

MIXED-USE DEVELOPMENT ORDINANCE

The following zoning code language on mixed-use development was adopted by the City Council on July 6, 2004 and will be in effect in thirty (30) days. The language below is just a portion of the requirements contained in the Zoning Code. Other requirements may be applicable depending on the location and nature of a proposed project.

Definition of Mixed-use development (Sec. 8-2162.9.7)

“Mixed-use development” shall mean a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential and institutional. The uses may be located in the same building or in separate buildings. A mixed-use development should not consist exclusively of live/work units.

Mixed-use development requirements (Sec. 8-22148.7):

The purpose of this section is to encourage and promote well planned, suitable and appropriate mixed use developments with residential and commercial components within selected commercial districts. The focus is to allow a more balanced mix of uses in a mixed-use development. To provide for the diverse needs of the residents of the City and to allow developers the flexibility to accomplish such goals without sacrificing the existing image and character of the surrounding neighborhood. To encourage efficient land use by facilitating compact, high-intensity development and minimizing the amount of land needed for surface parking. And, to facilitate development (e.g., land use mix, density, and design) that supports public transit where applicable. A mixed-use development should be safe, comfortable and attractive to pedestrians, patrons and residents.

This section is organized by topic. Within each topic, development standards will be listed first followed by its corresponding design guidelines. In some instances, the topics may contain only development standards or design guidelines.

- (a) **Uses:** To allow a mixture of complimentary land uses that includes retail, offices, commercial services, housing, and civic uses, to create economic and social vitality and to encourage the linking of trips as well as shortening trip distance between uses and services. And to dissuade those uses deemed incompatible with residential uses. The following regulations are intended to create and maintain developments with a compatible mix of residential and commercial uses. To insure compatibility between uses within the development and surrounding area, any use requiring a zoning administrator permit or a conditional use permit shall be reviewed as part of the proposed development. A broad range of uses are allowed: (i) to promote efficient use of land; (ii) to provide options for commercial opportunities; and, (iii) to promote the development of the affordable housing.

- (1) *Uses – permitted:*

- a. Uses which are permitted within the commercial zoning district except for those uses listed in this subsection as prohibited.
 - b. Residential.
 - c. Live/work units^{1, 3, 4}, subject to the requirements set forth in Article 21.3 of this chapter except as modified in this section.
 - d. Home Occupations^{1, 3}, accessory to a primary residential use. Business conducted within a residential unit where the commercial use is incidental and secondary to the primary residential use shall be subject to the requirements for Home Occupations pursuant to Article 21.3 of this chapter.
- (2) Uses - conditionally permitted. Uses which are conditionally permitted within the commercial zoning district except for those uses listed in this subsection as prohibited.
- (3) *Uses – prohibited:* Regardless of zoning designation, unless it is found that the use is compatible with the mixed-use development, the following uses shall be prohibited.
- a. Adult-oriented businesses¹;
 - b. Agriculture and commercial nurseries^{1, 2};
 - c. Assisted living facilities or other medical care facilities^{2, 3};
 - d. Astrology, palmistry and similar services^{1, 2};
 - e. Commercial cleaning plant²;
 - f. Boat, trailer, and vehicle (including parts) sales, service, storage and garages²;
 - g. Camp and trailer parks²;
 - h. Car wash²;
 - i. Drive-in/drive-through restaurants²;
 - j. Equipment rental and sales yard²;
 - k. Firearm dealers and gunsmith shops^{1, 2, 3};
 - l. Fuel dealers²;
 - m. Hospitals²;
 - n. Laundry, commercial plant²;
 - o. Recycling center and Recyclable material collection facility^{1, 2, 3};
 - p. Reverse vending machines^{1, 2, 3};
 - q. Service station¹;
 - r. Uses involving hazardous materials or generate high level of noise incompatible with residential uses
 - s. Uses specifically prohibited in the zoning district the development is located in.
 - t. The Zoning Administrator may deem additional uses to be prohibited based on a finding that the use is similar in nature, function and operation to the prohibited uses listed in this subsection.
- (b) **Development Intensity - Development standards.** The amount of development allowed in a mixed-use project is guided by the prevailing allowable floor area ratio (FAR) of the site's commercial zoning designation. FAR increases may be requested provided that the project

can provide a higher quality of amenities such as with additional affordable housing units, a high level of architectural design, green buildings¹, day care centers, roof gardens, or helping to revitalize the surrounding neighborhood. All projects shall contain sufficient commercial square footage to assure that the overall nature and intent of the commercial zoning of the mixed-use development is maintained.

(1) Overall development intensity:

- a. Shall be determined by the overall FAR assigned to the commercial district zoning designation of the development as follows:

Zoning District	FAR
C-O	0.60
C-N	0.60
C-T	0.60
C-C	1.25
C-B-D	1.25
C-B-D located near BART	2.00

- b. An increase of the allowable FAR listed in this subsection may be considered if the project will meet either of the first two of the following standards and either of the remaining two standards. Requests for increases of the overall FAR shall be subject to the requirements outlined in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter relating to increases in Floor Area Ratio (FAR):
 - (1) High quality open space which substantially adds to or increases the retail vitality and attractiveness of the development and/or other on-site amenities; or,
 - (2) High potential to revitalize adjacent parcels, in particular neighboring commercial areas, with the development of this mixed use project; and,
 - (3) Providing increased benefit to the city (for example, such as additional affordable housing units over than that required for Inclusionary housing, a high level of architectural design, green buildings, day care centers, or roof gardens); or,
 - (4) Located within a quarter (1/4) mile to transit or off-site amenities (for example an array of commonly needed services used by residents, or public spaces such as parks).

(2) Commercial: The following criterion establishes the minimum depth of a typical commercial space as well as the overall amount of commercial floor area to be developed as part of the mixed-use development. The floor area may be allocated throughout the planned commercial area based on the needs of the development. Likewise, the depth of a commercial space may vary depending on the type of uses desired for the space. A shorter depth may be proposed where an accommodation must be made for features such as stairways and entrances near a commercial space.

- a. Depth of space: The minimum depth of commercial space shall be predominantly fifty (50) feet.

- b. Minimum combined total floor area: The minimum amount of commercial floor area shall be calculated based on the length of the commercial street frontage of the parcel multiplied by thirty (30). The project may provide commercial floor area exceeding the amount outlined in this subsection. However, the total combined square footage of the development must comply with the allowable FAR specified for the mixed-use development, unless an increase in the FAR is approved.

Example: A 2 acre parcel with an overall allowable FAR of 0.60 has a commercial street frontage of 229 feet. Development as a totally commercial site would yield, 52,272 square feet of floor area. As a mixed-use development, the potential commercial area would be 30 times 229 (commercial street frontage) yielding 6,870 square feet of commercial floor space. The total commercial area is distributed along the commercial street frontage.

- c. Total Floor Area proposed by development: Only the area specified for wholly commercial use (excluding the commercial portion of live/work units) shall count towards the minimum amount of required commercial square footage.
- d. Design of the commercial area shall be governed by Design Criteria of this section.

(3) **Residential:** The number of dwelling units per unit of acre is controlled to match the carrying capacity of the land. Also, the number of residential units shall correspond to the availability of public services and the support of commercial area within the development and surrounding neighborhood. Maximum number of units shall be calculated based on the following:

- a. The amount of floor area remaining from the allowable FAR after deducting the amount used for the commercial component; and,
- b. As many units which can be accommodated and where there is adequate parking to serve the needs of the residents.

(c) **Building criteria - Development standards:** The building criteria serve several purposes including encouraging new development to reflect the general building scale and its placement within an existing neighborhood; fostering a desirable pedestrian-oriented environment; promoting a reasonable physical relationship between uses while promoting options for privacy for neighboring properties; and allowing for architectural diversity.

(1) **General:** The following criteria shall apply to existing structures, expansions of existing structures, and new structures used wholly or partially for commercial use.

- a. Building standards (i.e., height and setbacks) shall be governed by the requirements of the commercial district designated for the mixed-use development, unless otherwise modified by this article.

- b. The maximum building height shall conform to the requirements of the commercial district on which it is located.

Exceptions: If the mixed-use development is located adjacent to residentially designated parcels and the maximum building height allowed for the commercial district exceeds that allowed for the adjacent residential district, the maximum building height shall be fifty-two (52) feet. For those areas of parcels within fifty (50) feet of any property with a general plan density designation of ten units per acre or less, the building massing shall step down to thirty (30) feet to address the scale of the adjacent development.

(2) *Residential:* It is conceivable that the residential component of a mixed-use development may be located wholly within an existing commercial building or in an entirely new structure. And, it is recognized that development of an existing commercial site to a mixed-use development may necessitate the expansion of an existing commercial building. In keeping with the requirements for the existing commercial structure, the existing structure or its expansion shall be subject to the building standards of the commercial zoning designation for the mixed-use development. However, it should not be construed that use of an existing building or its expansion, exempts the development from the inclusion of amenities required for a typical residential use. In no case shall the use or expansion of an existing structure exempt the proposed development from fulfilling the open space requirements outlined in this section.

- a. Use of existing structures: When the residential component of the mixed-use development is contained wholly within an existing structure, it shall conform to the building design and setback standards set forth in the commercial district designated for the project site.
- b. Expansion of an existing structure: Expansion of an existing structure where the structure conforms to the building design and setback standards of the site's commercial district shall be governed by the requirements of that commercial district.
- c. New residential structures: Where a new structure is entirely residential, building standards shall be governed by the standards of the residential zoning most similar in nature and function to the proposed residential portion of the mixed-use development, except otherwise modified by this article.
- d. Open space: Open Space shall be required regardless if the residential use is located in an existing, expanded, or new structure.
 - (1) The amount of open space shall be governed by the standards of the residential zoning most similar in nature and function to the proposed residential portion of the mixed-use development. However, the amount may be reduced based on the anticipated needs of the future tenants and the quality, usefulness and/or amenities within the spaces provided.
 - (2) On-site open space may include, but is not limited to, pedestrian walkways, plaza areas, landscape areas, roof gardens, terraces, and other creative spaces which

may be used either visually, actively, or passively by the residents within the development.

- (3) Public open space such as parks, plazas, public recreational facilities and other similar facilities located within one-quarter (1/4) mile may be counted towards the open space requirement for the mixed-use development.
- (4) Open space design shall comply with the design criteria outlined in this section.

(d) *Design Criteria:* The City has an interest in creating desirable residential areas, while protecting and promoting commercial opportunities. The criteria listed below provide guidance to property owners and developers. It also provides assurance to neighbors that the combination of residential and commercial uses within a single development will create an aesthetically pleasing and livable environment.

(1) *Overall Design – Design guidelines:* Key elements to consider are: existing architectural character of the neighborhood/district; continuity of building scale and architectural massing; transition to adjacent developments; treatment of the street-level and upper-level architectural detailing; roof forms; rhythm of windows and doors; and, relationship of buildings to public spaces such as streets, plazas, other open space, and public parking, including the following:

- a. Design scheme with visual interest without clutter throughout the development.
- b. Building scale and architectural massing to incorporate elements for a reasonable transition to adjacent existing (or future) developments and the proposed project.
- c. Where there are multiple buildings in a mixed-use development, the structures should be of varying heights to create visual interest from the street. The ground level façade for a multi-level structure should have a distinct look from the façade of the floor levels above (e.g., using different architectural elements, such as building material or trim accent, lighting, cornice lines, awnings, projections, window treatments and sizes, and/or paint colors).
- d. The vertical plane of the building façade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces and, awning/entrance canopies) especially at ground level.
- e. Build to line. To define the street frontage and pedestrian areas; mixed-use and commercial buildings shall generally be built to property lines (back of sidewalk) or other publicly accessible area.

(2) *Design for Security – Design guidelines.* To encourage the use of design to minimize opportunities for crime and to increase public safety.

- a. Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping, pavement

- treatment, art and signs which draw attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.
- b. The proposed layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except where necessary for buffering between commercial uses and lower density residential, to the extent practicable.
 - c. The proposed site layout and building design should encourage activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining.
 - d. The development should control access wherever possible by properly siting and designing entrances and exits (i.e., clear view from the store) and through the appropriate use of lighting, signs and/or other features.
- (3) *Pedestrian-oriented – Design Guidelines:* To encourage buildings to be designed to a human scale for pedestrian access, safety and comfort. To promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian.
- a. The site layout should cluster buildings on the site to promote linked trips via interconnected pedestrian promenades (such that a pedestrian need not cross more than 64 lineal feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings;
 - b. The development should be designed to be well integrated with adjacent land uses. “Integrated” means that uses are within a comfortable walking distance (i.e., 1/4 mile radius) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways;
 - c. The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g., attractive sidewalks and benches).
 - d. The development should incorporate the following criteria listed below.
 - (1) The building(s) have at least one primary entrance facing a street, or is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance.
 - (2) Main building entrances open directly to the outside.
 - (3) Every building has at least one entrance that does not require passage through a parking lot or garage to gain access.

- (4) Corner buildings have corner entrances whenever possible
 - (5) Windows or window displays are provided along at least thirty (30) percent of the building's façade particularly in the commercial portion.
 - (6) Where street connections are not practicable, pedestrian connections may be made to and through the development in lieu of planned street connections. Pedestrian connections should equal what would be available if they were on the street (i.e., distinct from vehicle lane, shade by day and light by night, connects to a destination that attracts pedestrian activity, etc.).
 - (7) Pedestrian facilities connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
 - (8) Sidewalks and/or plazas are provided with weather protection (e.g., awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates, outdoor seating, bus waiting areas, trash cans, mail boxes, sidewalk displays, public art, etc.).
 - (9) Streets should be designed with traffic calming elements such as bulb-outs and mid-block crossings where appropriate.
- (4) *Open Space and Public Spaces – Design guidelines:* The purpose of open space is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the site. In addition, the open space areas should be surrounded by attractively designed building and landscaping elements as well as uses that effectively shape and energize the open space so as to create a focal point for activity. The quality of the open space area is considered to be of utmost importance. Therefore, the location and design of open space is critical to ensure that it is useable year-round.
- a. As a whole, open space should satisfy the following criteria:
 - (1) Provide areas for informal meetings and social interaction with other people; or, for passive and active uses as appropriate.
 - (2) Public spaces shall be accessible to residents.
 - (3) Provide a strong image and sense of place.
 - (4) Be a part of the pedestrian linkage throughout the development and adjacent land uses.
 - (5) Provide an overall theme and visual connection between spaces and uses within the development.
 - (6) Include areas of various shapes, sizes and configurations are included throughout the development.
 - (7) Be designed or located to ensure that it is useable year-round. Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
 - (8) Create a pleasant pedestrian environment.
 - (9) Should be an interconnected open-space system.
 - (10) Should energize commercial/retail activity.
 - b. Where applicable, criteria related to security and pedestrian-oriented design is critical.

- c. Open space may include, but is not limited to, outdoor areas like plazas, outdoor dining areas, rooftop gardens, and landscaped areas designed for active or passive use.
 - d. Active open space should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed-use development or nearby residential developments.
 - e. Public spaces:
 - (1) The area should be clearly recognizable as “public” (e.g., a plaza within view of a street or other public space), publicly accessible (i.e., a pedestrian accessible), and can be occupied by people (i.e., a person can stand or sit in the area).
 - (2) Encouraged to be located adjacent to the commercial component of the development that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be eight (8) feet.
 - (3) Where possible, larger public spaces should be located near the main pedestrian access to the development.
- (5) *Landscaping – Design guidelines.* The purpose of landscaping is to enhance pedestrian and open space areas, to help delineate active areas from passive areas, to provide a screening buffer between pedestrians and vehicular circulation and adjacent developments. Landscaping should include the following elements:
- a. Be pedestrian oriented.
 - b. Designed in such a way to not create a security or physical hazard to pedestrians or motorists.
 - c. Enhance or complement the architectural design of the mixed-use development.
 - d. Provide visual interest year-round.
 - e. Utilize water conservation methods and drought tolerant planting where possible.
 - f. Should be provided between parking lots and all adjacent sidewalks.
- (6) *Commercial – Design guidelines:* When positioning commercial uses, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other uses should be taken into account. Retail space should be located centrally and designed with adequate access from all internal uses. It should be located near major pedestrian access where the access passes through the retail area on the way to other destinations. Proximity to existing commercial uses located on adjacent parcels is

important because it maintains continuity of commercial development. Furthermore, the commercial area should include a street-front retail that promotes an active pedestrian area to draw the attention of the passing public. In addition, to accommodate the needs of an ever-changing market, the commercial area should be designed to allow easy conversion from one commercial use to another. The commercial area of the mixed-use development shall include the following elements:

- a. Store-front windows that provide transparency to the building at the pedestrian level.
 - b. Visual interest which can draw the attention of the passing public.
 - c. A prominent location relative to the existing commercial uses located in the surrounding area in order to provide a continuity of the commercial presence in the community.
 - d. Orientation towards the street and major pedestrian or plaza areas.
 - e. Locate retail commercial uses relying heavily on passing foot traffic such as retail uses at ground level, with less active uses (i.e., office uses) located above ground level.
 - f. Provide direct and visible access noticeable from the street to uses located above ground level in order to highlight their location.
 - g. A strong commercial presence along the site's street frontage where there is an identifiable commercial area adjacent to the development which needs to be preserved, encouraged and/or maintained.
 - h. Built-in flexibility so as to allow conversion from one commercial use to another and to ensure that the commercial space is adequate for retail is also adequate for a variety of other uses. Elements such as the following should be in place:
 - (1) Adequate ventilation and mechanical equipment to allow conversion to a variety of uses, such as a retail store or eating establishment.
 - (2) Minimum of fifteen (15) feet floor to ceiling heights on the ground floor.
 - (3) The depth of commercial tenant spaces should be predominantly fifty (50) feet.
 - i. In addition, food and drink establishments are encouraged to be located near public open space areas to in order accommodate potential out-door dining areas for these uses.
- (7) *Residential – Design guidelines:* Residential uses may be located in a separate building or in mixed configurations with commercial uses in the same structure. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to open space areas, either public or private, is important.

Likewise, interesting views of the adjacent neighborhood can be equally valuable. Commercial street frontage shall be defined as lot frontage adjacent to existing (or future) commercially developed parcels.

- a. Residential uses may be located in a separate building or in mixed configuration with commercial in the same structure. When in a mixed configuration, residential uses should be located on the upper stories; or, on ground floors when they do not use storefront space. In no case shall residential uses be located on the ground floor of a building located on commercial street frontage.
- b. Access to the residential use should be clearly delineated.
- d. Units of various sizes (e.g., studios, one and two bedroom units) are encouraged.

(8) *Live/work units^{1, 3} - Development standards:* Occupancy and operation of a business in a live/work unit is outlined in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter. Since the live/work unit is a business location, its use may be similar to general commercial use. The needs of the resident occupying such a unit should also be a concern because the unit is part residential. Live/work units should incorporate the following criteria:

- a. Maintained indefinitely as live/work units.
- b. May be converted to an all commercial use, with the review and approval of the Zoning Administrator.
- c. May constitute all or part of the residential percentage of the mixed-use development. A mixed-use development should not consist exclusively of live/work units.
- d. Shall be located near the commercial portion of the mixed-use development.
- e. Live/work units shall not be located on a primarily existing commercial street frontage.
- f. Subject to the provisions in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter relating to live/work units.

(e) **Signs – Design guidelines:** The purpose of signs is to provide orienting clues and establish project identity. Consistent signs for orientation, direction, and tenant identity placed throughout the development are encouraged. Signs should enhance the users' experiences, helping them find their way and providing them with a positive image of the development. Prominent tenant signage is critical to marketing the development and in attracting visitors.

(1) Signage for the mixed-use development shall require a Planned Sign Program under Article 21 Sign Regulations.

(2) Where appropriate, signage should be placed at entrances and other strategic locations to ensure that visitors understand the scope of the development and are not discouraged or confused.

(3) Signage should be scaled to address the needs of the pedestrians and vehicular traffic.

(f) **On-site Parking areas:** Whenever feasible, parking shall comply with the following criteria:

(1) Development standards:

- a. On-site parking areas: Parking areas shall be located where residents and businesses have easy and convenient access. The project shall consider dedicating a certain portion of the parking for each use. However, the parking area should not be located in such a manner that it dominates street frontage.
- b. Surface parking should be oriented behind or to the side of a building when possible and shall not exceed a maximum depth of sixty-two (62) feet (e.g., two-way aisle with parking on both sides) not counting required landscaping.
- c. Parking shall not be located on street corners.
- d. Parking requirements shall be governed by the provisions set forth in Article 20 of this chapter except as modified by this section.

(2) Design guidelines:

- a. *Joint use parking.* Where parking demands peak during different times of the day, parking should be shared. Parking should be developed as joint use parking areas under the provisions outlined in Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts) of Chapter 2 Zoning.
- b. Parking and vehicle drives should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- c. Surface parking should not be located on commercial street frontage. However, if surface parking is proposed on street frontage, it must be screened from view.

(g) **Evaluation Criteria – Findings:** To assure the proposed development meets the intent of this section for mixed-use development, the following findings shall be made prior to approving a mixed-use project.

- 1) **Community integration:** The development integrates into the existing community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.

- 2) **Building and site layout:** The building and site layout is adaptable and would permit future changes in land use over time. Each use is designed and positioned to achieve its maximum potential so that they perform as a whole and benefit from one another. An efficiently functioning infrastructure (i.e., parking, services, utilities, and effective mechanical, electrical, and structural systems) is incorporated in the design of the development capable of servicing each component of the development's differing demands.
- 3) **Land uses:** The land uses provided by the development are compatible with one another and with the adjacent neighborhood. The commercial uses are those which would serve the residents of the development and the neighborhood. In addition, the project includes amenities and attractions that cannot be provided in single-purpose projects, such as interesting people-oriented spaces and a public realm that can capitalize on the synergy of diverse uses.
- 4) **Pedestrian-orientation:** The development is able to provide a safe and well-organized pedestrian access within the site and to relevant adjacent areas. All portions of the development are accessible by a direct, convenient, attractive, and comfortable system of pedestrian facilities.
- 5) **Open and Public Spaces:** The development provides usable public and private open space, enhances the vitality of existing commercial activity, and recognizes and responds appropriately to adjacent existing or planned public spaces (e.g., parks, civic buildings, transit stops, sidewalks, plazas, and similar spaces).
- 6) **Parking:** The development minimizes the amount of land developed as surface parking including implementing measures which reduce the overall the amount of parking needed for the development, such as but not limited to, joint-use parking and access to public transit. Parking areas have been located where they can be conveniently and safely accessed and without difficulty from the street and within the development. On-site parking areas are designed in such a way that it does not dominate street frontage nor interfere with pedestrian areas. In addition, on-street parking is located in proximity to the retail component of the development.

(h) **Reviewing authority:**

- (1) *Zoning Administrator.* A zoning administrator permit shall be required when any of the following conditions are present and involve uses which are expressly permitted for the district or which requires a Zoning Administrator permit. In the event that the proposed development is of such a magnitude or complexity, the Zoning Administrator may reserve the right to defer the review of the proposal to the Planning Commission or City Council.
 - a. A mixed-use development wholly located in existing structures.

- (2) *Planning Commission*. A conditional use permit shall be required when any of the following conditions are present.
- a. The mixed-use development includes new structures; and, the overall size project site is up to two (2) acres in size; or,
 - b. Any of the proposed uses requires conditional use permit approval.
- (3) *City Council*. A planned district shall be required for a mixed-use development when any of the following conditions are present.
- a. The mixed-use development is larger than two (2) acres in size; or,
 - b. Regardless of the over-all project size:
 - (1) Additional uses other than those uses which are expressly permitted or conditionally permitted are being requested as part of the development; or,
 - (2) Substantial modifications or deviations are being requested as part of the development.
 - (3) Requests for increases over the threshold FAR.
 - (4) Projects within the C-B-D.

Parking standards (Sec. 8-22003(e)):

- (d) *Mixed-use developments*^{1, 3, and 4}. The base requirement for a mixed-use development shall comply with the residential and commercial parking standards set forth in this section unless the project is located within a special parking district in which case the special district's provisions shall apply. On-street parking located along the development's frontage (e.g., especially along retail frontage) may be counted towards the number of spaces required for the commercial component within the development. The number of parking spaces may be reduced if joint parking is approved based on the requirements of this section. However, in no case shall the combined required parking for the mixed-use development provide less than the minimum required for the residential use.
- (e) *Compact cars*. Compact car spaces may substitute for 35 percent of the required parking spaces, provided that in residential developments, the compact car allowance may be applied to open parking spaces only. All compact car spaces shall be signed and readily identified.
- (f) *Other*. The zoning administrator shall determine the required parking for uses not mentioned above, based on the requirements for similar uses.

Joint Parking (Sec. 8-22007):

- (a) Where there is a mixed-use development^{1, 3, and 4} or mixed uses occurring on a single parcel under one ownership, if said mixed uses do not constitute a shopping center as defined under Article 1, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately as specified in this article. The off-street parking and loading spaces for one use shall not be considered as providing the required off-street parking and loading space for any other use unless the reviewing agency has authorized the joint use of parking facilities pursuant to this section.
- (b) The reviewing agency may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under Article 1 if it finds the criteria listed below are met. The amount of parking spaces required shall be based on the number of criteria met by the proposed project. In no case shall the parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood.
 - (1) The normal hours of operation of such uses or activities do not substantially coincide or overlap with each other; or,
 - (2) The development is located near available on-street parking or other public parking areas; or,
 - (3) Transit alternatives are available near the development; or,
 - (4) For mixed-use developments^{1, 3 and 4}, residential and commercial parking demand often occurs at different times of the day.
- (c) Joint use parking shall be subject to the following limitations and conditions:
 - (1) No more than fifty percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
 - (2) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.
 - (3) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the planning division.
- (d) Reviewing agency for mixed or joint use parking:

- (1) Mixed-use developments^{1, 3, and 4}: The reviewing agency shall be in accordance with the reviewing agency specified in Article 21.3 for mixed-use developments.
- (2) All other uses: The reviewing agency for all other joint use parking arrangements shall be the planning commission.