup>) day an appeal of the decision is filed as provided by Chapter 20.208 (Appeal).
- B. The Planning Director, or his designee, may administratively approve minor changes or alterations to an approved Comprehensive Conceptual Development Plan or Precise Development Plan, subject to appeal pursuant to Section 20.208.010, provided that the Planning Director makes the following findings:
  - a) The proposed changes are consistent with the intent of the approved Comprehensive Plan;
  - b) The proposed changes will not adversely impact the environment;
  - c) The proposed changes will not be detrimental to surrounding uses;
  - d) Any proposed changes, which require exception from standard ordinance requirements, is warranted by the design and amenities incorporated into the approved Comprehensive Plan.
- C. If the Planning Director determines the above findings cannot be made, the request shall be considered a major change and referred to the Planning Commission for review at a public hearing.
- D. Maintenance, rehabilitation, renovation, and reconstruction of existing structures, that will not alter the site plan or deviate from Comprehensive a Precise Development Plan design concept, shall not require a Comprehensive major or minor Plan modification, major or minor.

**20.086.050 – Comprehensive Plans, Conditions of Approval**

- A. The Planning Commission may approve a Comprehensive Conceptual Development Plan or Precise Development Plan with conditions. Conditions may relate to both on-site and off-site improvements that are necessary and reasonable to mitigate project-related impacts, and to carry out the purpose and requirements of the Comprehensive Plan and all applicable development standards and design guidelines.

- B. If a Comprehensive Conceptual Development Plan or Precise Development Plan is approved with a phasing plan that anticipates development occurring over time in sequenced phases, both on-site and off-site improvements may also be phased in concert with the development phasing plan, as long as all necessary improvements to support the level of development within each phase and to mitigate any phase-related impacts are implemented.

To ensure that required improvements are implemented programmed as needed by phase, an on-site and off-site improvement phasing plan shall be required and approved as part of a Comprehensive Conceptual Development Plan or Precise Development Plan that includes a development phasing plan.