

**Article 4: Cass Street Commercial Planned District**

*(“Cass Street Commercial Planned District” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)*

**Division 3: Zoning and Subdistricts**

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**§154.0301 Permitted Uses**

In the Cass Street Commercial Planned District, no building or improvement, or portion thereof, shall be altered, constructed, converted, demolished, erected, established, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain a single establishment exceeding a total of 5,000 square feet in gross floor area; and further provided, that no premises shall contain auto repair services, live entertainment or funeral parlors unless approved pursuant to a Special Use Permit. Business and professional offices may be permitted on the ground floor in accordance with the provisions of Section 154.0301(f). Building occupancy shall be limited to those uses identified in Sections 154.0301(a) through 154.0301(k) in accordance with the provisions of those paragraphs.

- (a) Hotels and motels
- (b) Residential and apartment development to a maximum density of one dwelling unit per 1,500 square feet of lot area, except that this density may be exceeded in conjunction with a density bonus for the provision of affordable housing pursuant to Land Development Code Chapter 14, Article 3, Division 7 (Affordable Housing Regulations)
- (c) Retailing goods and services from the following establishments except drive-through facilities:
  - (1) Antique shops
  - (2) Apparel shops
  - (3) Art stores and art galleries
  - (4) Automobile repair services by Special Use Permit only, as provided in Section 154.0301(g)

- (5) Bakeries
- (6) Barber shops
- (7) Bars, excluding live entertainment, except as provided in Section 154.0301(h)
- (8) Beauty shops
- (9) Bicycle shops, including rental and repair
- (10) Book stores
- (11) Confectioners
- (12) Curtain, drapery and upholstery shops
- (13) Delicatessens
- (14) Dry cleaning establishments (no truck delivery or finished cleaning)
- (15) Drug stores
- (16) Florists
- (17) Food stores
- (18) Gift shops
- (19) Greeting card shops
- (20) Gymnasiums, where equipped for physical fitness activities and athletic training programs
- (21) Hardware stores including the sale of appliances (new and used) and building materials
- (22) Hobby shops
- (23) Interior decorators
- (24) Jewelry stores

- (25) Laundromats
  - (26) Liquor stores
  - (27) Music stores
  - (28) Nurseries - plant
  - (29) Paint and wallpaper stores
  - (30) Photographic equipment retail outlets
  - (31) Photographic studios
  - (32) Radio, television and home appliance repair shops
  - (33) Restaurants including outdoor dining, but excluding live entertainment except as provided in Section 154.0301(h)
  - (34) Rug and carpet stores
  - (35) Shoe stores and shoe repair shops
  - (36) Sporting goods stores, including rental and repair
  - (37) Stationers
  - (38) Studios for teaching art, dancing and music
  - (39) Variety stores
- (d) Public utility electrical substations, gas regulators, and communications' equipment buildings developed in accordance with building and landscaping plans approved by the City Manager
- (e) Any uses which, the Planning Commission finds, in accordance with Process Four, to be similar in character to the uses enumerated in this section and are clearly within the intent and purpose of this zone. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk

- (f) Business and professional offices (excluding employment agencies and hiring halls) shall be permitted; provided, however, that none may occupy any portion of the ground floor of any building except in conjunction with the rehabilitation of an existing structure or a planned commercial development
  - (1) A Planned Commercial Development with office use on the ground floor may be permitted by Special Use Permit, if all of the following conditions and operational requirements are met:
    - (A) Ground floor office uses shall be limited to those office uses which serve residents of surrounding neighborhoods.
    - (B) Building street facades of ground floor office uses shall include pedestrian-oriented design features such as enhanced entry ways and windows.
  - (2) Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five or more persons in one calendar year who have committed, been charged by criminal indictment or complaint, or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, or the office use shall become previously conforming use and be subject to Land Development Code Chapter 12, Article 7 (Previously Conforming Premises and Uses).
- (g) Automobile repair shops may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:
  - (1) Adequate on-site parking facilities and auto storage area shall be provided. Parking and storage areas shall be completely screened from streets, alleys, and adjacent development with walls and landscaping. No parking or auto storage areas shall be located in front of buildings. No off-site storage of vehicles shall be permitted. One on-site parking space shall be provided for each 300 square feet of gross floor area.

- (2) Access to parking and auto storage areas shall be from an alley or side street. If no alley or side street access is available, one driveway with a maximum width of 24 feet shall be permitted.
  - (3) All repair activities shall take place in an enclosed building. Noise, dust, and fumes shall be controlled within such building. No automobile painting facilities shall be permitted.
  - (4) Hours of operation shall not be earlier than 7:00 a.m. nor later than 6:00 p.m. and shall be limited to Mondays through Fridays.
  - (5) Auto repair facilities shall not be located on any parcel that is within 50 feet of any residential zone.
  - (6) Building height, bulk, roof line and materials shall be compatible with surrounding buildings.
  - (7) All development regulations of this planned district shall be met, including but not limited to streetscape development regulations.
- (h) Live entertainment in conjunction with a bar or restaurant may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:
- (1) Live entertainment shall not be located on a parcel that is within 50 feet of any residential zone.
  - (2) Hours of operation shall not be earlier than 9:00 a.m. nor later than 12:00 midnight.
- (i) Funeral parlors may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:
- (1) Adequate parking areas shall be provided in accordance with Section 154.0401.
  - (2) Loading areas shall be fully enclosed and shall be accessed from the alley or side street.
  - (3) All external effects shall be controlled.

- (j) Other uses that may be permitted by conditional use permit in the CN-1-2 Zone may be permitted subject to a Special Use Permit. Outdoor storage and display of new unregistered motor vehicles shall not be permitted.
- (k) Parking lots and facilities; provided, however that, except for covered parking facilities which are located completely below grade such parking lots and facilities shall be accessory to a use permitted in Section 154.0301(a) through (j) which shall be located on the same premises.

*(“Permitted Uses” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)  
(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)*

**§154.0302 Additional Use Regulations**

- (a) All uses except off-street parking, outdoor dining facilities, signs and the storage and display of art exhibits, handcrafted goods, recreational equipment, and nursery plants shall be operated entirely within enclosed buildings.
- (b) All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or similar area.
- (c) No permitted commercial use shall commence operating prior to 6:00 a.m. nor continue later than 12:00 midnight of any day.
- (d) Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

*(“Additional Use Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)*

**§154.0303 Development Regulations**

(a) Minimum Lot Area and Dimensions

- (1) Area - 5,000 square feet
- (2) Street frontage - 50 feet
- (3) Width - 50 feet
- (4) Depth - 100 feet
- (5) Exception: Any lot which qualifies under the definition of a lot as set forth in the Land Development Code and which does not comply in all respect with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this Planned District.

(b) Building Setbacks

- (1) Front - 10 feet, landscaped with 90 percent vegetation. Five-foot encroachments may be permitted for no more than 50 percent of the building length; provided, however, that a 15-foot landscaped setback is provided in the remaining 50 percent of the lot area.
- (2) Side
  - (A) Interior - none, except that a 5-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased 3 feet for any building of a height greater than 20 feet. A minimum of 50 percent of such side yard shall be vegetated.
  - (B) Street - 5 feet, landscaped with 90 percent vegetation.
- (3) Rear - None, except that a 15-foot landscaped rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. A minimum of 30 percent of such rear yard shall be vegetated. Such rear yard shall be increased 3 feet for any building of a height greater than 20 feet.

(c) Maximum Floor Area Ratio

- (1) The maximum floor area ratio (FAR) shall be 1.0 for any exclusively commercial use building. The floor area ratio may be increased to 2.0 for mixed use projects combining commercial and residential development, provided that the residential component shall be a minimum of 1.0 FAR and shall not exceed 1.5 FAR.
- (2) The maximum floor area ratio for exclusively residential development shall be 1.5.

(d) Facade Offsets

- (1) Any continuous facade greater than 25 feet in length shall be provided with recessed offsets or indentations extending the full height of the facade. There shall be one offset or indentation for each 25 feet of facade length. Such recessed offsets or indentations shall each have a minimum average depth of 2 feet, and a minimum length of 4 feet measured along the vertical plane of the facade, and their inward angles shall be not less than 30 degrees when measured from such plane.
- (2) Bay windows may be used for facade offsets, provided they are located at least 10 feet apart and are a minimum of 7 feet in width.
- (3) Street facades shall be a maximum of 20 feet in height at the 10-foot set back line. All parts of the building above the established street facade shall be setback behind an imaginary plane beginning at the top of the established building street facade and sloping back toward the interior of the lot at a 45 degree angle from horizontal.

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