



PLANNING COMMISSION REGULAR AGENDA

DATE: Tuesday, April 09, 2024

TIME: 7:00 PM

PLACE: Council Chamber

INFORMATION FOR THE PUBLIC

Information regarding meetings, including agenda materials, schedules and more, please visit the City's Meetings & Agendas webpage: <https://www.cityofmartinez.org/government/meetings-and-agendas>.

REMOTE PARTICIPATION

This meeting will be conducted in-person in the City Hall Council Chamber and shall be aired in real time via Zoom. The City cannot guarantee the public's access to teleconferencing technology, nor guarantee uninterrupted access as technical difficulties may occur from time to time. If attending via Zoom, please join us by choosing any of the following options:

1. Via Mobile Phone or Desktop, using the Zoom App direct link: <https://cityofmartinez-org.zoom.us/j/95279026082>
2. Via Web Browser, from <https://zoom.us/join>
 - a. Webinar ID: **952 7902 6082**
 - b. Passcode: **874919**
3. Via Phone by calling **(669) 900-6833** and enter the provided meeting details above.

PUBLIC COMMENTS

Public comments can be made in person at the meeting or submitted in writing. Written comments must be received by 12:00 p.m., the day of the meeting. For information on how to submit written comments, please visit the City's Meetings & Agendas webpage linked above.

ADA ACCOMODATIONS

In accordance with the Americans with Disabilities Act and California law, the Council Chamber is wheelchair accessible and disabled parking is available at City Hall. If you are a person with a disability and require modifications or accommodation to attend and/or participate in this meeting, please contact the City Clerk's Office at (925) 372-3512. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

AGENDA CONTINUED TO PAGE 2

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL - Sean Trambley (Chair) -- Tracey Casella (Vice Chair) -- Jonathan Bash -- Joseph Evans -- Susan Gustofson -- Rochelle Johnson -- Jason Martin -- John Klopp (Alternate)

CIVILITY STATEMENT - As your appointed Governing Board, we will treat each other and the public with patience, civility, and courtesy as a model of the same behavior we wish to reflect in Martinez for the conduct of all City business and community participation. This includes respect for everyone's First Amendment Right to voice their opinion on matters within the City's subject matter jurisdiction, even if that opinion is different from our own. The decisions made tonight will be for the benefit of the Martinez community and not for personal gain.

PUBLIC COMMENT – Reserved for items not listed on the agenda. Non-agenda public comment is limited to matters which are within the subject matter jurisdiction of the Planning Commission, and which are not action items listed elsewhere on the agenda.

CONSENT

1. Approve the Planning Commission Meeting Action Minutes, dated January 23, 2024.
[Action Minutes, dated January 23, 2024](#)

REGULAR

2. Conduct a public hearing and adopt Resolution No. 24-02, recommending that the City Council adopt an Ordinance Approving a Zoning Map and Zoning Text Amendment to amend the Martinez Municipal Code by: 1) comprehensively updating the permitted and conditionally permitted uses for the Commercial, Industrial, Research and Development, and Professional and Administrative zoning districts; 2) amending Chapter 22.04 (Definitions) to remove the individual numbering and add definitions consistent with the updated uses; 3) amending Chapters 22.14 (PA Professional and Administrative Office Districts), 22.15 (C Commercial Districts), and 22.18 (I Industrial Districts) by revising setback and building separation standards to be consistent with other zoning districts; 4) amending Chapters 22.15 (RD Research and Development Districts) and 22.18 (I Industrial Districts) by modifying development standards to incentivize industrial development and establishing performance standards; 5) repealing Chapter 22.30 (U Undesignated Districts); 6) adding Chapter 22.31 (Temporary Use Permits) to regulate temporary uses, such as mobile vendors; 7) Revising Section 22.36.060 (Parking – Industrial Uses) to reduce industrial parking requirements; 8) revising Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to comply with State law and clarify existing regulations; 9) revising Chapter 22.08 (District Designations) to be consistent with the elimination of the TC Thoroughfare Commercial, CR Commercial Recreation, CI Controlled Industrial, and U Undesignated zoning districts; 10) approving a Zoning Map Amendment: for 45 parcels zoned TC/NC Thoroughfare Commercial/Neighborhood Commercial to NC Neighborhood Commercial; for six parcels zoned TC Thoroughfare Commercial to NC Neighborhood Commercial; for four parcels zoned CR Commercial Recreation to NC Neighborhood Commercial; for 11 parcels zoned M-29 Multifamily to R-1.5 Residential; for 12 parcels zoned PA/CI Professional and Administrative/Controlled Industrial to PA/RD Professional and Administrative/ Research and Development; for 14 parcels zoned RB Retail Business to NC Neighborhood Commercial; and for one parcel zoned ECD/CI

Environmental Conservation District/Controlled Industrial to ECD/SC Environmental Conservation District/Service Commercial; 11) approving a Zoning Map Amendment to rezone all parcels zoned U Undesignated to appropriate zoning designations consistent with the General Plan; and 12) other minor revisions.

[Staff Report - Uses Update](#)

[Planning Commission Resolution 24-02](#)

[Attachment A - Strikethrough Underline of Relevant Code Sections](#)

[Attachment B - Public Comments](#)


COMMISSION ITEMS

PLANNING MANAGER UPDATES

COMMUNICATIONS

ADJOURNMENT - Adjourn to a Planning Commission Regular Meeting on Tuesday, April 23, 2024, at 7:00 p.m.

On April 5, 2024, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, located at 525 Henrietta Street, Martinez, CA 94553, and on the City website at www.cityofmartinez.org.

 , Administrative Aide III



Action Minutes

Planning Commission Regular Meeting
 Tuesday, January 23, 2024 at 7:00 p.m.
 Via Video/Teleconference

* Full details are available via audio/video recording on our [website](#). *Microsoft Internet Explorer browser is recommended for video-viewing compatibility, or enable Adobe Flash on your default browser.*

Commissioners on Video Conference		City Staff on Video Conference
Chair Sean Trambley	Present	Michael P. Cass, Planning Manager
Vice Chair Tracey Casella	Present	Brandon Northart, Associate Planner
Commissioner Jonathan Bash	Present	Khalil Yowakim, Senior Civil Engineer
Commissioner Joseph Evans	Excused	Dee Dee Fendley, Administrative Aide III
Commissioner Susan Gustofson	Present	
Commissioner Rochelle Johnson	Present	
Commissioner Jason Martin	Present	
Commissioner John Klopp (Alternate)	Present	

Call to Order
Meeting called to order at 7:00 p.m. via video conference.

Agenda Changes (01:30 in video)
None

Public Comment (01:37 in video)
None

Consent Calendar (01:54 in video)				
1. Approval of the November 14, 2023 Planning Commission Action Minutes				
Speakers:	None			
Public Comment:	None			
Closing Comments:	None			
Motion to:	Approve			
Motion by:	Commissioner Gustofson		Seconded By: Commissioner Martin	
Motion passed 6-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Rochelle Johnson	Aye
	Jonathan Bash	Abstain	Jason Martin	Aye
	Joseph Evans	Excused	John Klopp (Alternate)	Aye

Regular Items (02:37 in video)
2. Conduct a public hearing and adopt Resolution No. 24-01, recommending the City Council approve a request for the City to vacate and convey a 20-foot-wide access easement, located at 706 Soto Street, Assessor's Parcel Number

("APN") 372-252-006, and find the vacation is consistent with the General Plan 2035.				
Speakers:	<ul style="list-style-type: none"> • Brandon Northart, Associate Planner, gave a presentation outlining the project. • Vice-Chair Tracey Casella asked if the property owner has any current plans to develop the property. • Commissioner Martin asked if there are other easements the City will have to vacate in the future. • Commissioner Johnson asked who is responsible for maintenance of the adjacent creek property. • Commissioner Gustofson asked if there are any notifications given to the property owners adjacent to the creek regarding maintenance of the creek area. She asked if there is a review of the creek area done by the City staff to alert property owners to any problems. • Mia Carilla, property owner, explained her reasons for requesting the vacation of the easement on her property. 			
Public Comment:	None			
Closing Comments:	<ul style="list-style-type: none"> • Commissioner Gustofson had additional comments regarding notification to creek adjacent homeowners about their responsibility to maintain the creek area. 			
Motion to:	Adopt Resolution No. 24-01, recommending the City Council approve a request for the City to vacate and convey a 20-foot-wide access easement, located at 706 Soto Street, Assessor's Parcel Number ("APN") 372-252-006, and find the vacation is consistent with the General Plan 2035.			
Motion by:	Vice-Chair Casella		Seconded By: Commissioner Johnson	
Motion passed 7-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Rochelle Johnson	Aye
	Jonathan Bash	Aye	Jason Martin	Aye
	Joseph Evans	Excused	John Klopp (Alternate)	Aye
3. Receive report, hold discussion, and provide direction to staff regarding initiatives and prioritization of the proposed 2024 Planning Division Work Plan.				
Speakers:	<ul style="list-style-type: none"> • Michael P. Cass, Planning Manager, gave a presentation outlining the 2024 Planning Division Work Plan. • Chair Trambley was impressed with the Work Plan and the progress that has been made in the Planning Division. • Commissioner Gustofson asked about the grouping and prioritization of the Work Plan. She thinks our focus needs to be on the items required by the State. • Vice-Chair Casella stated how impressed she is with the progress made so far and appreciates having this list of upcoming projects in order to see the big picture. 			

	<ul style="list-style-type: none"> Commissioner Klopp asked if there are any pending workshops related to the Planning Division Work Plan.
Public Comment:	None
Closing Comments:	None

Commission Items (58:49 in video)

Comments/ Updates	Chair Trambley suggested a Happy Hour for the Planning Commission and Planning Division staff to get together outside of Planning Commission meetings and requested assistance from staff to help coordinate.
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Planning Manager Items (59:45 in video)

Comments/ Updates	<p>Michael P. Cass, Planning Manager, provided the following updates:</p> <ul style="list-style-type: none"> The Laurel Knoll gate project was approved by the City Council after the applicant appealed the decision of the Planning Commission. The applicant will be required to install a license plate reader and a package locker for residents. The Housing Element was adopted by the City Council on December 20, 2023, and it has been submitted to the State for certification. The associated rezonings were also approved on January 17, 2024, including the new Alhambra Avenue Overlay District and the Community Services Overlay District. The City Council approved some amendments to the Chickens, Bees, & Trees regulations, which were also approved on January 17, 2024. The City Council approved the legislative platform on December 20, 2023.
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Communications (1:03:21 in video)

Comments/ Updates	None
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Adjournment (1:03:27 in video)

Chair Trambley adjourned the meeting at 8:04 p.m.	

Sean Trambley, Chair

Dee Dee Fendley, Administrative Aide III



STAFF REPORT

Planning Commission

Date: April 9, 2024
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared By: Daniel Gordon, Associate Planner
Brandon Northart, Associate Planner
Subject: Zoning Text and Zoning Map Amendments, including modifications to Permitted and Conditionally Permitted Uses, Definitions, Industrial Zoning Incentives, Temporary Use Permits, Mobile Vendors, Accessory Dwelling Units, and Rezoning 98 Parcels

Recommendation

Conduct a public hearing and adopt Resolution No. 24-02, recommending that the City Council adopt an Ordinance Approving a Zoning Map and Zoning Text Amendment to amend the Martinez Municipal Code by: 1) comprehensively updating the permitted and conditionally permitted uses for the Commercial, Industrial, Research and Development, and Professional and Administrative zoning districts; 2) amending Chapter 22.04 (Definitions) to remove the individual numbering and add definitions consistent with the updated uses; 3) amending Chapters 22.14 (PA Professional and Administrative Office Districts), 22.15 (C Commercial Districts), and 22.18 (I Industrial Districts) by revising setback and building separation standards to be consistent with other zoning districts; 4) amending Chapters 22.15 (RD Research and Development Districts) and 22.18 (I Industrial Districts) by modifying development standards to incentivize industrial development and establishing performance standards; 5) repealing Chapter 22.30 (U Undesignated Districts); 6) adding Chapter 22.31 (Temporary Use Permits) to regulate temporary uses, such as mobile vendors; 7) Revising Section 22.36.060 (Parking – Industrial Uses) to reduce industrial parking requirements; 8) revising Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to comply with State law and clarify existing regulations; 9) revising Chapter 22.08 (District Designations) to be consistent with the elimination of the TC Thoroughfare Commercial, CR Commercial Recreation, CI Controlled Industrial, and U Undesignated zoning districts; 10) approving a Zoning Map Amendment: for 45 parcels zoned TC/NC Thoroughfare Commercial/Neighborhood Commercial to NC Neighborhood Commercial; for six parcels zoned TC Thoroughfare Commercial to NC Neighborhood Commercial; for four parcels zoned CR Commercial Recreation to NC Neighborhood Commercial; for 11 parcels zoned M-29 Multifamily to R-1.5 Residential; for 12 parcels zoned PA/CI Professional and Administrative/Controlled Industrial to PA/RD Professional and Administrative/ Research and Development; for 14 parcels zoned RB Retail Business to

NC Neighborhood Commercial; and for one parcel zoned ECD/CI Environmental Conservation District/Controlled Industrial to ECD/SC Environmental Conservation District/Service Commercial; 11) approving a Zoning Map Amendment to rezone all parcels zoned U Undesignated to appropriate zoning designations consistent with the General Plan; and 12) other minor revisions.

Background

The City is initiating a Zoning Text and Zoning Map Amendments in a continued effort to update the City's regulations to comply with State law, be consistent with policy direction of the City, and to implement best practices to streamline and clarify regulations. The primary change that these revisions achieve is to comprehensively update the permitted and conditionally permitted uses in the Martinez Municipal Code ("MMC"), which are archaic and, in their current form, constrain economic development. Currently, hundreds of very specific uses are listed in the code. The proposed changes would institute a more flexible, more business- and public-friendly use category system.

Additionally, the City proposes adding a new chapter on Temporary Use Permits. This was a result of City Council direction on creating a new regulatory framework for food trucks. The City also proposes industrial zoning incentives, which primarily take the form of revised development standards endorsed by the City Council at its March 20, 2024 meeting.

Finally, several smaller changes are included to maintain consistency with the proposed changes as well as previously adopted revisions. Among these are: updating the Definitions Chapter to reflect the new use categories; elimination of the TC Thoroughfare Commercial, CR Commercial Recreation, CI Controlled Industrial, and U Undesignated zoning districts; revisions to setbacks and building separation requirements; the addition of performance standards for the Industrial and Research and Development zoning districts; rezoning of certain parcels; revisions to the District Designations Chapter; and a revision to the Chapter on ADUs and JADUs to comply with State law.

Altogether, these revisions satisfy the following tasks from the Planning Division's 2024 Work Plan:

- Task 28: Accessory Dwelling Unit Regulations
- Task 36: Lunch Wagon (Food Truck) Regulations
- Task 40: Industrial Zoned Properties Incentives
- Task 41: Update Permitted and Conditionally-Permitted Uses

Discussion

Permitted and Conditionally Permitted Uses

Martinez has "permissive zoning," which means that only uses that are specifically identified in the Zoning Ordinance are permitted to operate within the City. The last

comprehensive update to the MMC occurred in 1975. As a result, the City has been using a regulatory framework that is not just outdated, but which actively hampers economic development and diversity. For instance, the following uses are all included in the code but have long since been obsolete:

- Messenger offices
- Millinery shops
- Telephone exchanges
- Addressograph stores
- Umbrella repair shops
- Telegraph offices
- Ice storage sheds

Accordingly, certain modern uses that were not envisaged in 1975 are not included in the code and thus not easily permitted within the City, like escape rooms, coworking spaces, maker spaces, clean energy production, and data centers.

The proposed revisions to the MMC (Exhibit A) seek to address this deficiency by comprehensively updating the permitted and conditionally permitted uses in the Commercial, Industrial, Research and Development, and Professional and Administrative zoning districts and moving to a category-based, rather than specific use-based, approach. New categories, like “personal services” and “general retail sales” take the place of previously specific uses like “dry cleaning” and “bookstore” to reduce the need for future updates to the MMC and to enable the City to attract emerging businesses. These changes are found in Sections III through VI of the attached ordinance.

Definitions

New definitions were created to align with the new use categories. While definitions were not created for every use category (for example, when a term like “veterinarian’s office” is clearly understood and difficult to misinterpret), many of the new use categories did require new definitions to be added to the MMC. These include:

Agricultural product processing; airport and heliport; contracting and construction establishment; clean technology; craftsmanship establishment; educational institution; event rental business; financial institution; freight and transportation station; general retail sales; health care clinics, medical outpatient facilities, and medical and dental offices; high technology; heavy industry; light industry; life sciences and biotechnology; machinery and equipment manufacturing, sales, and repair; advanced manufacturing; marina, harbor, and boatbuilding facility; media production; mobile vendor; natural resource extraction; nightclub; nursery and garden supply store; packing and shipping establishment; personal services; physical fitness facility; private clubs, lounges, and lodges; professional services;

public and private philanthropic institution; public entertainment venue; public utility structure and installation; renewable energy operation; religious institution; research laboratory; sensitive retail uses; story; half story; vehicle and vehicle accessory sales and services; warehouse and storage; waste storage, processing, and disposal; and wholesale establishment.

The definition of “emergency homeless shelter” was also amended to allow religious institutions to provide emergency shelter as an accessory use on their property.

Additionally, City staff proposes removing the numbering in the definitions chapter, as this posed an administrative burden to renumber the definitions any time a new definition was added. These changes are found in Section VII of the attached ordinance.

Temporary Use Permits and Food Trucks

The City proposes to add a new chapter on Temporary Use Permits (“TUP”). TUPs differ from Conditional Use Permits (“CUP”) in that they don’t run with the land, are time-limited, and are processed at an administrative level. TUPs provide an optimal framework to permit transient uses like seasonal sales (i.e. Christmas tree lots and pumpkin patches), community events like church fairs or carnivals, and temporary uses that merit regular reinspection like food trucks or construction staging.

At a special study session on food trucks in February 2024, the City Council endorsed using a TUP process to regulate food trucks (proposed to be called “mobile vendors”). In addition to the requirement to obtain a TUP, mobile vendors would be subject to further regulations. These include:

- A requirement to secure approval of the property owner or the City, as appropriate;
- A requirement to secure and provide proof of all applicable state/local permits;
- A requirement to secure and display a City business license;
- A requirement to report Martinez as the point of sale for the sales tax collected while operating in Martinez city limits;
- A requirement to minimize noise from generators; and
- A requirement to limit operations to 100 days per year (not including Mondays and Tuesdays as most restaurants are closed those days).

Additionally, the City cannot prohibit mobile vendors from operating in legal parking spaces due to Vehicle Code Section 2455 and case law, which preclude the City from banning legally parked food trucks on public streets. However, the City is able to impose time, place, and manner restrictions that have a health or safety rationale. The City proposes that these further limitations include:

- A restriction on hours of operation (7:00 A.M to 10:00 P.M.);

- A requirement to provide a waste receptacle and off-haul any refuse;
- A prohibition from operating on streets where the speed limit is greater than 35 miles per hour; and
- For food trucks operating for longer than one hour in a parking space, the following distance requirements:
 - 100 foot separation from the nearest food truck in a parking space; and
 - 200 foot from a readily-available sanitation facility.

The proposed TUP Chapter can be found in Section IX of the attached ordinance.

Setbacks and Building Separation Requirements

In 2023, the Planning Commission endorsed and the City Council adopted Ordinance No. 1448 that included multiple “clean ups” and revisions to the MMC. One such revision was amending the setback and building separation requirements for residential properties from a complicated equation to standard figure set out in a table. To ensure consistency between zoning districts, setbacks and building separation requirements for properties in the Commercial, Industrial, and Research and Development zoning districts have been revised to conform with this approach. These revisions are contained in Sections IV through VI of the attached ordinance.

Performance Standards

The City proposes to add performance standards in the Industrial and Research and Development zoning districts, to reflect the capacity of these zones to accommodate uses with the potential for more impactful external effects. These are standards that businesses in these zones must adhere to, relating to noise and vibration, radioactivity, electrical disturbances, explosive materials, air pollution, glare and heat, odorous gases, dust and particulate matter, liquid contaminants, and hazardous materials.

Performance standards differ from “Required Conditions” because they regulate the ongoing activities that businesses engage in, rather than the condition of the property. For instance, required conditions generally cover issues like building a fence between industrial uses and abutting residential districts or prohibiting the open storage of materials. By establishing performance standards, the City can better ensure that industrial activities operate in a manner that minimizes their impact on neighboring properties, including public health, safety, and general welfare. These performance standards can be found in Sections IV and VI of the attached ordinance.

Enclosure, Fencing, and Frontage Requirements

In MMC Chapter 22.16 (C Commercial Districts), there were numerous sections on “Required Conditions” that were essentially duplicative. These have been condensed and simplified into a new section on enclosure, fencing, and frontage requirements. City staff also proposes to add a new requirement to activate ground-floor frontages of buildings in the Central Commercial district through window displays or other means. This is a best practice that will help provide for a more vibrant-feeling downtown and

activate the public realm. These requirements are contained in Section V of the attached ordinance.

Industrial Zoning Incentives

At its March 20, 2024 special study session on Industrial Zoning Incentives, the City Council endorsed several changes to the MMC to incentivize high-value industrial development. These include:

- An increase in the maximum permitted height in Industrial and Research and Development districts from 30 feet and 36 feet, respectively, to 50 feet, and the establishment of an exception process, rather than a CUP, for taller structures;
- A decrease of the minimum required front, side, and rear setbacks in the Industrial and Research and Development districts to 10 feet (front) and zero feet (side and rear), except when abutting a residential district, where greater setbacks are required;
- An increase in the maximum floor area ratio in Industrial and Research and Development zoning districts from 0.4 to 2.0;
- A reduction in the amount of required landscaping in the front yard from 100 percent of the front yard to 50 percent; and
- The establishment of a community benefit bonus program whereby applicants in the Industrial and Research and Development districts can request additional floor area ratio upon the provision of a community benefit.

These revisions have been included as part of this effort to update uses to further streamline the code and to attract high-quality industrial businesses to the City, and have been incorporated into Sections IV and VI of the attached ordinance. However, amendments to the Floor Area Ratio requirements, including the community benefit bonus program, will be processed later, since an amendment to the General Plan is required.

Elimination of Certain Zoning Districts and Rezoning

City staff proposes eliminating the TC Thoroughfare Commercial, CR Commercial Recreation, CI Controlled Industrial, and U Undesignated zoning districts are proposed to be eliminated.

The Thoroughfare Commercial district only applied to the commercial stretch of Alhambra Avenue between Highway 4 and Alhambra High School, and three parcels on Arnold Drive. The only additional uses it allowed for these areas over the NC Neighborhood Commercial designation were mortuaries, vehicle sales and repair, public entertainment like bowling alleys, and veterinarians offices. These uses have been included in the Neighborhood Commercial uses under a new subheading for properties along “major thoroughfares,” which are defined in the MMC and include the stretch of Alhambra Avenue in question. The other properties along Arnold Drive do not contain these uses, and so rezoning all parcels zoned Thoroughfare Commercial to

Neighborhood Commercial will maintain the ability of all affected property owners to continue their active uses while simplifying the Zoning Ordinance.

Similarly, the Commercial Recreation zoning district only applied to four parcels near the intersection of Muir Road and Center Avenue, and none of the parcels currently has a use that could be described as “commercial recreation.” The active uses on these parcels are county offices and a movie theater. They are proposed to be rezoned to Neighborhood Commercial, which allows for both offices and movie theaters.

The Controlled Industrial zoning district is oriented to agricultural uses, yet the only area zoned Controlled Industrial is a collection of business parks off of Arnold Drive and a storage facility off of Muir Station Road. The parcels on Arnold Drive have mixed zoning with PA Professional and Administrative, and they are proposed to maintain a mixed zoning designation of Professional and Administrative / Research and Development to better reflect the office uses. Additionally, they are near other Research and Development-zoned parcels, and so this will also begin to create a Research and Development cluster in this area. The one parcel on Muir Station Road, which is zoned ECD/CI Environmental Conservation District/Controlled Industrial, is proposed to be rezoned to ECD/SC Environmental Conservation District/Service Commercial.

Previously, the Undesignated zoning designation was used as a “holding zone” for parcels which the City annexes but does not simultaneously rezone. However, it has not been used for this purpose and to do so would not be good practice, as State law stipulates that the General Plan land use designation will control when there is an inconsistency between the General Plan and zoning district. Several parcels have retained this zoning designation (presumably since annexation), and so these parcels are proposed to be rezoned to appropriate zoning designations, consistent with the existing General Plan land use designation, and the Undesignated chapter is proposed to be eliminated. Going forward, annexations and rezoning of annexed parcels will be conducted concurrently.

The elimination of these zoning districts is incorporated through Sections V, VI, and VIII of the attached ordinance.

Finally, several parcels with zoning designations that were holdovers from the County and were not updated post-annexation are proposed to be rezoned. These include all parcels zoned RB Retail Business (to be rezoned Neighborhood Commercial) and M-29 Multifamily (to be rezoned R-1.5 Residential).

Revisions to ADU and JADU Chapter

The 2023 California Legislative session saw the enactment of several new laws related to Accessory Dwelling Units (“ADUs”). The three related to ADUs included the following:

- Assembly Bill (“AB”) 1033: Previously, one of the only mechanisms to convey an ADU separately from a primary dwelling was through non-profit organizations. AB 1033 expands ADU law to allow Cities to allow the conveyance of ADUs through a condominium plan.
- AB 643: Extends the prohibition of owner-occupancy requirements for ADUs until 2025.
- AB 1332: Requires cities to adopt preapproved detached ADU plans and adds a 30-day review requirement for any ADU application utilizing either City-preapproved plans or ADUs utilizing plans from previously approved ADU applications.

On January 1, 2024, these new laws took effect. As a result, staff recommends updating MMC Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to reflect these latest changes, as shown in Section XII of the attached Ordinance.

Staff are also proposing additional edits related to rooftop decks and balconies. Staff identified an inconsistency that could allow balconies and roof decks to be built closer to property lines than originally intended. Rather than requiring decks or balconies to face the primary dwelling, staff recommends requiring decks and balconies attached to an ADU to conform to the setbacks required for the primary dwelling. This will minimize potential privacy impacts on adjacent properties, while still allowing these decorative and functional features when shifted away from property lines.

Other Zoning Text Changes

Last, City staff proposes several other minor Zoning Text Amendments, including:

- Removal of references to the Board of Adjustments, as the functions of that body have been assumed by the Planning Commission and Zoning Administrator;
- Revisions to Chapter 22.08 (District Designations) consistent with the elimination of several zoning districts;
- Updates to some of the “Purposes” for the affected zoning districts to modernize them;
- Revisions to multiple definitions for purposes of clarification and grammar;
- Simplification and clarification of the Use Permit findings for bars;
- Ability for massage business Use Permits to be brought before the Zoning Administrator instead of directly to the Planning Commission; and
- Addition of tables for setback, height, and other requirements for ease of use.

Environmental Review

The California Environmental Quality Act (“CEQA”), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. Pursuant to the CEQA, the City Council hereby finds the project categorically exempt from the requirements of CEQA pursuant to Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts

adoption of an ordinance entailing minor alterations in land use limitations and under the common-sense exemption as there is no possibility that the ordinance in question will have a significant effect on the environment.

Noticing Requirements/Public Outreach

A Special Study Session of the City Council was held on February 21, 2024, to discuss changes to the food truck regulations and the addition of a Temporary Use Permit chapter to the MMC. Another Special Study Session was held on March 20, 2024, to discuss industrial zoning incentives and permitted and conditionally permitted uses. For both meetings, a public hearing notice was published in the *Contra Costa News Register* and was posted at City Hall. A community information meeting was held on March 13, 2024, to discuss the proposed food truck regulations, Temporary Use Permit chapter, and permitted and conditionally permitted uses update with the public. For this meeting, notices were sent out to all businesses with an active Martinez business license, was promoted on social media and in the City's e-newsletter. For this public hearing, a public hearing notice was published in the *Contra Costa News Register*, was posted at City Hall; and was mailed via first class or electronic mail to the owners of all properties subject to rezoning, and to individuals who had previously filed written request for such notice a minimum of 10 days in advance of the public hearing. One public comment was received from the owner of Brix & Craft in advance of the March 13 community information meeting, and is provided as an attachment. No further public comments were received at the time this staff report was prepared.

Attachments

- Planning Commission Resolution No. 24-02
 - Exhibit A to Resolution – Ordinance
- Attachment A – Strikethrough/Underline of Relevant Code Sections
- Attachment B – Public Comments

PLANNING COMMISSION RESOLUTION NO. 24-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ, RECOMMENDING THE CITY COUNCIL APPROVE A ZONING MAP AND ZONING TEXT AMENDMENT TO AMEND THE MARTINEZ MUNICIPAL CODE BY: 1) COMPREHENSIVELY UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES FOR THE COMMERCIAL, INDUSTRIAL, RESEARCH AND DEVELOPMENT, AND PROFESSIONAL AND ADMINISTRATIVE ZONING DISTRICTS; 2) AMENDING CHAPTER 22.04 (DEFINITIONS) TO REMOVE THE INDIVIDUAL NUMBERING AND ADD DEFINITIONS CONSISTENT WITH THE UPDATED USES; 3) AMENDING CHAPTERS 22.14 (PA PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICTS), 22.15 (C COMMERCIAL DISTRICTS), AND 22.18 (I INDUSTRIAL DISTRICTS) BY REVISING SETBACK AND BUILDING SEPARATION STANDARDS TO BE CONSISTENT WITH OTHER ZONING DISTRICTS; 4) AMENDING CHAPTERS 22.15 (RD RESEARCH AND DEVELOPMENT DISTRICTS) AND 22.18 (I INDUSTRIAL DISTRICTS) BY ESTABLISHING PERFORMANCE STANDARDS AND MODIFYING DEVELOPMENT STANDARDS TO INCENTIVIZE INDUSTRIAL DEVELOPMENT; 5) REPEALING CHAPTER 22.30 (U UNDESIGNATED DISTRICTS); 6) ADDING CHAPTER 22.31 (TEMPORARY USE PERMITS) TO REGULATE TEMPORARY USES, SUCH AS MOBILE VENDORS; 7) REVISING SECTION 22.36.060 (PARKING – INDUSTRIAL USES) TO REDUCE INDUSTRIAL PARKING REQUIREMENTS; 8) REVISING CHAPTER 22.43 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) TO COMPLY WITH STATE LAW AND CLARIFY EXISTING REGULATIONS; 9) REVISING CHAPTER 22.08 (DISTRICT DESIGNATIONS) TO BE CONSISTENT WITH THE ELIMINATION OF THE TC THOROUGHFARE COMMERCIAL, CR COMMERCIAL RECREATION, CI CONTROLLED INDUSTRIAL, AND U UNDESIGNATED ZONING DISTRICTS; 10) APPROVING A ZONING MAP AMENDMENT: FOR 45 PARCELS ZONED TC/NC THOROUGHFARE COMMERCIAL/NEIGHBORHOOD COMMERCIAL TO NC NEIGHBORHOOD COMMERCIAL; FOR SIX PARCELS ZONED TC THOROUGHFARE COMMERCIAL TO NC NEIGHBORHOOD COMMERCIAL; FOR FOUR PARCELS ZONED CR COMMERCIAL RECREATION TO NC NEIGHBORHOOD COMMERCIAL; FOR 11 PARCELS ZONED M-29 MULTIFAMILY TO R-1.5 RESIDENTIAL; FOR 12 PARCELS ZONED PA/CI PROFESSIONAL AND ADMINISTRATIVE/CONTROLLED INDUSTRIAL TO PA/RD PROFESSIONAL AND ADMINISTRATIVE/ RESEARCH AND DEVELOPMENT; FOR 14 PARCELS ZONED RB RETAIL BUSINESS TO NC NEIGHBORHOOD COMMERCIAL; AND FOR ONE PARCEL ZONED ECD/CI ENVIRONMENTAL CONSERVATION DISTRICT/CONTROLLED INDUSTRIAL TO ECD/SC ENVIRONMENTAL CONSERVATION DISTRICT/SERVICE COMMERCIAL; 11) APPROVING A ZONING MAP AMENDMENT TO REZONE ALL PARCELS

**ZONED U UNDESIGNATED TO APPROPRIATE ZONING DESIGNATIONS
CONSISTENT WITH THE GENERAL PLAN; AND 12) OTHER MINOR REVISIONS.**

WHEREAS, the Martinez Municipal Code (“MMC”) was last comprehensively updated in 1975, creating a regulatory framework that no longer adequately addresses the evolving needs of our community; and

WHEREAS, the growth, technological advancements, and shifts in societal patterns over the years have resulted in emerging land use requirements that are not accommodated by the current zoning ordinance, hindering Martinez's ability to adapt to changing circumstances; and

WHEREAS, the City recognizes the importance of fostering economic development in all of our diverse zoning districts; and

WHEREAS, the City seeks to ensure consistent and orderly development within its jurisdiction while remaining compliant with State law; and

WHEREAS, the City also seeks to update regulations as necessary to support the evolving needs of local businesses and residents; and

WHEREAS, the City Council held a special study session on food truck regulations on February 21, 2024, during which the Council endorsed adding a Temporary Use Permit chapter to the municipal code and regulating food trucks through a Temporary Use Permit process; and

WHEREAS, the City Council held a special study session on industrial zoning incentives on March 20, 2024, during which the Council endorsed revising regulations concerning height, setbacks, floor area ratio, landscaping, and parking requirements for Industrial and Research and Development zoning districts in order to encourage the attraction of high-value industrial uses to the City; and

WHEREAS, the City proposes Zoning Text Amendments to revise Chapter 22.04 (Definitions), Chapter 22.14 (PA Professional and Administrative Districts), Chapter 22.15 (RD Research and Development Districts), Chapter 22.16 (C Commercial Districts), Chapter 22.18 (I Industrial Districts), Chapter 22.08 (District Designations), Chapter 22.30 (U Undesignated Districts), and Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and add Chapter 22.31 (Temporary Use Permits) to the Martinez Municipal Code (“MMC”); and

WHEREAS, the City further proposes a Zoning Map Amendment, to rezone 45 parcels from NC/TC Neighborhood Commercial/Thoroughfare Commercial to NC Neighborhood Commercial; six parcels from TC Thoroughfare Commercial to NC Neighborhood

Commercial; 14 parcels from RB Retail Business to NC Neighborhood Commercial; 11 parcels from M-29 Multifamily to R-1.5 Residential; four parcels from CR Commercial Recreation to NC Neighborhood Commercial; 12 parcels from PA/CI Professional and Administrative/Controlled Industrial to PA/RD Professional and Administrative/Research and Development, and all parcels zoned U Undesignated to a variety of zoning designations consistent with the General Plan; and

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Text and Map Amendments on April 9, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used its independent judgement to evaluate the project.

WHEREAS, the California Environmental Quality Act (“CEQA”), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to CEQA, staff is recommending the Planning Commission forward a recommendation to the City Council to find this project categorically exempt from the requirements of CEQA pursuant to Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts adoption of an ordinance entailing minor alterations in land use limitations and under the common-sense exemption as there is no possibility that the ordinance in question will have a significant effect on the environment; and

NOW THEREFORE, the Planning Commission of the City of Martinez does hereby ordain as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Martinez does hereby recommend that the City Council adopt the Ordinance attached hereto as Exhibit A and incorporated herein by reference.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a Regular Meeting of said Commission held on the 9th day of April, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Trambley, Planning Commission Chair

ATTEST:

Michael P. Cass, Planning Manager

EXHIBIT A – ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING A ZONING MAP AND ZONING TEXT AMENDMENT TO AMEND THE MARTINEZ MUNICIPAL CODE BY: 1) COMPREHENSIVELY UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES FOR THE COMMERCIAL, INDUSTRIAL, RESEARCH AND DEVELOPMENT, AND PROFESSIONAL AND ADMINISTRATIVE ZONING DISTRICTS; 2) AMENDING CHAPTER 22.04 (DEFINITIONS) TO REMOVE THE INDIVIDUAL NUMBERING AND ADD DEFINITIONS CONSISTENT WITH THE UPDATED USES; 3) AMENDING CHAPTERS 22.14 (PA PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICTS), 22.15 (C COMMERCIAL DISTRICTS), AND 22.18 (I INDUSTRIAL DISTRICTS) BY REVISING SETBACK AND BUILDING SEPARATION STANDARDS TO BE CONSISTENT WITH OTHER ZONING DISTRICTS; 4) AMENDING CHAPTERS 22.15 (RD RESEARCH AND DEVELOPMENT DISTRICTS) AND 22.18 (I INDUSTRIAL DISTRICTS) BY ESTABLISHING PERFORMANCE STANDARDS AND MODIFYING DEVELOPMENT STANDARDS TO INCENTIVIZE INDUSTRIAL DEVELOPMENT; 5) REPEALING CHAPTER 22.30 (U UNDESIGNATED DISTRICTS); 6) ADDING CHAPTER 22.31 (TEMPORARY USE PERMITS) TO REGULATE TEMPORARY USES, SUCH AS MOBILE VENDORS; 7) REVISING SECTION 22.36.060 (PARKING – INDUSTRIAL USES) TO REDUCE INDUSTRIAL PARKING REQUIREMENTS; 8) REVISING CHAPTER 22.43 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) TO COMPLY WITH STATE LAW AND CLARIFY EXISTING REGULATIONS; 9) REVISING CHAPTER 22.08 (DISTRICT DESIGNATIONS) TO BE CONSISTENT WITH THE ELIMINATION OF THE TC THOROUGHFARE COMMERCIAL, CR COMMERCIAL RECREATION, CI CONTROLLED INDUSTRIAL, AND U UNDESIGNATED ZONING DISTRICTS; 10) APPROVING A ZONING MAP AMENDMENT: FOR 45 PARCELS ZONED TC/NC THOROUGHFARE COMMERCIAL/NEIGHBORHOOD COMMERCIAL TO NC NEIGHBORHOOD COMMERCIAL; FOR SIX PARCELS ZONED TC THOROUGHFARE COMMERCIAL TO NC NEIGHBORHOOD COMMERCIAL; FOR FOUR PARCELS ZONED CR COMMERCIAL RECREATION TO NC NEIGHBORHOOD COMMERCIAL; FOR 11 PARCELS ZONED M-29 MULTIFAMILY TO R-1.5 RESIDENTIAL; FOR 12 PARCELS ZONED PA/CI PROFESSIONAL AND ADMINISTRATIVE/CONTROLLED INDUSTRIAL TO PA/RD PROFESSIONAL AND ADMINISTRATIVE/ RESEARCH AND DEVELOPMENT; FOR 14 PARCELS ZONED RB RETAIL BUSINESS TO NC NEIGHBORHOOD COMMERCIAL; AND FOR ONE PARCEL ZONED ECD/CI ENVIRONMENTAL CONSERVATION DISTRICT/CONTROLLED INDUSTRIAL TO ECD/SC ENVIRONMENTAL CONSERVATION DISTRICT/SERVICE COMMERCIAL; 11) APPROVING A ZONING MAP AMENDMENT TO REZONE ALL PARCELS ZONED U UNDESIGNATED TO APPROPRIATE ZONING DESIGNATIONS

CONSISTENT WITH THE GENERAL PLAN; AND 12) OTHER MINOR REVISIONS

WHEREAS, the Martinez Municipal Code (“MMC”) was last comprehensively updated in 1975, creating a regulatory framework that no longer adequately addresses the evolving needs of our community; and

WHEREAS, the growth, technological advancements, and shifts in societal patterns over the years have resulted in emerging land use requirements that are not accommodated by the current zoning ordinance, hindering Martinez's ability to adapt to changing circumstances; and

WHEREAS, the City recognizes the importance of fostering economic development in all of our diverse zoning districts; and

WHEREAS, the City seeks to ensure consistent and orderly development within its jurisdiction while remaining compliant with State law; and

WHEREAS, the City also seeks to update regulations as necessary to support the evolving needs of local businesses and residents; and

WHEREAS, the City Council held a special study session on food truck regulations on February 21, 2024, during which the Council endorsed adding a Temporary Use Permit Chapter to the MMC and regulating food trucks through a Temporary Use Permit process; and

WHEREAS, the City Council held a special study session on industrial zoning incentives on March 20, 2024, during which the Council endorsed revising regulations concerning height, setbacks, floor area ratio, landscaping, and parking requirements for Industrial and Research and Development zoning districts to encourage the attraction of high-value industrial uses to Martinez; and

WHEREAS, the City proposes Zoning Text Amendments to revise MMC Chapter 22.04 (Definitions), MMC Chapter 22.14 (PA Professional and Administrative Districts), MMC Chapter 22.15 (RD Research and Development Districts), MMC Chapter 22.16 (C Commercial Districts), MMC Chapter 22.18 (I Industrial Districts), MMC Chapter 22.08 (District Designations), MMC Chapter 22.30 (U Undesignated Districts), and MMC Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and add MMC Chapter 22.31 (Temporary Use Permits); and

WHEREAS, the City further proposes a Zoning Map Amendment, to rezone 45 parcels from NC/TC Neighborhood Commercial/Thoroughfare Commercial to NC Neighborhood Commercial; six parcels from TC Thoroughfare Commercial to NC Neighborhood Commercial; 14 parcels from RB Retail Business to NC Neighborhood Commercial; 11

parcels from M-29 Multifamily to R-1.5 Residential; four parcels from CR Commercial Recreation to NC Neighborhood Commercial; 12 parcels from PA/CI Professional and Administrative/Controlled Industrial to PA/RD Professional and Administrative/Research and Development, and all parcels zoned U Undesignated to a variety of zoning designations consistent with the General Plan; and

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Map and Zoning Text Amendments on April 9, 2024, during which all interested persons were heard, and adopted Planning Commission Resolution No. 24-02 recommending City Council adoption of the proposed Zoning Map and Zoning Text Amendments; and

WHEREAS, the City Council held a public hearing on the proposed Zoning Map and Zoning Text Amendments on May 1, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, and testimony herein above set forth and used its independent judgement to evaluate the project.

NOW THEREFORE, the City Council of the City of Martinez does hereby ordain as follows:

SECTION I:

Pursuant to MMC Section 22.46.020, the City Council hereby finds the Zoning Map and Zoning Text Amendments are consistent with the General Plan 2035 and all applicable Specific Plans in that they are necessary to comply with State law and are consistent with applicable land use regulations and development policies. For instance, Goal LU-G-11 from the General Plan commits the City to “promote retention of existing businesses and attract new businesses.” Additionally, Goal LU-G-12 “promote[s] activities and development for a vibrant Downtown area” and Goal LU-G-13 “supports transformation and revitalization of key commercial corridors and industrial areas.”

SECTION II:

The California Environmental Quality Act (“CEQA”), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. Pursuant to the CEQA, the City Council hereby finds the project categorically exempt from the requirements of CEQA pursuant to Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts adoption of an ordinance entailing minor alterations in land use limitations and under the common-sense

exemption as there is no possibility that the ordinance in question will have a significant effect on the environment.

SECTION III:

Chapter 22.14 (PA Professional and Administrative Office Districts) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.14 PA PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICTS

- 22.14.010 General Provisions and Exceptions.
- 22.14.020 Purpose.
- 22.14.030 Permitted Uses.
- 22.14.040 Conditional Uses.
- 22.14.050 Required Conditions.
- 22.14.060 Distances Between Structures.
- 22.14.070 Site Area.
- 22.14.080 Frontage and Width of Site.
- 22.14.090 Coverage.
- 22.14.100 Front Yard.
- 22.14.110 Side Yard
- 22.14.120 Rear Yard.
- 22.14.130 Usable Open Space.
- 22.14.140 Height of Structures.
- 22.14.150 Landscaped Area.
- 22.14.160 Off-Street Parking and Loading Facilities.

22.14.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34.

22.14.020 Purpose.

In addition to the objectives prescribed in Section 22.02.010, the purpose of the PA Professional and Administrative Office District is to:

- A. Reserve appropriately located areas for harmonious transitional uses to serve as buffers between residential districts and central commercial or industrial districts;
- B. Create a suitable environment for public buildings and for community facilities and institutions;
- C. Provide adequate space to meet the needs of professional and administrative offices, including off-street parking and loading areas;
- D. Minimize traffic congestion and to avoid overloading of utilities by preventing the construction of oversized buildings;
- E. Protect professional and administrative offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to

commercial uses, and from the noise, odor, dust, dirt, smoke, vibration, heat, glare, and truck traffic incidental to industrial use.

22.14.030 Permitted Uses.

The following uses shall be permitted:

- A. All uses permitted in an R-1.5 district;
- B. Professional and administrative offices;
- C. Public administration buildings and grounds, excepting schools;
- D. Religious institutions;
- E. Public and private philanthropic institutions;
- F. Hospitals, sanitariums, and nursing homes, not including hospitals, sanitariums or nursing homes for mental or drug addict or liquor addict cases;
- G. Private, clubs, lounges, and lodges;
- H. Union halls;
- I. Public and private libraries, museums, and art galleries;
- J. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a permitted use.
- K. Low-barrier navigation centers;
- L. Supportive housing;
- M. Physical fitness facilities;
- N. Health care clinics, medical outpatient facilities, and medical and dental offices;

22.14.040 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Chapter 22.40:

- A. Public and private schools and colleges;
- B. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;
- C. Group care and rehabilitation facilities (other than State authorized, certified or licensed family care, foster home or group home serving six or fewer mentally disabled or otherwise handicapped persons);
- D. Child Daycare Facilities;
- E. Veterinary offices and animal hospitals including short-term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building;
- F. General retail sales;

- G. Restaurants and other food and beverage service establishments, not including restaurants serving alcoholic beverages, except beer and/or wine only;
- H. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Section 22.36.020;
- I. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use;
- J. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.14.050 Required Conditions.

The following conditions shall be required of all uses in the PA district:

- A. All professional pursuits and administrative enterprises shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas;
- B. No sales, production, repair or processing shall be permitted except in a medical or dental laboratory accessory to a professional office or permitted upon the granting of a use permit;
- C. No use shall be permitted and no process equipment materials shall be employed which are found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion.

22.14.060 Distances Between Structures.

- A. Garages, carports, and other accessory structures may be attached to and have a common wall with the main structure on a site or may be connected with the main structure by a breezeway;
- B. Where there is more than one detached structure on a site, the minimum distance between a structure used for human habitation and another structure shall be 10 feet.

22.14.070 Site Area.

The minimum site area shall be 6,000 square feet.

22.14.080 Frontage and Width of Site.

Each site shall have not less than 40 feet of frontage on a public street and shall have a width of not less than 60 feet subject to the exception that the width of a corner lot shall not be less than 70 feet.

22.14.090 Coverage.

The maximum site area covered by structures shall be fifty percent of the total area of the site.

22.14.100 Front Yard.

The minimum front yard shall be 10 feet.

22.14.110 Side Yard.

The minimum side yard shall be five feet, subject to the following exceptions:

- A. On the street side of a corner lot the side yard shall not be less than 10 feet;
- B. Where the side property line of a site of a professional office or an administrative office adjoins property in an R district, the side yard adjoining the R district shall be not less than ten feet and a solid masonry wall or board fence six feet in height shall be located on the property line. In addition, the five feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness, or to mitigate noise;

22.14.120 Rear Yard.

The minimum rear yard shall be 10 feet, subject to the following exceptions:

- A. Where the rear property line of a site of a professional office or an administrative office adjoins property in an R district the rear yard shall be not less than 20 feet and a solid masonry wall or board fence six feet in height shall be located on the property line. In addition, the five feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness, or to mitigate noise.
- B. Accessory structures not exceeding 12 feet in height, including garages and carports, garden structures, greenhouses, and storage buildings, may be located in a required rear yard except on a reversed corner lot.

22.14.130 Usable Open Space.

Minimum usable open space in the PA district shall be 400 square feet per residential dwelling unit.

22.14.140 Height of Structures.

No structures shall exceed 30 feet in height. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.

22.14.150 Landscaped Areas.

The required front yard, the required rear yard of a lot whose front and rear yards both front on a public street, and not less than five feet of the required side yard adjoining the side lot line on the street side of a corner lot shall be landscaped and permanently maintained.

22.14.160 Off-Street Parking and Loading Facilities.

Off-street parking and loading facilities shall conform to the regulations prescribed Chapter 22.36.

SECTION IV:

Chapter 22.15 (RD Research and Development Districts) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.15 RD RESEARCH AND DEVELOPMENT DISTRICTS

- 22.15.010 Purpose.
- 22.15.020 Permitted Uses.
- 22.15.030 Conditional Uses.
- 22.15.040 Site Development Regulations.
- 22.15.050 Required Conditions.
- 22.15.060 Performance Standards.

22.15.010 Purpose.

The Research and Development (“R & D”) District is designed to create and maintain sites for a limited group of research and development uses.

- A. The intent of said District is to establish a high standard of development which emphasizes quality design in a campus environment. Uses within the Research

and Development District shall be technology-oriented and compatible with adjoining uses;

- B. A campus design shall be generally defined as one which utilizes a superior landscape plan, considers pedestrian orientation within the project, and physical amenities such as paths, trails, and quality architectural design;

22.15.020 Permitted Uses.

The following uses shall be permitted:

- A. Professional and administrative offices;
- B. Research laboratories;
- C. Manufacturing, assembly, and packaging of electric and electronic instruments and devices;
- D. Testing laboratory—cannabis; subject to Chapter 5.29 Commercial Cannabis.
- E. Facilities used for the research or development of high technology products or applications.
- F. Advanced manufacturing;
- G. Life sciences and biotechnology;
- H. Accessory facilities and activities customarily associated with or essential to permitted uses.

22.15.030 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Chapter 22.40:

- A. Limited commercial facilities which are incidental to and primarily serve R & D, such as restaurants, copying services, and business supplies, provided the Planning Commission or Zoning Administrator finds the proposed use will:
 1. Be oriented to, incidental to, and serve, an R & D development;
 2. Be a use not able to be located (or already found) on nearby existing commercially-zoned property;
- B. Private clubs, lounges, or lodges;
- C. Other manufacturing, assembly, and packaging uses;
- D. Public and private schools, colleges, and related facilities;
- E. Physical fitness facilities;
- F. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.15.040 Site Development Regulations.

The following site development regulations shall apply in the R & D District:

- A. Site Area: Minimum site area shall be one acre;
- B. Site Width: Minimum site width shall be 100 feet;
- C. Site Depth: Minimum site depth shall be 150 feet;
- D. Front Yard: Minimum front yard shall be 10 feet;
- E. Side and Rear Yards: The minimum side yard shall be zero feet. The minimum rear yard shall be zero feet. Where the lot has its side or rear yard adjacent to any residential district, the side yard shall be 10 feet and the rear yard shall be 25 feet, and a solid masonry wall or board fence six feet in height shall be located on the property line. Additionally, five feet adjoining the property line shall be landscaped with plant materials and permanently maintained;
- F. Height of Buildings: A structure may not exceed 50 feet in height. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:
 - 1. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
 - 2. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
 - 3. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
 - 4. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
 - 5. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.
- G. Landscaping: Landscaping shall be considered as an integral part of any development plan. All landscape plans shall be reviewed and approved by the Community and Economic Development Director, Planning Manager, or designee;
- H. Parking: Parking shall be constructed at a ratio established by Chapter 22.36 for the proposed use.

The Planning Commission or Zoning Administrator may require fewer parking spaces when it can be adequately demonstrated by the applicant the proposal will demand less parking than required by Code.

- I. Design Review: Design review is required for all new construction, exterior alterations, or site improvements such as landscaping.

22.15.050 Required Conditions.

- A. When a project within the District involves the use, manufacturing, or disposal of toxic, hazardous, or otherwise dangerous materials and by-products, the project shall be reviewed by the State Department of Health, Department of Resources, Contra Costa County Environmental Health, or other applicable body for requirements pertaining to the safe handling of such materials.
- B. All uses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas and outdoor dining areas, and other uses specifically approved by permit.

22.15.060 Performance Standards.

All R & D land uses shall conform to the following standards:

- A. **Noise or vibration.** No noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point from a lot line of the building site or off-site.
- B. **Radioactivity.** No activity, including storage or dumping, shall result in the emission of radioactivity in dangerous amounts. A dangerous amount is defined as any level exceeding 10 millisieverts.
- C. **Electrical disturbance.** No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. **Explosive materials.** No explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of explosion and all equipment and devices for fire prevention and firefighting approved by the Contra Costa County Fire Protection District.
- E. **Air pollution.** No air pollution or smoke shall be produced which is in violation of the requirements of the Bay Area Air Pollution Quality Management District.
- F. **Glare or heat.** No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point from a lot line of the building site or off-site.
- G. **Odorous gases.** No emission of any odorous gases or matter shall occur in quantities which are discernible without instruments at any point from a lot line of the building site or off-site.
- H. **Dust, dirt, or particulate matter.** No discharge into the air of any dust, dirt, or particulate matter shall occur from any activity or from any products stored on the building site which is discernible without instruments at any point from a lot line of the building site or off-site.

- I. **Liquid contaminants.** No discharge into any public sewer, private sewage disposal system approved by the County Department of Environmental Health, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.

SECTION V:

Chapter 22.16 (C Commercial Districts) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.16 C COMMERCIAL DISTRICTS

- 22.16.010 General Provisions and Exceptions.
- 22.16.020 Purpose.
- 22.16.040 Permitted Uses – NC – Neighborhood Commercial District.
- 22.16.050 Permitted Uses – CC – Central Commercial District.
- 22.16.070 Permitted Uses – SC – Service Commercial District.
- 22.16.080 Conditional Uses.
- 22.16.160 Enclosure, Fencing, and Frontage Requirements.
- 22.16.170 Front Yards.
- 22.16.180 Side Yards.
- 22.16.200 Height of Structures.
- 22.16.210 Landscaped Areas.
- 22.16.220 Off-Street Parking and Loading Facilities.

22.16.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34.

22.16.020 Purpose.

In addition to the objectives prescribed in Section 22.02.010, the purpose of the C Commercial Districts is to:

- A. Provide appropriately located areas for retail stores, offices, service establishments, cultural and entertainment establishments and wholesale businesses offering various ranges of commodities and services scaled to meet the needs of the different geographical areas and various categories of patrons they serve;
- B. Provide opportunities for retail stores, offices, service establishments and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship;
- C. Provide space for community facilities and institutions which appropriately may be located in commercial areas;

- D. Provide adequate space to meet the needs of commercial development, including off-street parking and truck loading areas;
- E. Minimize traffic congestion and to avoid the overloading of utilities;
- F. Protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, fire, explosion, noxious fumes and other objectionable influences and hazards incidental to industrial uses;
- G. Provide activated ground-floor commercial areas, particularly in the Downtown area.
- H. Encourage economic development in a way that attracts investment, fosters entrepreneurship, and supports the long-term sustainability of commercial enterprises in commercial areas.

22.16.040 Permitted Uses—NC—Neighborhood Commercial District.

The following uses shall be permitted:

- A. Accessory structures and uses, not including warehouses, on the same site with and necessary for or incidental to the operation of a permitted use;
- B. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;
- C. Dwelling units located above the ground floor of a building;
- D. Educational institutions;
- E. Event rental businesses;
- F. Financial institutions;
- G. General retail sales, except for sensitive retail uses;
- H. Health care clinics, medical outpatient facilities, and medical and dental offices;
- I. Hotels and motels;
- J. Low-barrier navigation centers;
- K. Nurseries, and garden supply stores, provided that all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and that fertilizer of any type shall be stored and sold in packaged form only;
- L. Personal services including, but not limited to, hair salons, laundering services, and pet grooming;
- M. Physical fitness facilities;
- N. Professional services and offices;
- O. Religious institutions;
- P. Restaurants and other food and beverage service establishments, including restaurants serving wine and beer only, but not including restaurants serving liquor;

- Q. Supportive housing;
- R. Along major thoroughfares, the following uses:
 1. Mortuaries;
 2. Vehicle and vehicle accessory sales and services.
 3. Public entertainment venues;
 4. Veterinarians' offices and animal hospitals including short-term boarding of animals and incidental care such as bathing and trimming, providing all operations are conducted within a completely enclosed building.

22.16.050 Permitted Uses—CC—Central Commercial District.

The following uses shall be permitted:

- A. Accessory structures and uses, not including warehouses, on the same site with and necessary for or incidental to the operation of a permitted use;
- B. Bars and nightclubs;
- C. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;
- D. Dwelling units located above the ground floor of a building;
- E. Educational institutions;
- F. Financial institutions;
- G. General retail sales, except for sensitive retail uses;
- H. Health care clinics, medical outpatient facilities, and medical and dental offices;
- I. Hotels;
- J. Low-barrier navigation centers;
- K. Nurseries, and garden supply stores, provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and fertilizer of any type shall be stored and sold in packaged form only;
- L. Personal services;
- M. Physical fitness facilities;
- N. Private clubs, lounges, and lodges,
- O. Professional services and offices;
- P. Public entertainment venues;
- Q. Public and private libraries, art galleries, and museums;
- R. Public and private philanthropic institutions;
- S. Religious institutions;

- T. Restaurants and other food and beverage service establishments, including restaurants serving wine, beer, and/or liquor;
- U. Supportive housing;
- V. Wholesale establishments without stocks.

22.16.070 Permitted Uses—SC—Service Commercial District.

The following uses shall be permitted:

- A. Accessory structures and uses on the same site with and necessary for or incidental to the operation of a permitted use;
- B. Agricultural product processing;
- C. Contracting and construction establishments;
- D. Craftsmanship establishments;
- E. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;
- F. Dwelling units located above the ground floor of a building;
- G. Educational institutions;
- H. Establishments for the care of domestic animals, including, but not limited to, veterinarian clinics, animal hospitals, animal boarding, and animal grooming;
- I. Event rental businesses;
- J. Financial institutions;
- K. Freight and transportation stations;
- L. General retail sales, except for sensitive retail uses;
- M. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters.
- N. Hotels and motels;
- O. Low-barrier navigation centers;
- P. Machinery and equipment manufacturing, sales, and repair;
- Q. Nurseries, and garden supply stores, provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and fertilizer of any type shall be stored and sold in packaged form only;
- R. Packing and shipping establishments;
- S. Personal services including, but not limited to, hair salons, laundering services, and pet grooming;
- T. Physical fitness facilities;
- U. Professional services and offices;
- V. Public entertainment venues;

- W. Public utility structures and installations;
- X. Religious institutions;
- Y. Restaurants and other food and beverage service establishments, not including restaurants serving alcoholic beverages, except beer and/or wine only;
- Z. Supportive housing;
- AA. Vehicle and vehicle accessory sales and services;
- BB. Warehouses and storage;
- CC. Wholesale establishments.

22.16.080 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a Conditional Use Permit, in accord with the provisions of Chapter 22.40.

- A. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare.
- B. Gasoline service stations, except as follows:
 1. The NC and CC Districts shall not include automotive repair services; all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides;
 2. A gasoline filling station—may be permitted on a corner provided that all signs, gasoline filling pumps, and other equipment, including vehicles tending to obstruct the sight distance, shall be located at least 25 feet from the street line and side property line;
 3. Any existing gasoline service station which—provides automotive service, repair, maintenance, accessory sales, and installation, and/or other related services or products—or maintains the availability of air and water for tires, batteries, and radiators, shall not discontinue such services, product availability or maintenance without first receiving approval of a Conditional Use Permit.
- C. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use.
- E. Dog fanciers;
- F. Except as provided in the SC District pursuant to Section 22.16.070, Homeless shelters, ongoing, within permitted religious or philanthropic institutions. In addition to the applicable conditions of use permit approval pursuant to 22.40.070, Homeless Shelters, Ongoing, within permitted religious or philanthropic institution, are subject to the development and operational standards of Section 22.34.230, Homeless Shelters;

- G. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36;
- H. Massage businesses;
- Provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission makes all the following additional findings of fact:
1. The use will not be detrimental to other businesses in the area.
 2. The use as proposed and at the location requested will not create a potentially adverse impact on surrounding uses.
 3. Approval of the use will not constitute an over-concentration of this use within a given commercial area. An over-concentration is defined as greater than one massage business per acre.
 4. The operation of the use will not be a nuisance to neighboring properties or businesses.
- I. Drive-through restaurants;
- J. In the NC Neighborhood Commercial District:
1. Private clubs, lounges, and lodges;
 2. Public and private philanthropic institutions;
 3. Public and private libraries, art galleries, and museums;
 4. Public entertainment venues not along major thoroughfares;
 5. Group care and rehabilitation facilities;
 6. Clinics;
 7. Liquor stores;
 8. Bars and nightclubs, provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40. 070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission makes all the following additional findings of fact:
 1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.
 2. The proposed use is located at an appropriate distance from religious facilities, schools, public parks and playgrounds, and other similar uses.
 3. The applicant has committed to employing only bartenders who have been certified through the Responsible Beverage Service training program, pursuant to State law;

9. Restaurants serving liquor, but not including restaurants serving beer and/or wine only;
 10. Packing and shipping establishments.
- K. In the CC Central Commercial District:
1. Retail firearm, firearm services, and firearm accessories;
 2. Pawnshops;
 3. Bail bond shops (on or above the second floor, not on sites with frontage on Main Street or Ferry Street);
 4. Check cashing shops;
 5. Group care and rehabilitation facilities;
 6. Clinics;
 7. Liquor stores;
 8. Event rental businesses.
 9. Packing and shipping establishments;
 10. Storage buildings for household goods (including mini-storage and self-storage facilities);
 11. Storage garages;
 12. Dwelling units located on the ground floor of a building.
- L. In the SC Service Commercial District:
1. Retail firearm, firearm services, and firearm accessories;
 2. Pawnshops;
 3. Bail bond shops (on or above the second floor, not on sites with frontage on Main Street or Ferry Street);
 4. Check cashing shops;
 5. Group care and rehabilitation facilities;
 6. Private clubs, lounges, and lodges;
 7. Public and private philanthropic institutions;
 8. Public and private libraries, art galleries, and museums;
 9. Group care and rehabilitation facilities;
 10. Clinics;
 11. Liquor stores;
 12. Hotels and motels;
 13. Light manufacturing uses involving only the assembly, packaging, repairing or processing of previously prepared material;

- 14. Mortuaries.
- 15. Bars and nightclubs, provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40. 070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission makes all the following additional findings of fact:
 - 1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.
 - 2. The proposed use is located at an appropriate distance from religious facilities, schools, public parks and playgrounds, and other similar uses.
 - 3. The applicant has committed to employing only bartenders who have been certified through the Responsible Beverage Service training program, pursuant to State law.
- 16. Restaurants serving liquor, but not including restaurants serving beer and/or wine only.
- M. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.16.160 Enclosure, Fencing, and Frontage Requirements.

- A. In the NC and CC districts, all business, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, and garden shops.
- B. In all districts, any use not conducted entirely within an enclosed structure, on a site abutting or across a street or alley from the R, PA, NC, or CC district, shall be screened by a solid masonry wall, board fence, or compact evergreen hedge not less than six feet in height, if found by the Planning Commission or Zoning Administrator to be unsightly.
- C. In all districts, where the property line of a site adjoins property in the R or PA district, a solid masonry wall or board fence six feet in height shall be located on the property line.
- D. In the SC district, open storage of materials and equipment shall be permitted within an enclosed area bordered by a solid masonry wall, fence, or evergreen hedge, at least six feet tall. This storage area cannot be in the front or side yard facing the street on a corner lot, and materials or equipment cannot be stored higher than the wall, fence, or hedge.
- E. In the CC district, applicants for a Planning entitlement shall demonstrate that any ground floor frontage includes some form of activation by means of window displays, product displays, public art, or other pedestrian-oriented visual display.

For non-retail uses, full transparency where pedestrians can clearly view the interior of the building shall qualify as activation.

22.16.170 Front Yards.

- A. The minimum front yard shall be as prescribed in Table 22.16.170, subject to the exceptions listed below:

TABLE 22.16.170

District	Minimum Front Yard
Neighborhood Commercial	15 feet
Central Commercial	5 feet
Service Commercial	5 feet

- B. Exceptions:

1. In the NC District, on a site abutting on property in an R District and fronting on the same street, the minimum front yard shall be not less than the required front yard of the adjoining site in the R District.
2. In the CC and SC Districts, no structure shall be closer than 15 feet to a street intersection, except portions of a structure which are less than 3 ½ feet or more than eight feet above sidewalk grade and one column, not exceeding one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC Districts, on a site abutting on property in an R District and fronting on the same street, the minimum front yard shall be not less than one-half the required front yard on the adjoining site in the R District.

22.16.180 Side Yards.

- A. The minimum side yard shall be as prescribed in Table 22.16.180, subject to the exceptions listed below:

TABLE 22.16.180

District	Minimum Side Yard
Neighborhood Commercial	15 feet
Central Commercial	0 feet
Service Commercial	0 feet

- B. Exceptions:

1. In the NC District, interior side yards may not be required where adjoining commercial properties are planned, designed, and developed as a single unit.

2. In the CC and SC Districts, on a reversed corner lot adjoining property in an R District or a PA District, the minimum side yard shall be not less than one-half the required front yard on the side adjoining key lot.
3. In the CC and SC Districts, where the side property line of a site adjoins property in an R District or a PA District, the minimum side yard adjoining the R District or PA District shall be 10 feet.

22.16.190 Rear Yards.

- A. The minimum rear yard shall be as prescribed in Table 22.16.190, subject to the exceptions listed below:

TABLE 22.16.190

District	Minimum Side Yard
Neighborhood Commercial	15 feet
Central Commercial	0 feet
Service Commercial	0 feet

- B. Exceptions:

1. In the CC and SC Districts, where the rear property line of a site adjoins property in an R District or a PA District, the minimum rear yard shall be 10 feet.

22.16.200 Height of Structures.

No structure shall exceed 30 feet in height in the NC or SC Districts. In the CC District, the height of structures shall not exceed 40 feet, or three stories. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.

22.16.210 Landscaped Areas.

Areas between the property line and structures or off-street parking or loading facilities shall be landscaped with plant material and permanently maintained.

22.16.220 Off-Street Parking and Loading Facilities.

Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 22.36.

SECTION VI:

Chapter 22.18 (I Industrial Districts) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.18 I INDUSTRIAL DISTRICTS

- 22.18.010 General Provisions and Exceptions.
- 22.18.020 Purpose.
- 22.18.030 LI Light Industrial District – Permitted Uses.
- 22.18.040 HI Heavy Industrial District – Permitted Uses.
- 22.18.060 Conditional Uses.
- 22.18.065 Industrial Performance Standards.
- 22.18.070 I Industrial Districts – Required Conditions.
- 22.18.080 LI Light Industrial District – Required Conditions.
- 22.18.100 Site Area.
- 22.18.110 Front Yard.
- 22.18.120 Side Yards.
- 22.18.130 Rear Yards.
- 22.18.140 Height of Structures.
- 22.18.160 Off-Street Parking and Loading Facilities.

22.18.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34 of this Title.

22.18.020 Purpose.

In addition to the objectives prescribed in Section 22.02.010, the purpose of the I Industrial Districts is:

- A. To provide appropriate buffers between industrial and residential uses to preserve the feasibility of industrial operations as well as residential quality. To protect surrounding properties from noise, odor, dust, dirt, smoke, vibration, heat, glare and other objectionable influences and from fire, explosion, noxious fumes and other hazards incidental to certain industrial uses by restricting such uses to appropriately located areas;

- B. To provide a range of employment opportunities to meet the needs of current and future residents and take advantage of the City's location relative to regional roadway and transit systems;
- C. To diversify the City's economic base by providing sites for technology-based businesses, research and development, manufacturing, and similar uses;
- D. To provide areas for a wide range of manufacturing, industrial, general service, warehousing, storage and distribution, and service commercial uses and to protect areas where such uses now exist.

22.18.030 LI Light Industrial District—Permitted Uses.

The following uses shall be permitted:

- A. Advanced manufacturing;
- B. Agricultural product processing;
- C. Clean technology;
- D. Craftsmanship establishments;
- E. High technology;
- F. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters;
- G. Incidental and accessory uses on the same site with and necessary for the operation of a permitted use, including, but not limited to, living quarters;
- H. Industry, light;
- I. Life sciences and biotechnology;
- J. Machinery and equipment manufacturing, sales, and repair;
- K. Marinas, harbors, and boatbuilding facilities;
- L. Media production;
- M. Offices and retail stores incidental to and on the same site with a light industrial or related use;
- N. Packing and shipping establishments;
- O. Public utility structures and installations;
- P. Renewable energy operations;
- Q. Research laboratories;
- R. Wholesale establishments.

22.18.040 HI Heavy Industrial District—Permitted Uses.

- A. Advanced manufacturing;
- B. Agricultural product processing;

- C. Clean technology;
- D. Craftsmanship establishments;
- E. High technology;
- F. Incidental and accessory uses on the same site with and necessary for the operation of a permitted use;
- G. Industry, heavy, except for the uses listed in Section 22.18.060;
- H. Industry, light;
- I. Life sciences and biotechnology;
- J. Machinery and equipment manufacturing, sales, and repair;
- K. Marinas, harbors, and boatbuilding facilities;
- L. Media production;
- M. Offices, retail stores, and watchmen's living quarters incidental to and on the same site with an industrial or related use;
- N. Packing and shipping establishments;
- O. Public utility structures and installations;
- P. Renewable energy operations;
- Q. Research laboratories;
- R. Wholesale establishments.

22.18.060 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a Conditional Use Permit, in accord with the provisions of Chapter 22.40:

- A. Airports and heliports;
- B. Agricultural product processing;
- C. Dog fancier;
- D. Freight and transportation stations;
- E. Industry, heavy, in the LI Light Industrial district;
- F. Natural resource extraction;
- G. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36;
- H. Private clubs, lounges, and lodges;
- I. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines;
- J. Refining, smelting, and alloying of raw materials;
- K. Warehouses and storage;

- L. Waste storage, processing, and disposal;
- N. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.18.065 Industrial Performance Standards.

All industrial land uses shall conform to the following performance standards:

- A. **Noise or vibration.** Except for the Heavy Industrial zoning district, no noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point from a lot line of the building site or off-site.
- B. **Radioactivity.** No activity, including storage or dumping, shall result in the emission of radioactivity in dangerous amounts. A dangerous amount is defined as any level exceeding 10 millisieverts.
- C. **Electrical disturbance.** No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. **Explosive materials.** No explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of explosion and all equipment and devices for fire prevention and firefighting approved by the Contra Costa County Fire Protection District.
- E. **Air pollution.** No air pollution or smoke shall be produced in violation of the requirements of the Bay Area Air Quality Management District.
- F. **Glare or heat.** No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point from a lot line of the building site or off-site.
- G. **Odorous gases.** No emission of any odorous gases or matter shall occur in quantities which are discernible without instruments at any point from a lot line of the building site or off-site.
- H. **Dust, dirt, or particulate matter.** No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the building site which is discernible without instruments at any point from a lot line of the building site or off-site.
- I. **Liquid contaminants.** No discharge into any public sewer, private sewage disposal system approved by the County Department of Environmental Health, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.

- I. **Hazardous materials.** Industrial activities involving the production, use, storage, or handling of hazardous materials shall comply with all applicable federal, state, and local regulations, including but not limited to those outlined by the Occupational Safety and Health Administration (“OSHA”) and the Environmental Protection Agency (EPA). Adequate safety measures and procedures shall be implemented to prevent accidents, spills, or releases of hazardous substances that could pose risks to public health, safety, or the environment. Storage facilities for hazardous materials must be equipped with appropriate containment measures, leak detection systems, and emergency response protocols to minimize the potential for contamination or harm. Compliance with these standards shall be subject to inspection and verification by relevant regulatory agencies.

22.18.070 I Industrial Districts—Required Conditions.

The following conditions shall be required of uses in the I Industrial Districts:

A business, service, or process which is not conducted within a completely enclosed structure and which is located on a site abutting on or across a street or alley from property in a Residential, Professional and Administrative, Neighborhood Commercial, or Central Commercial District shall be required to be screened either by a solid masonry wall, board fence, or compact evergreen hedge not less than six feet in height if found by Planning Commission or Zoning Administrator to be unsightly.

22.18.080 LI Light Industrial District—Required Conditions.

In the LI Light Industrial District, the following conditions are required:

- A. Open storage of materials and equipment shall be permitted only within an area surrounded by a solid masonry wall, board fence or compact evergreen hedge (with solid gates where necessary) not less than six feet in height, provided that neither the area nor the wall, fence, or hedge shall be located in any required yard or any required side yard on the street side of a corner lot, and provided further that no materials or equipment shall be stored to a height greater than that of the wall, fence, or hedge.
- B. No use shall be permitted and no process, equipment, or materials shall be employed which are objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy vehicular traffic, or to involve any hazard of fire or explosion.

22.18.100 Site Area.

The minimum site area shall be 10,000 square feet.

22.18.110 Front Yard.

The minimum front yard shall be 10 feet; shall have 50 percent of its area landscaped; and shall not be used for parking or loading.

22.18.120 Side Yards.

The minimum side yard shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum side yard shall be 10 feet.

22.18.130 Rear Yards.

The minimum rear yard shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum rear yard shall be 25 feet.

22.18.140 Height of Structures.

No structure shall exceed 50 feet in height. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing Martinez's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.
- F. The increased height complies with the purpose and intent of the zoning district.

22.18.160 Off-Street Parking and Loading Facilities.

Off-street parking and loading facilities shall be provided for industrial development in accordance with the requirements specified in Chapter 22.36.

SECTION VII:

Chapter 22.04 (Definitions) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.04 DEFINITIONS

22.04.010 Generally.

For the purposes of this Title, certain words and terms used herein are defined as set out in this Chapter.

22.04.020 Interpretation of Tense and Number.

All words in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise.

22.04.030 Definitions (A-Z).**Accessory Dwelling Unit.**

An “accessory dwelling unit” or ADU is a dwelling unit that is accessory to a primary dwelling and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary dwelling.
- Attached: The unit is attached to the primary dwelling by a common wall.
- Converted Existing Space: Permitted habitable or non-habitable space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.

Accessory Dwelling Unit, Junior.

A “junior accessory dwelling unit” or JADU is a specific type of conversion of existing space into a separate dwelling unit that is contained entirely within an existing or proposed single-family dwelling and does not exceed 500 square feet.

Accessory Dwelling Unit, Statewide Exemption.

A “statewide exemption ADU” is an ADU of up to 800 square feet, has four-foot side and rear yard setbacks, and complies with the height limitations of Section 22.43.070. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a Statewide Exemption ADU.

Activities Devoted Primarily to the Sale or Exchange of Tobacco-Related Products.

“Activities devoted primarily to the sale or exchange of tobacco-related products” are activities either devoting 20 percent of floor area or display area to, or deriving 75 percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

Aggregate Side Yards.

“Aggregate side yards” means the sum of the two side yards.

Agricultural Accessory Structure.

"Agricultural accessory structure" means an attached or detached subordinate structure which supports agricultural activity; is incidental to the use of the main structure or the main use of the land; and is located on the same site with the main structure or use. Examples of agricultural accessory structures include, but are not limited to, grain silos, water towers, barns, small and large animal structures, and equipment storage structures.

Agricultural Product Processing.

"Agricultural product processing" means the commercial preparation of agricultural products for human consumption or the manufacture of products which are derived from plants and animals. Examples include, but are not limited to, meat processing, lard manufacture, dairy production, and vegetable canning.

Agriculture - Large Scale.

"Large scale agriculture" means general farming, wholesale horticulture, viticulture, and floriculture, dairying, livestock production, fur farms, chicken raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses.

Agriculture - Small Scale.

"Small scale agriculture" means crop and tree farming, horticulture, and viticulture.

Airport and Heliport.

"Airport and heliport" means an area designated for the takeoff, landing, and movement of aircraft. Airports typically include runways, taxiways, aprons, and terminal buildings for the embarkation and disembarkation of passengers and cargo. Heliports are specifically designated areas for helicopters to take off and land, often featuring landing pads, fueling stations, and other necessary facilities. These facilities may also include ancillary operations such as aircraft maintenance, air traffic control, customs, and security services.

Alley.

"Alley" means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders.

Animal Boarding.

"Animal boarding" means the commercial operation of a facility that provides temporary care, shelter, and accommodation for animals, including but not limited to dogs, cats, birds, and small mammals, for a period exceeding 24 hours. Such facilities may offer

services such as feeding, grooming, exercise, and medical care under the supervision of trained personnel. Animal boarding establishments shall comply with all applicable health, safety, and zoning regulations to ensure the well-being and comfort of the boarded animals.

Animal Structures—Large.

"Large animal structures" means accessory structures provided for the shelter or housing of livestock including, but not limited to, barns and stables.

Animal Structures—Small.

"Small animal structures" means accessory structures provided for the shelter or housing of small animals including, but not limited to, chicken coops, rabbit hutches, and similar scale structures.

Antique Shops.

"Antique shops" means establishments engaged in retail sales of objects of art or pieces of furniture, household implements and the like, which, because of age, rarity, and fabrication or the manufacture at a time much earlier than present, have acquired a collectors' quality and value. This definition does not include any objects or materials that are obsolete and have secondhand or salvage value only.

Apiary.

"Apiary" means beehives or place where bees are kept, located, or found.

Bail Bonds Shops.

Establishments that provide security for the due appearance of an individual to obtain temporary release from imprisonment.

Bar.

"Bar" shall mean a business where alcoholic beverages, but not including beer and/or wine only, are sold for on-site consumption, with either no or limited food service which do not include a "bona-fide public eating place." "Bar" does not include a business where alcoholic beverages are served which business complies with all of the following: a) operates as "a bona-fide public eating place", b) possesses a license type issued by ABC which is issued only to establishments with a "bona-fide public eating place"; and c) provides meals, prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the Martinez Municipal Code, and the City Building Official.

Bed and Breakfast Inn.

"Bed and Breakfast Inn" means a business operated as part of a dwelling in which lodging or lodging and meals are provided for compensation for more than two but not more than

six persons other than members of the resident family, excluding a nursing home, where the following conditions are met:

- A. The business is conducted within a dwelling by an inhabitant thereof.
- B. No signage is displayed other than a name plate not exceeding six square feet in area.
- C. No noisy or otherwise objectionable machinery or equipment is used in the conduct of the business.
- D. No storage of equipment or supplies takes place outside of the dwelling.
- E. Off-street parking is provided at the rate of two spaces plus one space for each guest room.
- F. The conduct of the business does not create excessive pedestrian, automobile, or truck traffic in the vicinity.

Block.

"Block" means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad rights-of-way, unsubdivided land, or watercourse.

Bona-fide Public Eating Place.

"Bona-fide public eating place" shall have the same meaning as set forth in California Business and Professions Code Section 23038 and includes a place which regularly serves meals and which has suitable kitchen facilities connected therewith. "Bona-fide public eating places" does not include establishments with only limited food service such as only sandwiches or salads or pre-prepared foods.

Breezeway.

"Breezeway" means a structure for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site. A breezeway shall not exceed 12 feet in height and no more than fifty percent of the sides of the structure shall be enclosed with any material other than that necessary for roof supports.

Building.

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building Height.

"Building height" means the vertical distance at any point of the surface of the ground covered by the structure directly over said point between the natural grade and the highest point of the structure, not including the exceptions outlined in Section 22.34.170.B.

Campground.

“Campground” means real property made available to persons for camping, whether by tent, trailer, camper, cabin, recreational vehicle, or similar device. “Campground” does not include a manufactured home community or mobile home park.

Cannabis Delivery Permit.

"Cannabis delivery permit" means a permit issued by the Chief of Police to business that delivers cannabis products within the City limits of the City of Martinez.

Carport.

"Carport" means an accessory structure or portion of a main structure having a roof but open on two or more sides and designed for the storage of motor vehicles.

Check Cashing Shops.

Establishments with a primary purpose of cashing checks and making loans other than a financial institution such as a bank or credit union.

Chicken.

“Chicken” means any domesticated chicken excluding roosters, kept for the primary purpose of egg production, meat, or as a pet.

Christmas Tree Farm.

"Christmas tree farm" means the seasonal sale of trees grown on site. Customer selection and cutting of trees may be part of the sales process.

Clean Technology.

"Clean technology" means a business or operation related to the development of innovative practices and technologies aimed at reducing environmental impact, enhancing resource efficiency, and promoting sustainability. It encompasses renewable energy systems like solar and wind power, energy-efficient solutions for buildings and transportation, waste management and recycling facilities, water conservation technologies, clean transportation options such as electric vehicles, sustainable agriculture practices, green building materials, and environmental monitoring and remediation technologies.

Commercial Vehicle.

"Commercial vehicle" shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that commercial vehicle shall not include a pickup truck as defined in the California Vehicle Code as the same may be amended from time to time.

Commissions, Officers, Boards.

- A. "Board of Adjustments" and "Board" mean the Zoning Administrator, or the Planning Commission, as determined by the Planning Manager or designee.
- B. "Building Inspector" means the Chief Building Official or designee.
- C. "City Engineer" means the City Engineer or designee.
- D. "City Planning Commission" and "Commission" mean the Planning Commission duly appointed by the City Council.
- E. "Zoning Administrator" means the Community and Economic Development Director, Planning Manager, or designee.

Common Open Space.

"Common Open Space" means land area of the site not covered by buildings or structures which is accessible to all occupants or dwelling units within the development. It does not include proposed street rights-of-way, open parking areas, driveways, school sites, commercial areas and related facilities, or areas determined unsuitable by the Zoning Administrator or Planning Commission.

Community-Oriented Non-Profit Organization.

"Community-Oriented Non-Profit Organization" means an organization owned, controlled, and operated by an entity that maintains a 501c(3) non-profit status and provides services to Martinez residents.

Conservation Area.

"Conservation area" means an area of land that is intended to be protected and conserved for its natural, cultural, or historical significance.

Contracting and Construction Establishment.

"Contracting and construction establishment" means a commercial entity engaged in the construction, renovation, or improvement of structures, buildings, or infrastructure, including, but not limited to, residential, commercial, industrial, and public works projects. This may include general contractors, subcontractors, construction firms, and other entities involved in the planning, management, and execution of construction activities.

Coop.

"Coop" means a roofed structure where chickens typically roost.

Craftsmanship Establishment.

"Craftsmanship establishment" means a business engaged in the skilled production of goods through various artisanal techniques such as metalworking, stonemasonry, glassworking, and woodworking. These establishments typically involve hands-on craftsmanship, precision, and expertise in shaping raw materials into finished products.

Day Care, General.

"General day care" means a commercial business or institution that provides care for persons on a less than 24-hour basis. This classification is exclusive to those facilities licensed by the State, and includes nursery schools, preschools and day care centers for children or adults, but excludes smaller facilities such as family day care home.

Depth.

"Depth" means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

Disabled Person(s).

"Disabled person(s)" means a person who has a medical, physical, or mental impairment or condition that substantially limits one or more major life activities, as those terms are defined in the California Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled persons does not include a person who is currently using illegal substances, unless they also have a separate disability.

Dispensary—Cannabis.

"Dispensary" means a business that holds a valid state license and conducts the retail sale of cannabis or cannabis products. "Dispensary" means the same thing as "retail cannabis store."

Distribution—Cannabis.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between commercial cannabis businesses licensed by the state.

Dog Fancier.

"Dog fancier" means a person owning or keeping four or more dogs over the age of six months:

- A. As pets;
- B. For showing in recognized dog shows, field trials, or obedience trials;
- C. For working or hunting;
- D. For improving the variety of breed in temperament or conformation with a view to exhibition in shows or trials, or for use as working dogs in hunting.

Dog Kennels, Commercial.

"Commercial dog kennels" means any lot, building, structure, enclosure, or premises where one or more dogs are kept or maintained for commercial purposes, including boarding, breeding, and veterinary care, for the primary purpose of sale or service for profit. All dogs maintained in commercial dog kennels are to be confined on the premises under the owner's control, and shall be enclosed in a building during the hours of darkness.

Dwelling.

"Dwelling" means a one-family dwelling, multiple dwelling, lodging house or apartment hotel.

Dwelling, Primary.

"Primary dwelling" means a means a one-family dwelling, multiple dwelling, lodging house or apartment hotel on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.

Dwelling, Single-family.

"Single-family dwelling" means a structure containing no more than one dwelling unit, designed for occupancy or occupied by no more than one family not occupied on a transient basis.

Dwelling Unit.

"Dwelling unit" means one or more rooms and a single kitchen, designed for occupancy by one family for living and sleeping purposes. This includes mobile homes constructed after 1976 (certified under the National Mobile Home Construction and Safety Standards Act of 1974) and placed on permanent foundations.

Educational Institution.

"Educational institution" means an establishment or facility primarily engaged in providing instruction, training, or education to individuals, including, but not limited to, schools, colleges, universities, vocational training centers, tutoring centers, language schools, and other similar entities.

Employee Housing.

"Employee Housing" means residential accommodations for individuals employed within a specific geographic area or by a particular employer. Employee housing serving six or fewer employees shall be deemed a single-family structure and shall be subject to the same standards as any single-family residence in the same zoning district. Employee housing is not a business run for profit.

Event rental business.

"Event rental business" means a commercial enterprise engaged in renting out equipment, facilities, or services for events such as weddings, parties, conferences, and exhibitions. These businesses provide a variety of items for rent, including tents, tables, chairs, decorations, audiovisual equipment, lighting, and other event-related supplies. Event rental businesses may also offer delivery, setup, and pickup services as part of their rental packages.

Fair Housing Laws.

"Fair Housing Laws" means the Federal Fair Housing Act (42 United States Code Section 3601 et. seq.) and the California Fair Employment and Housing Act (California Government Code Section 12926 and 12955 et. seq.), including amendments there to.

Family.

"Family" means one or more persons related by blood, marriage, or legal adoption, or a group of persons living together who constitute a single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

Family Day Care Home.

A facility located in a residential district which provides licensed family day care to 12 or fewer children including children who reside at the home.

Farmworker and Employee Housing.

"Farmworker and employee housing" means accommodations for up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. All occupants of the housing units must be agricultural employees who are employed in, raising, or harvesting any agricultural commodity. Such employees need not work on the property where the housing is located. Any farm worker and employee housing providing accommodations for six or fewer farm workers or employees shall be deemed a single-family structure. Farm worker and employee housing is not a business run for profit.

Financial Institution.

"Financial institution" means an establishment or entity engaged in providing financial services, including but not limited to banks, credit unions, savings and loan associations, mortgage brokers, investment firms, and insurance companies. This category may also include ATM facilities, currency exchanges, and other similar financial service providers.

Floor Area, Gross.

"Gross floor area" means the total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft enclosures, or exterior walls.

Foster Family Home.

"Foster family home" means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed, or as defined and regulated by the California Health and Safety Code.

Freight and Transportation Station.

"Freight and transportation station" means a facility designated for the storage, handling, and distribution of goods and materials, as well as the transfer of passengers and cargo between different modes of transportation. These stations serve as hubs for various transportation activities, including shipping, receiving, sorting, passenger transit, and transferring freight and cargo.

Frontage.

"Frontage" means the property line of a site abutting on a street, other than the side yard property line of a corner lot.

Garage.

"Garage" means an accessory structure or a portion of a main structure, enclosed on three or more sides, designed for the storage of motor vehicles.

Garage, Repair.

"Repair garage" means a structure or part thereof where motor vehicles are repaired or painted.

Garage, Storage.

"Storage garage" means a structure or part thereof used for the storage, parking, or servicing of motor vehicles but not for the repair thereof.

General Retail Sales.

"General retail sales" means the sale of various consumer goods and merchandise directly to the public for personal or household use. Such goods may include, but are not limited to, clothing, accessories, electronics, home goods, appliances, groceries, toys, and books.

Group Care and Rehabilitation Facilities.

"Group care and rehabilitation facilities" means residential facilities which provide supervision, care and/or rehabilitation services to resident mentally disordered persons, resident persons who have suffered such problems or diseases as alcoholism, drug addiction, or the like or other handicapped resident persons.

Health Care Clinics, Medical Outpatient Facilities, and Medical and Dental Offices.

"Health care clinics, medical outpatient facilities, and medical and dental offices" means facilities where medical and dental services are provided to patients on an outpatient basis. These establishments offer a range of medical and dental services, including consultations, examinations, diagnostics, treatments, and preventive care. They may include general medical clinics, specialized medical clinics, dental offices, diagnostic imaging centers, outpatient surgery centers, and similar facilities. These establishments are typically staffed by licensed medical and dental professionals, such as physicians, dentists, nurses, and technicians, and may also provide ancillary services such as laboratory testing and pharmacy services.

High Technology.

"High technology" means activities and processes that involve advanced scientific and technological knowledge with the purpose of producing cutting-edge products or services. Such activities may include research, development, design, testing, and production of technology-based goods or services. High Technology establishments may encompass industries such as electronics, biotechnology, information technology, aerospace, artificial intelligence, emerging technology, and other fields that heavily rely on innovation and scientific expertise.

Home Occupation.

- A. "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products, but not including any of the following:
1. Appliance repair, other than repair of small household appliances;
 2. Motorized garden tool repair such as, but not limited to, lawnmowers;
 3. Massage business, as defined in Chapter 5.58;
 4. Pest control;
 5. Vehicle production and services such as, but not limited to, the following: cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, and towing, excluding the dispatching of vehicles such as limousines, taxicabs, and ambulances;
 6. Welding;
 7. Any use which requires a hazardous materials permit from the Fire Department;
 8. Commercial cannabis activity, as provided in Chapter 22.41;
 9. Any other use which does not comply with any of the conditions listed in subsection B of this Section.
- B. All home occupations are subject to the following conditions:
1. The home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;

2. There shall be no external alteration of the dwelling in which the home occupation is conducted;
3. No sign shall be displayed other than a nameplate in which the home occupation is conducted;
4. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation, except that a doctor, dentist, osteopath or chiropractor may employ one assistant;
5. There shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation;
6. There shall be no storage, keeping or display of equipment, supplies, or merchandise outside or in the vicinity of the dwelling. No goods, merchandise or products shall be sold or offered for sale inside of, outside of, or in the vicinity of, the dwelling. As used in this subsection, vicinity includes any private property located in the same street block as the dwelling;
7. The conduct of the home occupation shall not create excessive pedestrian, automobile, or truck traffic in the vicinity or on the property of any other residence.

Homeless Person(s).

"Homeless person(s)" also referred to as "unhoused person(s)" means an individual who lacks a fixed, regular, and adequate nighttime residence; and/or an individual who has a primary nighttime residence that is:

- A. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations, including but not limited to emergency shelters, congregate shelters, and transitional housing;
- B. An institution that provides a temporary residence for individuals intended to be institutionalized; or
- C. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Homeless Shelter, Emergency.

"Emergency homeless shelter" means a temporary facility or designated area intended to provide short-term housing and supportive services to individuals or families experiencing homelessness or displacement due to natural disasters, emergencies, or other crises. "Short term" means a period not to exceed 180 days. Emergency shelters may be operated by governmental agencies, nonprofit organizations, religious institutions, or other entities authorized by the local jurisdiction. These shelters typically offer overnight accommodations, meals, hygiene facilities, and access to social services such as counseling, job assistance, and medical care. Emergency shelters include, but are not limited to, other interim interventions like navigation centers, bridge housing, and respite or recuperative care.

Homeless Shelter, Ongoing.

"Homeless shelter, ongoing" means a program, operated by a religious or eleemosynary institution (with the intent of placing the homeless in permanent dwelling units within 90 days after first occupying the shelter) that provides overnight shelter, two meals a day and case management services for homeless persons, with no predetermined limitation to length of occupancy.

Hotel.

"Hotel" means a structure or portion thereof in which there are 16 or more individual guest rooms or suites, usually occupied on a transient basis, where lodging, with or without meals is provided for compensation, and in which more than 50 percent of the individual guest rooms and suites are without kitchens.

Industry, Heavy.

"Heavy industry" means industrial activities involving large-scale manufacturing, processing, storage, or production that typically utilize heavy machinery, equipment, and raw materials. Heavy industry facilities are characterized by their large physical footprint, high energy consumption, and potential to generate substantial noise, odor, vibration, illumination, emissions, waste byproducts, and truck traffic. These uses must conform to the Industrial Performance Standards of this Title.

Industry, Light.

"Light industry" means industrial activities involving manufacturing, processing, assembly, research and development and storage uses conducted indoors; accessory restaurant and retail sales to serve the industrial area only; construction trades such as contracting, plumbing, and electrical; food and beverage production; and other uses determined to be substantially similar to the above by the Community and Economic Development Director or designee. Light industry is oriented towards the production of consumer goods for end users rather than for intermediate use by other industries. Light industry does not generate substantial noise, odor, vibration, illumination, emissions, waste byproducts, or truck traffic..

Junkyard.

"Junkyard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this Chapter. An establishment for the sale, purchase or storage of used cars or salvaging machinery in operable condition, and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard.

Kitchen.

"Kitchen" shall mean an area designed to be used for the preparation of food and equipped with all of the following:

- A. A sink and/or other device for dishwashing;
- B. A stove, microwave, or other device for cooking or heating food;
- C. A refrigerator or other device for cool storage of food;
- D. Cabinets, shelves, or counters for storage of equipment and utensils for food preparation.

Kitchen, Efficiency.

"Efficiency Kitchen" means a room or part of a room that is designated for food preparation and includes a sink, a refrigerator, a stove/range, a food preparation counter of at least three linear feet and no more than eight linear feet, and storage cabinets of at least three linear feet and no more than 15 linear feet.

Legal Religious Institution.

"Legal Religious Institution" means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multidenominational members of the same well-recognized religion, lawfully operated as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 91010), or as a corporation sole pursuant to Part 6 (commencing with Section 10000), of Division 2 of Title 1 of the Corporations Code.

Life Sciences and Biotechnology.

"Life sciences and biotechnology" means establishments engaged in research, development, manufacturing, and commercialization activities related to biological and medical sciences, including, but not limited to, biopharmaceuticals, medical devices, diagnostics, genetic engineering, regenerative medicine, and agricultural biotechnology. These establishments may include laboratories, research facilities, manufacturing plants, and offices dedicated to advancing scientific knowledge, developing innovative products, and improving human and environmental health. Life sciences and biotechnology facilities may also encompass ancillary uses such as conference centers, training facilities, and support services essential to the operation of these establishments.

Lodging House.

"Lodging house" means a dwelling in which lodging or lodgings and meals are provided for compensation for more than six but not more than 15 persons other than members of the resident family, excepting a nursing home.

Lot.

"Lot" means a parcel of subdivided land which is shown on a duly approved and recorded subdivision map.

Lot, Corner.

"Corner lot" means a site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

Lot, Corridor Access.

"Corridor access lot" means a site with access to a street by means of a corridor having not less than 20 feet of frontage and a width less than the required site width but not less than 20 feet. The area of an access corridor shall not be included in determining site area.

Lot, Double Frontage.

"Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets.

Lot, Interior.

"Interior lot" means a lot other than a corner lot.

Lot, Key.

"Key lot" means the first interior lot to the rear of a reversed corner lot.

Lot Line, Front.

"Front lot line" means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

Lot, Reversed Corner.

"Reversed corner lot" means a corner lot where the side line is substantially a continuation of the front property line of the first lot to the rear.

Low-Barrier Navigation Center.

"Low-Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low-barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- 1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

- 2) Pets.
- 3) The storage of possessions.
- 4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Lunch Wagon.

A cart or motor vehicle from which beverages and ready-to-eat food items are sold.

Machinery and Equipment Manufacturing, Sales, and Repair.

"Machinery and equipment manufacturing, sales, and repair" means a business involved in the production, distribution, and maintenance of machinery and equipment used in various industries. This category encompasses establishments engaged in the manufacturing of machinery and equipment, such as industrial machinery, agricultural equipment, construction machinery, and electronic equipment. It also includes businesses that sell or rent machinery and equipment to customers, as well as those offering repair and maintenance services for such machinery and equipment.

Major Thoroughfare.

"Major thoroughfare" means a major street having two or more lanes for each direction of travel, designated as a thoroughfare on the circulation element of the General Plan. For the purposes of this title, this shall apply to all of Alhambra Avenue; Berrellesa Street; Escobar Street and Marina Vista from Berrellesa Street easterly; Pine Street from Jones Street northerly; and Pacheco Boulevard.

Manufacturer—Cannabis.

"Manufacturer" means a business that holds a valid state license and conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

Manufacturing, Advanced.

"Advanced manufacturing" means the use of cutting-edge and innovative processes in the production of goods. Examples include, but are not limited to, 3D printing, biotechnology, nanotechnology, robotics, precision machining, advanced pharmaceuticals, and automation. Advanced manufacturing facilities are characterized by their emphasis on the use of high technology and highly specialized production methods.

Marina, Harbor, and Boatbuilding Facility.

"Marina, harbor, and boatbuilding facility" means a facility designated for the docking, mooring, and storage of watercraft; fishing piers and related facilities; and the

construction, repair, and maintenance of boats and vessels. These facilities typically include docks, piers, wharves, slips, boat ramps, and storage areas for boats, yachts, and other watercraft. Boatbuilding facilities may also feature workshops, warehouses, and equipment for the construction, assembly, and outfitting of boats. Marinas and harbors serve as hubs for recreational boating activities, such as sailing, fishing, and cruising, while also supporting commercial and industrial maritime operations.

Massage Business.

"Massage business" means an establishment engaged in the purpose of massage treatments by one or more therapists. This category does not include day spas.

Media Production.

"Media production" means a business involved in the creation, development, and distribution of various forms of media content, including, but not limited to, audiovisual productions, digital media, print media, and multimedia projects. This category includes businesses engaged in producing films, television shows, commercials, documentaries, music videos, podcasts, radio programs, web series, digital advertisements, graphic design, publishing, and other similar endeavors. Media production facilities may include studios, editing suites, sound stages, recording booths, post-production facilities, and equipment rental services.

Mobile Storage Container.

"Mobile storage container" means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, "POD" units, and other pre-fabricated structures intended for the storage or transport of goods.

Mobile Vendor.

"Mobile vendor" means a vehicle or trailer that is equipped to prepare, serve, and sell food, beverages, and other retail items.

Motel.

"Motel" means a structure, or portion thereof, or a group of attached or detached structures containing individual guest rooms or suites, usually occupied on a transient basis and usually with a garage attached or parking space located in proximity to each unit, where lodging is provided for compensation.

Motor Vehicle Wrecking Yard.

"Motor vehicle wrecking yard" means a site, or portion of a site, on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating under their own power for thirty days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

Multiple Dwelling.

"Multiple dwelling" means a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family and not occupied on a transient basis. A structure with an attached ADU or JADU does not qualify as a multiple dwelling.

Natural Resource Extraction.

"Natural resource extraction" means the process of extracting or harvesting naturally occurring resources from the earth or its atmosphere for commercial purposes. This includes activities such as mining, logging, fishing, and hunting.

Net Lot Area.

"Net lot area" means total parcel area excluding street rights-of-way including but not limited to streets, alleys and access corridors, and creek setbacks.

Nightclub.

"Nightclub" means an establishment primarily engaged in providing entertainment, music, and dancing, often accompanied by the sale of alcoholic beverages. Nightclubs typically operate late into the night. They may feature DJs, live bands, or other forms of entertainment. The primary focus of a nightclub is on providing a venue for socializing and entertainment, with alcoholic beverages being a significant component of their offerings.

Non-Storefront Retail Business—Cannabis.

"Non-storefront retail business" means a non-storefront cannabis business that sells and delivers cannabis or cannabis products to customers without a premises that is not open to the public. While the business shall have a physical location within the City of Martinez, all sales are conducted exclusively by delivery.

Non-Taxable Merchandise.

"Non-taxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax.

Nursery and Garden Supply Store.

"Nursery and garden supply store" means a commercial establishment primarily engaged in the retail sale of plants, trees, shrubs, flowers, gardening supplies, farming supplies, and related products for landscaping, gardening, agriculture, and outdoor decoration purposes, not including the sale of animals. These establishments may also provide gardening advice, landscaping services, and delivery options for large items.

Nursery School.

"Nursery school" means a school for 13 or more pre-elementary school age children (including those residing on the site), or use of a site, or portion of a site, for a group day care program.

Nursing Home.

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, invalids and aged persons not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

Off-Street Loading Facilities.

"Off-street loading facilities" means a site, or a portion of a site, devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

Off-Street Parking Facilities.

"Off-street parking facilities" means a site, or portion of a site, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

Outdoor Advertising Structure.

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

Packing and Shipping Establishment.

"Packing and shipping establishment" means a business involved in the packaging, crating, and transportation of goods. These services typically include packing items securely for shipment, constructing crates or pallets as needed, and arranging for the delivery or shipping of packages to their destination. They may cater to residential or commercial clients and handle a variety of items, ranging from household goods to industrial equipment. Additionally, these businesses may offer ancillary services such as storage, logistics management, and insurance coverage for transported items.

Pawnshops.

"Pawnshop" means an establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

Personal Services.

“Personal services” means an establishment or entity providing services primarily for individual or household needs, including, but not limited to, beauty salons, barber shops, nail salons, spas, dry cleaners, laundromats, tailors, and pet grooming services. This category may also include similar businesses offering personal care, hygiene, or maintenance services.

Physical Fitness Facility.

“Physical fitness facility” means an establishment or facility primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This includes gyms, health clubs, fitness centers, yoga studios, Pilates studios, martial arts studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services.

Private Clubs, Lounges, and Lodges.

“Private clubs, lounges, and lodges” means an establishment that provides social, recreational, or leisure facilities exclusively for members and their guests. These establishments may offer amenities such as dining, entertainment, recreational activities, and meeting spaces. Private clubs, lounges, and lodges often require membership fees or dues for access and may have specific membership criteria or eligibility requirements. Examples include, but are not limited to, country clubs and fraternal organization.

Professional and Administrative Offices.

“Professional and Administrative Offices” means commercial spaces primarily utilized for administrative, managerial, or professional purposes, typically not involving regular in-person services to clients or customers. These establishments primarily serve as workplaces for tasks such as clerical work, data analysis, project management, administrative support, financial operations, and other similar functions. Professional and Administrative Offices may include individual offices, cubicles, conference rooms, common areas, and related facilities necessary for conducting administrative or professional tasks. These spaces are distinct from establishments offering professional services where clients or customers regularly visit the premises for in-person consultations or services, such as law firms, accounting offices, medical clinics, or consulting firms.

Professional Services.

“Professional services” means a business or establishment primarily engaged in providing specialized services that require advanced education, training, or expertise in a specific field, including but not limited to legal, accounting, engineering, architecture, consulting, counseling, and medical services. This category may also include other similar services deemed to require professional qualifications by the Planning Division.

Public and Private Philanthropic Institution.

“Public and private philanthropic institution” means an organization dedicated to promoting the public good, welfare, or charitable activities. These institutions may include foundations, trusts, non-profit organizations, or charitable associations that provide financial support, resources, or services for humanitarian, educational, cultural, environmental, or social causes.

Public Entertainment Venue.

“Public entertainment venue” means a commercial establishment designed and operated for the primary purpose of providing entertainment to the public, including, but not limited to, bowling alleys, movie theaters, concert halls, ice skating rinks, miniature golf, ax throwing venues, experiential venues like escape rooms, arcades, and similar spaces where individuals gather to engage in recreational or cultural activities.

Public Utility Structure and Installation.

“Public utility structure and installation” means a facility, equipment, or structure owned or operated by public utility companies or agencies that provide essential services to the community. These may include facilities related to the generation, transmission, distribution, and provision of electricity, gas, water, sewage, telecommunications, and other essential utilities. Public utility structures and installations encompass a wide range of infrastructure, including power plants, substations, transformers, distribution lines, water treatment plants, pumping stations, sewage treatment facilities, telecommunications towers, and related equipment.

Reasonable Accommodation.

"Reasonable accommodation" means providing disabled persons flexibility or removal of constraints in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails, or other such accessibility improvements; hardscape additions, such as widened driveways, parking areas or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable Accommodation does not include an accommodation which would impose an undue financial or administrative burden on the City, or require a fundamental alteration in the nature of the City's land use and zoning program.

Recreational Vehicle.

- A. "Recreational vehicle" means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:
1. All-terrain vehicle;
 2. Bus;
 3. Camp trailer;
 4. Camper;

5. Fifth-wheel travel trailer;
6. Golf cart;
7. House car;
8. Motor truck;
9. School bus;
10. Semitrailer;
11. Snowmobile;
12. Tow truck;
13. Trailer;
14. Trailer coach;
15. Trailer bus;
16. Truck tractor;
17. Utility trailer;
18. Youth bus.

B. Recreational vehicle also means any of the following:

1. Horse trailer;
2. Off-road motorcycle;
3. Boat;
4. Jet ski or other watercraft.

Recreational Vehicle, Oversized.

"Oversized recreational vehicle" means any recreational vehicle, as defined in Section 22.04.442, that exceeds either: a height of 12 feet or a length of 35 feet.

Religious Institution.

"Religious institution" means a facility or place of worship that is primarily used for religious gatherings, ceremonies, worship services, and related activities conducted by a recognized religious organization. Such institutions may include churches, mosques, synagogues, temples, chapels, and similar places of religious assembly. Religious institutions may also encompass ancillary uses such as administrative offices, classrooms, meeting rooms, fellowship halls, libraries, recreational areas, and emergency shelters, provided that these facilities are directly associated with the religious activities of the organization. Additionally, religious institutions may engage in charitable, educational, and community outreach programs consistent with their religious mission.

Renewable Energy Operation.

"Renewable energy operation" means a business involved in the generation, transmission, distribution, and storage of energy derived from renewable sources such as solar, wind, hydroelectric, geothermal, biomass, and alternative fuels. This category encompasses facilities and installations involved in harnessing renewable energy resources to produce electricity, heat, or fuel for various purposes, including residential, commercial, industrial, and municipal applications. Renewable energy operations may include solar farms, battery production, wind farms, hydroelectric power plants, geothermal facilities, biomass processing facilities, alternative fuels refining, and energy storage facilities such as battery storage systems.

Research Laboratory.

"Research laboratory" means a facility dedicated to scientific investigation and experimentation aimed at advancing knowledge and understanding in various fields. These facilities typically house specialized equipment and infrastructure to conduct experiments, analyze data, and develop innovative solutions. Research laboratories may focus on a wide range of disciplines, including but not limited to, biology, chemistry, physics, engineering, medicine, environmental science, and technology.

Residential Care Facility.

"Residential care facility" means a facility operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff, or as defined and regulated by the California Health and Safety Code. Residential care facilities are intended to serve as a residence for individuals in need of assistance with daily living activities.

Restaurant and Other Food and Beverage Service Establishment.

"Restaurant and other food and beverage service establishment" means an eating and drinking establishment, including, but not limited to, a bona-fide public eating place, sandwich shop, café, coffee shop, catering operation, beer garden, or wine bar, but not including a bar or drive-through restaurant. Restaurants and other food and beverage service establishments are distinguished from bars and nightclubs by their focus on food service as the primary offering, or by only offering beer and wine.

Sales Floor Area.

"Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space.

Seasonal Sales.

"Seasonal sales" means temporary retail activities conducted on a short-term basis, typically associated with specific seasons or holidays, such as Halloween, Christmas, or Easter. These sales may include the offering of seasonal goods or services, such as

pumpkins, Christmas trees, wreaths, decorations, and related items. Seasonal sales activities are generally limited to a specific time period within the corresponding season and may be conducted in designated areas, such as parking lots or open fields.

Secondhand Stores.

The retail sale of used appliances, clothing and miscellaneous household or personal items. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

Sensitive Retail Uses.

"Sensitive retail uses" means retail establishments that offer goods or services which may have specific regulatory or social considerations due to their potential impact on public health, safety, or welfare. These uses include tobacco shops, adult-oriented businesses, firearm dealers, and pawnshops.

Service Station.

"Service station" means a place where gasoline or any other motor fuel, lubricating oil or grease for the operation of passenger vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including lubrication on the site and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used.

Shall.

The word "shall" is mandatory and not directory.

Single-Room Occupancy.

"Single-Room Occupancy," also referred to as an SRO, means a facility providing six or more dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 400 square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered monthly or longer. Units exceeding 250 square feet shall provide full individual bathroom facilities. Otherwise, common bathroom facilities shall be provided in accordance with the California Building Code. Each unit shall have a separate closet. If individual kitchen facilities are not provided, common kitchen facilities shall be provided with at least one kitchen per floor. Two hundred square feet of common space shall be provided per floor. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility. An SRO facility with 10 or more units shall have an on-site manager.

Site.

"Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

Site Area.

"Site area" means the total horizontal area included within the property lines of a site.

Small Animal Farming.

"Small animal farming" means the raising of chickens, rabbits and other grain-fed rodents and birds.

Stable.

"Stable" means a structure accessory to a dwelling, used or designed to be used to shelter horses, including a corral or paddock.

Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above the ground adjacent to the building for more than 50 percent of the total perimeter or is more than 12 feet above ground at any point, such basement, cellar, or unused under-floor space shall be considered a story.

Story, Half.

"Half story" means that portion of a building under a gable, hip or gambrel roof, the top wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such building portion.

Street.

"Street" means a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

Street Intersection.

"Street intersection" means the intersection of the right-of-way or side lines of the street at a corner, or the intersection of a straight line extension of such right-of-way or side lines thereof.

Structure.

"Structure" means anything constructed or erected which requires a location on the ground, including a building but not including a fence or a wall used as a fence.

Structure, Accessory.

"Accessory structure" means an attached or detached subordinate structure, which is, subordinate in size and incidental to the use of the main structure or the main use of the

land, and which is located on the same site with the main structure or use. Examples of attached accessory structures include, but are not limited to, unenclosed structures and unconditioned enclosed structures such as: decks that are 18 inches or more above grade, trellises, and patio covers/enclosures. Examples of detached accessory structures include, but are not limited to, those features permitted as attached accessory structures, as well as: garages, carports, storage sheds, greenhouses, and gazebos. The size of an enclosed accessory structure is defined as the floor area within the structure. The size of an unclosed accessory structure, such as a carport, gazebo, or deck, is defined as the structure's projected roof or deck area. In-ground swimming pools where no part of the pool and/or ancillary features is more than 18 inches above grade, are not defined as accessory structures for purposes of height, minimum yard and/or maximum coverage limitations.

Structure, Main.

"Main structure" means a structure housing the principal use of a site or functioning on the principal use.

Supportive Housing.

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 and as per subdivision (b) of Section 50675.14 of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Tasting Room.

"Tasting room" means a room, facility, or outlet for the promotion of a farm's products by providing samples of such products to the public and for the sale of such products at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of products can be given complimentary or for a fee.

Tattoo Parlors.

Establishments specializing in providing tattoos, body piercing or other similar service involving permanent coloring or adorning of skin or body parts.

Testing Laboratory—Cannabis.

"Testing laboratory" means a business that holds a valid state license that offers or performs tests of cannabis or cannabis products and that is both of the following:

- A. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- B. Licensed by the bureau of cannabis control.

Tobacco-Related Products.

"Tobacco-related products" are any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco and products prepared from tobacco.

Transit Stop.

"Transit Stop" means a regularly scheduled bus stop, as posted in a transit agency's most current publication of routes and stops, including but not limited to Central Contra Costa Transit Authority's ("CCCTA") "County Connection" bus service.

Transitional Housing.

"Transitional Housing" and "Transitional Housing Development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months, per subdivision (h) of Section 50675.2 of the California Health and Safety Code.

Transmission Line.

"Transmission line" means a system designed to impart direction to any energy, force, material, or substance for the purpose of conveying said items from one location to another location without the lines' output content being reduced, in comparison to line input content, by direct distribution to consumers.

Usable Open Space.

"Usable open space" means outdoor area on ground, roof, balcony, deck, or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access, or landscaping. Such areas:

- A. Shall not include off-street parking space or driveways;
- B. Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;
- C. Shall have a minimum dimension of 12 feet in any direction and a minimum area of 200 square feet, provided:
 1. Balconies may be included if they have a minimum dimension of seven feet and a minimum area of 80 square feet; and
 2. Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s).

Use.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged, or for which either a site or a structure is or may be occupied or maintained.

Use by Right.

"Use by right" means a development project that satisfies both of the following conditions:

- A. The development project does not require a conditional use permit, planned unit development permit, or other discretionary local government review.
- B. The development project is not a project for the purposes of the California Environmental Quality Act (Division 13 [commencing with Section 10000] of the Public Resources Code).

Vehicle and Vehicle Accessory Sales and Services.

"Warehouse and storage " means a commercial establishment primarily engaged in the sale, lease, rental, or service of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles ("RVs"). This category also includes the sale of vehicle accessories, parts, and related products. Vehicle sales and service establishments may offer a range of services, such as vehicle maintenance, repair, customization, and installation of accessories. Additionally, these establishments may provide financing, insurance, and other related services to support vehicle ownership and operation.

Warehouse and Storage.

"Warehouse and storage" means a facility involved in the storage, handling, and distribution of goods, materials, or merchandise. These establishments typically include buildings, structures, or outdoor spaces equipped with shelving, racks, containers, or other storage equipment. Warehouse and storage may also feature loading docks, truck bays, and administrative offices for managing inventory and logistics operations.

Waste Storage, Processing, and Disposal.

"Waste storage, processing, and disposal" means a facility or operation that involves the collection, temporary storage, sorting, treatment, recycling, and final disposal of solid waste, hazardous waste, recyclable materials, and other waste streams. This includes but is not limited to landfills, transfer stations, composting facilities, recycling centers, waste-to-energy plants, incinerators, and any other facilities or activities involved in the management of waste materials.

Width.

"Width" means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Wholesale Establishment.

"Wholesale establishment" means a business that primarily sells goods or merchandise to retailers, industrial users, commercial entities, institutions, or other wholesalers. These businesses may include warehouses, distribution centers, or similar facilities where goods are stored, sorted, or processed for wholesale distribution. They typically engage in bulk sales, offering products in large quantities or at discounted prices.

Wind Generator.

"Wind generator" means the equipment used to convert wind energy into electrical power, including a rotor (e.g., propeller), support pole and/or wires, and all interconnection and auxiliary equipment.

Yard.

"Yard" means an open space on the same site as a structure unoccupied and unobstructed from the ground upward, including a front yard, side yard, rear yard or space between structures.

Yard, Front.

"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable zoning district standards.

Yard, Rear.

"Rear yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and line parallel thereto on the site.

Yard, Side.

"Side yard" means a yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, to the rear property line of the site when no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Yard, Street-Side Side.

"Street-side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is an area extending

across the full length of the lot between the street side property line and the minimum required street-side yard setback distance, as required by the applicable zoning district standards.

SECTION VIII:

Chapter 22.30 (U Undesignated District) is hereby repealed in its entirety.

SECTION IX:

Chapter 22.31 (Temporary Use Permits) is hereby added to Title 22 (Zoning) of the MMC:

CHAPTER 22.41 TEMPORARY USE PERMITS

22.31.010 Purpose.

22.41.030 Uses Permitted with a Temporary Use Permit.

22.41.050 Type of Temporary Use Permits: Major and Minor.

22.41.060 Minor Use Permit.

22.41.070 Application

22.41.080 Approval.

22.41.090 Expiration of Temporary Use Permit.

22.41.100 Appeals.

22.41.010 Purpose.

The purpose of this Chapter is to establish a procedure for approving temporary land uses that meet established development review standards and are appropriate due to their temporary nature. The permitted temporary land uses are those specified in Section 22.41.030 and other temporary land uses determined to be similar by the Community and Economic Development Director or designee. This Chapter regulates temporary uses on private property only. Temporary uses on public property must obtain a Special Events Permit through the Community and Recreation Services Division.

22.41.030 Uses Permitted with a Temporary Use Permit.

All Temporary Use Permits must conform to the following standards to be approved. No Temporary Use Permit may be renewed unless otherwise indicated by this Chapter.

- A. Construction-Related Temporary Uses. The following types of construction-related temporary uses may be permitted with approval of a Temporary Use Permit:
1. Temporary Construction Trailer. A temporary construction trailer not located on the site where the construction activity is occurring.
 2. Temporary Storage Container. This use includes metal shipping containers used for the storage of materials on sites other than where the construction activity is occurring. A temporary storage container associated with construction that meets all the following conditions:
 - a. Temporary storage container in conjunction with remodeling or reconstruction work at a project site with an active building permit and

shall be located on the project site. For construction on a single parcel (not part of a larger development project), a Temporary Use Permit is valid for as long as the project has a valid building permit, or for one year, whichever is shorter.

- b. Container must be located on private property and may not be located in the public right-of-way.
 - c. Container shall be sited to minimize impacts on required parking to the extent feasible.
 - d. Container must be located on a paved surface.
 - e. Container may be located in the rear yard on a paved or unpaved surface.
 - f. No more than one container per residential parcel is permitted.
3. Construction Equipment Storage Yard. A construction equipment storage yard includes both storage containers and construction equipment associated with construction on a commercial, industrial, or residential project, which is not located on the same site where the construction activity is occurring. A construction equipment storage yard shall be located in close proximity to the project site.
- B. Farmers Market. An event offering for sale produce, food items, and related goods and merchandise by certified growers authorized to sell directly to consumers, which takes place on private property. Each individual Farmers Market shall be limited to one day per week. Farmers Markets on public property require a Special Events Permit from the Community and Recreation Services Division.
- C. Mobile Vendors. Vehicles or trailers that are equipped to prepare and sell food, beverages, or other retail items, subject to the following performance standards:
- 1. Mobile vendors shall only operate on private property, in City-owned parking lots, in public plazas, in public parks, and in legal parking spaces on public streets.
 - 2. Mobile vendors operating in legal parking spaces on public streets are subject to the following restrictions:
 - a. Mobile vendors shall only operate between 7:00 A.M. and 10:00 P.M.
 - b. Mobile vendors shall comply with the posted parking time limits and shall pay all applicable parking fees.
 - c. Mobile vendors shall provide their own temporary waste receptacle and shall off-haul and properly dispose of all solid waste.
 - d. Mobile vendors are prohibited from operating on streets with a posted traffic speed of 35 miles per hour or greater.
 - e. Mobile vendors shall not operate on streets or rights-of-way where a public safety hazard or unsafe condition exists or potentially exists,

based upon determination by the Community and Economic Development Director or designee.

Mobile vendors operating in legal parking spaces on public streets for an hour or more are subject to the following additional restrictions:

- f. Mobile vendors shall maintain a minimum distance of 100 feet from any other mobile vendor located in a legal parking space.
 - g. Mobile vendors shall operate within a maximum travel distance of 200 feet of an approved and readily available toilet and handwashing facility to ensure that restroom facilities are available to mobile vendor employees whenever the mobile vendor is stopped to conduct business for more than a one-hour period.
3. Mobile vendors operating in City-owned parking lots, public parks, public plazas, or as part of a permitted street closure must secure the approval of the City. Mobile vendors operating on private property must secure the approval of the property owner, prior to filing the application.
 4. Mobile vendors must secure all applicable State and local permits prior to operating within the City, including, but not limited to, Environmental Health permits and Fire Certificates.
 5. Mobile vendors are required to secure and display a City of Martinez business license.
 6. Temporary Use Permits for mobile vendors are valid for a maximum of one year or for the time period listed in the approved permit, whichever is shorter. After the permit has expired, an applicant must reapply for a new Temporary Use Permit to continue any mobile vending operation.
 7. Mobile vendors are limited to operating a maximum of 100 days per year. Mondays and Tuesdays are not included towards the allotted days.
 8. Mobile vendors operating in Martinez shall report Martinez as the point of sale for the sales tax collected while operating in Martinez city limits. Failure to do so will result in revocation of their Use Permit.
 9. Noise from any generator shall be minimized as much as possible through screening and placement.
 10. An applicant may request an exception to exceed standards 6 and 7. The other standards may not be modified. An exception may be granted if the following findings can be made:
 - a. The use will not pose a detrimental impact to the site, adjacent properties, or neighborhood.
 - b. The use will otherwise comply with applicable Zoning Ordinance standards and requirements.
- D. Outdoor Event by an Established Business. An Outdoor Event shall be limited to a maximum of thirty event days per year. Outdoor Events are distinguishable

from Outdoor Sales by Established Businesses in that Outdoor Events do not involve the commercial sale of merchandise, but are promotional in nature or for charitable or fundraising purposes. Examples of Outdoor Events by an Established Business include, but are not limited to, car shows hosted by non-auto-oriented businesses or similar events. Events in the public right-of-way are subject to further limitations. An encroachment permit is required for any road closure. Outdoor Events cannot conflict with other events permitted by the City. Individual Outdoor Events approved as part of a Temporary Use Permit allowing Outdoor Events are subject to the Conditions of Approval of the primary Temporary Use Permit. Applicants shall notify the City at least 15 days in advance of any proposed individual Outdoor Event.

- E. Outdoor Sales by an Established Business. Outdoor Sales of merchandise and goods may be permitted in the public right-of-way provided they will not impact accessibility. Outdoor Sales that occur entirely on private property do not require a Temporary Use Permit.
- F. Outdoor Skating Rink. An outdoor skating rink may be permitted, with a maximum of 90 operational days per calendar year.
- G. Sales Office/Model Home Complex. This use includes nonpermanent sales offices and model home complexes within approved developments, and accessory signs, landscaping, and parking facilities. This temporary use is in effect during the period of construction and original sale of the buildings or lots in a new development. A Temporary Use Permit is not required if sales take place entirely within a building that is otherwise permitted as a permanent structure in the approved development.
- H. Seasonal Sales Lot. A Seasonal Sales Lot, including, but not limited to, Christmas tree lots and pumpkin patches, is permitted for a maximum of 60 days.
- I. Special Events. An event intended to serve a public need by providing a community service or special entertainment event for the Martinez community which is normally only provided as a temporary and/or seasonal activity. Examples of Special Events include, but are not limited to, parades, celebrations, memorials, festivals, and fairs. Special Events on public property must obtain a Special Events Permit through the Community and Recreation Services Division.
- J. Storage or Shipping Container. This use includes metal shipping containers used for the storage of materials, and does not include containers associated with construction. The permit may be for one container per business or parcel for no more than one year subject to standards established by the Community and Economic Development Director designee and may be renewed by means of another Temporary Use Permit.
 - 1. Residential. In residential zoning districts, the following conditions apply:
 - a. Storage containers in place for fewer than 30 days do not require a Temporary Use Permit.

- b. Container must be located on private property and may not be in the public right-of-way.
 - c. Container shall be sited to minimize impacts on required parking to the extent feasible.
 - d. Container must be located on a paved surface.
 - e. Container may be in the rear yard on a paved or unpaved surface.
2. Non-residential. In non-residential zoning districts, the following conditions apply:
- a. All temporary storage containers in non-residential zoning districts require a Temporary Use Permit.
 - b. Letters must be submitted certifying that the Contra Costa County Department of Environmental Health, the Contra Costa County Fire Protection District, and Building Division have given approval to the materials stored and the methods used before the permit will be issued.
- K. Temporary Mobile Home/Manufactured Home. Occupancy of a Mobile Home/Manufactured Home during the period of construction of permanent living quarters for which a valid building permit is in force, on the same premises, in any Agriculture or Residential zoning district.
- L. Vehicle Sales Promotional Tent Sales. A temporary event promoting auto sales with a duration greater than 30 days. A Promotional Tent Sale shall be permitted subject to the following conditions:
- 1. The duration of Automobile Dealership Promotional Tent Sales for any one dealership shall be limited to a maximum of 75 days per calendar year.
 - 2. The total square footage of all temporary tents utilized during an Automobile Dealership Promotional Tent Sale at an auto dealership site at any one time shall be no more than 2,000 square feet.
 - 3. The location of temporary tents shall be subject to review and approval by the Planning Division, Building Division, Engineering Division, and Contra Costa County Fire Protection District. A building permit shall be obtained prior to installation of the temporary tent.
 - 4. No advertising or logos are permitted on any temporary tent canopy.
 - 5. Temporary tents cannot be in place for longer than six months.
- M. Other Temporary Uses. A use not otherwise defined in this Chapter that is determined by the Community and Economic Development Director or designee to be temporary in nature and compatible with the surrounding area and Zoning District in which it is located may be approved.

22.41.050 Type of Temporary Use Permits: Major and Minor.

- A. Major Temporary Use Permit. Any Applicant seeking a Temporary Use Permit for any temporary use listed in Section 22.41.030 that, due to its size, location,

or hours of operation, poses a significant potential impact on neighboring properties, shall be required to obtain a Major Temporary Use Permit. Examples of temporary uses requiring a Major Temporary Use Permit include, but are not limited to, an event which draws so many participants that lanes of traffic are closed and safety personnel are required to be on hand to direct traffic into parking areas.

- B. Minor Temporary Use Permit. All other types of Temporary Uses listed in Section 22.41.030 shall be required to obtain a Minor Temporary Use Permit.

22.41.060 Minor Use Permit.

A Minor Use Permit may be applied for to deviate from a standard for any temporary land use contained in Section 22.41.030.

22.41.070 Application.

The Applicant shall submit a complete Standard Application Form, accompanied by a fee, written description of the proposed temporary use with hours and duration of operation, the written authorization by the property owner, and a diagram of the proposed temporary use (including pedestrian and automobile circulation) and other information as may be required by the Community and Economic Development Director or designee. The Community and Economic Development Director or designee will determine whether the Temporary Use Permit is major or minor for the purposes of fee payment.

22.41.080 Approval.

The Community and Economic Development Director or designee may approve a Temporary Use Permit upon make the determination that the project meets the findings in Section 22.41.090 and any standards established by the Community and Economic Development Director or designee for that permit, including, but not limited to, compliance with applicable requirements of the State of California; review and approval by other departments, divisions, and outside organizations; compliance with other applicable regulations; and meets the requirements of this Title. The Community and Economic Development Director or designee may impose additional standards or conditions of approval on the Temporary Use Permit.

22.41.090 Findings.

The Community and Economic Development Director or designee may approve an application for a Temporary Use Permit, without public notice, upon making the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the city; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create

- a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.
- C. The use is consistent with all applicable provisions of the Municipal Code, the General Plan, and any applicable Specific Plans or city regulations/standards.

22.41.100 Expiration of Temporary Use Permit.

A Temporary Use Permit is valid for one year, for the time period specified in this Chapter, or for the time period listed in the approved permit, whichever is shorter.

22.41.110 Appeals.

The approval or denial of a Temporary Use Permit may be appealed to the Planning Commission.

SECTION X:

Section 22.36.060 (Parking – Industrial Uses) of Title 22 (Zoning) of the MMC is hereby amended to read as follows:

22.36.060 Parking—Industrial Uses.

Parking shall be provided for industrial uses in accordance with the following table:

INDUSTRIAL USES TABLE

Industrial Use and Required Parking Space (per gross floor area*).

- A. Warehouse and storage buildings—1 per 1,000 square feet except for areas used exclusively for truck loading.
- B. Manufacturing plants and other industrial uses—1 per 1,000 square feet except for floor areas used exclusively for storage or truck loading, plus 1 space per 300 square feet of office area.

* Except for floor area used exclusively for storage or truck loading.

SECTION XI:

Chapter 22.08 (District Designations) of Title 22 (Zoning) of the MMC is hereby repealed in its entirety and replaced with the following text:

CHAPTER 22.08 DISTRICT DESIGNATIONS

22.08.010 Specified.

The districts established by this Title shall be designated as follows:

R-1.5 Multifamily Residential District:	1,500 square feet per dwelling unit
R-2.5 Multifamily Residential District:	2,500 square feet per dwelling unit
R-3.5 Family Residential District:	3,500 square feet per dwelling unit
R-6.0 One Family Residential District:	6,000 square feet minimum lot area

R-7.0 One Family Residential District:	7,000 square feet minimum lot area
R-7.5 One Family Residential District:	7,500 square feet minimum lot area
R-10.0 One Family Residential District:	10,000 square feet minimum lot area
R-15 One Family Residential District:	15,000 square feet minimum lot area
R-20 One Family Residential District:	20,000 square feet minimum lot area
R-40 One Family Residential District:	40,000 square feet minimum lot area
R-65 One Family Residential District:	65,000 square feet minimum lot area
R-80 One Family Residential District:	80,000 square feet minimum lot area
R-100 One Family Residential District:	100,000 square feet minimum lot area
RR One Family Rural Residential District:	20,000 square feet minimum lot area (RR-20) to 100,000 square feet minimum lot area (RR-100)

PA Professional and Administrative Office District

NC Neighborhood Commercial District

CC Central Commercial District

SC Service Commercial District

LI Light Industrial District

HI Heavy Industrial District

"M" Mixed Use District: Two or more zoning districts may be combined and overlaid to form a mixed use district. The designation shall be "M" followed by the appropriate zoning classifications, for example, "M—CC/R-1.5," an "R-1 5 Multifamily Residential District" overlaying a "CC-Central Commercial District," permitting all the uses of both zoning districts, but meeting the yard requirements and landscaping coverage and height restrictions of the more restrictive of the combined districts.

ECD Environmental Conservation District

OS Open Space District

GF Governmental Facilities District

RF Recreational Facilities District

"P" Pre-zoned District: A special zoning designation used in conjunction with a specific zoning district designation (i.e., "R-7.5-P") indicates properties outside the corporate limits of the City which have been pre-zoned in accordance with the requirements of law; the zoning automatically changes to the base specific zoning (i.e., "R-7.5" in the case noted) upon annexation to the City.

SECTION XII:

Sections 22.43.110 (Accessory Dwelling Units and Junior Accessory Dwelling Units – Privacy), 22.43.120 (Accessory Dwelling Units and Junior Accessory Dwelling Units –

General Requirements), and 22.43.160 (Accessory Dwelling Units and Junior Accessory Dwelling Units – Review and Approval Authority) of Title 22 (Zoning) of the MMC are hereby amended to read as follows:

22.43.110 — Privacy.

- A. **Windows.** ADUs that do not meet the setback requirements that would apply to a primary dwelling in the same district shall require windows that face neighboring property lines to:
 1. Be clerestory with a minimum sill height of six feet above the subject interior floor elevation; or
 2. Have frosted or opaque glass and not be operable.
- B. **Balconies and Decks.** Balconies and decks attached to ADUs shall comply with the setback requirements that apply to a primary dwelling in the same district.

22.43.120 — General Requirements.

- A. **Compliance with Building Codes.** All ADUs and JADUs shall comply with all applicable requirements of the building code as adopted and enforced at time of submitting a complete application. In cases where an ADU or JADU is to be created through the reconfiguration of a portion of an existing single-family dwelling, both the secondary and primary dwelling shall be upgraded to comply with such building code requirements, which include but is not limited to noise separation between units sharing common walls, emergency egress and heating/ventilation requirements, as required by the Chief Building Official or designee.
- B. **Permanent Foundation.** A permanent foundation shall be required for all attached and detached ADUs and for any ADU or JADU created entirely through conversion to the existing structure with a physical addition.
- C. **Public Utilities and Services.** ADUs shall be served by public water and sewer and shall have access to an improved public street.
- D. **Required Facilities.** With the exception of JADUs, all attached or detached ADUs must include:
 1. Independent facilities for living, sleeping, cooking, and sanitation.
 2. A kitchen area containing a refrigerator, sink, and permanently installed cooking appliance, which must include at least a fixed stovetop.
 3. A fully plumbed bathroom including sink, shower, and toilet.
 4. If a permitted JADU does not include a separate bathroom, the JADU must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

- E. **Fire Sprinklers.** All newly constructed or converted ADUs are required to have automatic residential fire sprinklers consistent with California Residential Code Section R313.2, unless the existing primary structure was constructed prior to the requirement for automatic residential sprinkler system. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- F. **Windows.** Detached ADUs with a wall(s) located closer than five feet to a primary dwelling shall not include any openings such as windows or doors on the subject wall(s).
- G. **Occupancy.** ADUs and JADUs may be rented separately from the primary dwelling. Dwellings with ADUs do not require owner occupancy of either the primary dwelling or ADU. Dwellings with JADUs require owner occupancy of either the primary dwelling or the JADU, but shall not be required if the owner is another governmental agency, land trust, or housing organization. No ADU or JADU shall be rented for a period of less than 31 days and cannot be occupied as a short-term rental unit.
- H. **Conveyance:** ADUs may be separately conveyed as condominiums under the following requirements.
 1. Non-Profit Conveyance: The involvement of qualified nonprofit housing organizations consistent with California Government Code Sections 65852.2 and 65852.26.
 2. Private Conveyance: An attached ADU may be conveyed separately from a primary dwelling via a private transaction with implementation of a condominium plan. The conveyance of the ADU shall also comply with Government Code Section 65852.2, the Subdivision Map Act (Division 2 (commencing with Section 66410)), and all objective requirements of Martinez Municipal Code Title 21.
- I. **Common Sanitation Facilities.** JADUs are permitted to have common sanitation facilities with the primary dwelling. Any JADU with common sanitation facilities shall have interior access to the primary dwelling.
- J. **Protected Trees.** Where an ADU is proposed within the dripline of a protected tree, as defined in Section 8.08.044, an arborist report prepared by a licensed arborist shall be required and all ensuing recommendations shall be followed.
- K. **Hillside Properties.** For areas with slopes greater than 30 percent, the preparation of a geotechnical investigation report shall be required and all ensuing recommendations shall be followed.

22.43.160 — Review and Approval Authority.

- A. **Application to be Administratively Approved.** All ADUs and JADUs require a building permit. The building permit will be reviewed for compliance with applicable building codes, California Government Code Section 65852.2 and

65852.22, and development and design standards from this Section. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a Building Permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

- B. **Approval of Preapproved ADU.** The City shall approve or deny an application for an ADU ministerially within 30 days if the proposed ADU plans utilize either preapproved project plans provided on the City’s website or if the plans are identical to a separate and previously approved application.
- C. **Approval of Unit Does Not Permit Land Division.** Approval of an ADU or JADU shall not be deemed to be a division of land for purposes of California Government Code Section 66410 et seq. or Title 21 of the Municipal Code, nor shall the administrative approval above entitle the applicant to either: (a) such a division of land; or (b) to have each of the dwelling units on the parcel separately assessed for property tax purposes.

SECTION XIII: ZONING MAP AMENDMENT.

The Zoning Map is hereby amended to rezone the following parcels, identified by their Assessor’s Parcel Number (“APN”) and by the maps below in Figures 1 and 2 (incorporated herein by reference), from their existing zoning to the proposed zoning as shown in the following table:

APN	Existing Zoning	Proposed Zoning
162-493-009	CR Commercial Recreation	NC Neighborhood Commercial
162-493-012	CR Commercial Recreation	NC Neighborhood Commercial
162-493-013	CR Commercial Recreation	NC Neighborhood Commercial
162-493-014	CR Commercial Recreation	NC Neighborhood Commercial
377-020-048	M-29 Multifamily	R-1.5 Residential
377-030-001	M-29 Multifamily	R-1.5 Residential
377-030-002	M-29 Multifamily	R-1.5 Residential
377-030-003	M-29 Multifamily	R-1.5 Residential
377-030-004	M-29 Multifamily	R-1.5 Residential
377-030-017	M-29 Multifamily	R-1.5 Residential
377-030-018	M-29 Multifamily	R-1.5 Residential
377-030-019	M-29 Multifamily	R-1.5 Residential
377-030-020	M-29 Multifamily	R-1.5 Residential
377-030-026	M-29 Multifamily	R-1.5 Residential
377-040-005	M-29 Multifamily	R-1.5 Residential
370-050-042	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial

370-061-001	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-061-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-061-036	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-061-039	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-061-040	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-061-043	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-001	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-003	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-004	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-005	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-008	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-009	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-071-010	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-081-010	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial

370-081-019	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-082-021	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-190-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-190-003	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-190-005	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-190-016	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-190-017	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-261-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-261-003	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-262-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-262-003	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-262-004	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-270-001	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-270-002	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-270-003	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial

370-270-004	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-270-005	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-270-051	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-009	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-012	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-019	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-020	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-021	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-030	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-031	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-280-032	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-292-027	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-293-016	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
370-293-017	Mixed NC/TC Neighborhood Commercial/Thoroughfare Commercial	NC Neighborhood Commercial
377-150-013	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development

377-150-015	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-150-016	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-004	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-005	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-006	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-008	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-009	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-010	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-160-011	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-170-007	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
377-170-014	Mixed PA/CI Professional and Administrative/Controlled Industrial	Mixed PA/CI Professional and Administrative/Research and Development
161-212-019	RB Retail Business	NC Neighborhood Commercial
161-212-020	RB Retail Business	NC Neighborhood Commercial
161-212-021	RB Retail Business	NC Neighborhood Commercial
161-212-022	RB Retail Business	NC Neighborhood Commercial
161-212-040	RB Retail Business	NC Neighborhood Commercial
161-212-041	RB Retail Business	NC Neighborhood Commercial
377-020-048	RB Retail Business	NC Neighborhood Commercial
377-030-022	RB Retail Business	NC Neighborhood Commercial
377-030-025	RB Retail Business	NC Neighborhood Commercial
377-111-018	RB Retail Business	NC Neighborhood Commercial
377-111-020	RB Retail Business	NC Neighborhood Commercial
377-111-021	RB Retail Business	NC Neighborhood Commercial

377-111-022	RB Retail Business	NC Neighborhood Commercial
377-231-008	RB Retail Business	NC Neighborhood Commercial
162-491-001	TC Thoroughfare Commercial	NC Neighborhood Commercial
162-492-001	TC Thoroughfare Commercial	NC Neighborhood Commercial
162-492-002	TC Thoroughfare Commercial	NC Neighborhood Commercial
370-230-001	TC Thoroughfare Commercial	NC Neighborhood Commercial
370-230-002	TC Thoroughfare Commercial	NC Neighborhood Commercial
370-230-003	TC Thoroughfare Commercial	NC Neighborhood Commercial
161-100-021	U Undesignated	R-1.5 Residential
161-180-001	U Undesignated	A-1 Agricultural
161-400-001	U Undesignated	R-3.5 Residential
161-400-002	U Undesignated	R-3.5 Residential
376-130-019	U Undesignated	GF Government Facility
376-130-023	U Undesignated	GF Government Facility
162-262-007	ECD/CI Environmental Conservation District/Controlled Industrial	ECD/SC Environmental Conservation District/Service Commercial

Figure 1: Rezoned Parcels (Existing)



Figure 2: Rezoned Parcels (Proposed)



PLANNING COMMISSION RESOLUTION NO. 24-02

SECTION XIV: SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Martinez hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION XV: PUBLICATION AND EFFECTIVE DATE.

This ordinance shall become effective 30 days after the date of adoption.

At least five days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within fifteen days after adoption, the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for or against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED

BRIANNE ZORN
MAYOR

ATTEST

KAT GALILEO
ASSISTANT CITY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance that was duly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 1st day of May, 2024, and adopted at a regular meeting of the City Council of the City of Martinez, held on the 15th day of May, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ
CITY CLERK

Approved as to form:

TERRI HIGHSMITH
CITY ATTORNEY

EXHIBIT A – STRIKETHROUGH/UNDERLINE OF RELEVANT CODE SECTIONS

CHAPTER 22.04 DEFINITIONS

22.04.010 Generally.

For the purposes of this Title, certain words and terms used herein are defined as set out in this Chapter.

22.04.020 Construction Interpretation of Tense and Number.

All words in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise.

22.04.030 Definitions (A-Z).

22.04.021 Accessory Dwelling Unit.

An “accessory dwelling unit” or ADU is a dwelling unit that is accessory to a primary dwelling and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary dwelling.
- Attached: The unit is attached to the primary dwelling by a common wall.
- Converted Existing Space: Permitted habitable or non-habitable space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.

22.04.022 Accessory Dwelling Unit, Junior.

A “junior accessory dwelling unit” or JADU is a specific type of conversion of existing space into a separate dwelling unit that is contained entirely within an existing or proposed single-family dwelling and does not exceed 500 square feet.

22.04.023 Accessory Dwelling Unit, Statewide Exemption.

A “statewide exemption ADU” is an ADU of up to 800 square feet, has four-foot side and rear yard setbacks, and complies with the height limitations of Section 22.43.070. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a Statewide Exemption ADU.

22.04.025 Activities Devoted Primarily to the Sale or Exchange of Tobacco-Related Products.

“Activities devoted primarily to the sale or exchange of tobacco-related products” are activities either devoting 20 percent of floor area or display area to, or deriving 75 percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

22.04.026 Aggregate Side Yards.

“Aggregate side yards” means the sum of the two side yards.

22.04.026.5 Agricultural Accessory Structure.

“Agricultural accessory structure” means an attached or detached subordinate structure which supports agricultural activity; is incidental to the use of the main structure or the main use of the land; and is located on the same site with the main structure or use. Examples of agricultural accessory structures

include, but are not limited to, grain silos, water towers, barns, small and large animal structures, and equipment storage structures.

Agricultural Product Processing.

"Agricultural product processing" means the commercial preparation of agricultural products for human consumption or the manufacture of products which are derived from plants and animals. Examples include, but are not limited to, meat processing, lard manufacture, dairy production, and vegetable canning.

22.04.027 Agriculture - Large Scale.

"Large scale agriculture" means general farming, wholesale horticulture, viticulture and floriculture, dairying, livestock production, fur farms, chicken raising, animal breeding, aviaries, apiaries, forestry and similar agricultural uses.

22.04.028 Agriculture - Small Scale.

"Small scale agriculture" means crop and tree farming, horticulture and viticulture.

Airport and Heliport.

"Airport and heliport" means an area designated for the takeoff, landing, and movement of aircraft. Airports typically include runways, taxiways, aprons, and terminal buildings for the embarkation and disembarkation of passengers and cargo. Heliports are specifically designated areas for helicopters to take off and land, often featuring landing pads, fueling stations, and other necessary facilities. These facilities may also include ancillary operations such as aircraft maintenance, air traffic control, customs, and security services.

22.04.030 Alley.

"Alley" means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

22.04.040 Alter.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams or girders.

22.04.040.5 Animal Boarding.

"Animal boarding" means the commercial operation of a facility that provides temporary care, shelter, and accommodation for animals, including but not limited to dogs, cats, birds, and small mammals, for a period exceeding 24 hours. Such facilities may offer services such as feeding, grooming, exercise, and medical care under the supervision of trained personnel. Animal boarding establishments shall comply with all applicable health, safety, and zoning regulations to ensure the well-being and comfort of the boarded animals.

22.04.041 Animal Structures - Large.

"Large animal structures" means accessory structures provided for the shelter or housing of livestock including, but not limited to, barns and stables.

22.04.042 Animal Structures—Small.

"Small animal structures" means accessory structures provided for the shelter or housing of small animals including, but not limited to, chicken coops, rabbit hutches, and similar scale structures.

22.04.045 Antique Shops.

"Antique shops" means establishments engaged in retail sales of objects of art or pieces of furniture, household implements and the like, which, because of age, rarity, and fabrication or the manufacture at a time much earlier than present, have acquired a collectors' quality and value. This definition does not include any objects or materials that are obsolete and have secondhand or salvage value only.

22.04.050 Apartment Hotel.

~~"Apartment Hotel" means a combined multiple dwelling and hotel which maintains an interior lobby through which tenants must pass to gain access to dwelling units and hotel rooms, and in which not less than 50% of the accommodations are designed and used as dwelling units.~~

22.04.050.5 Apiary.

"Apiary" means beehives or place where bees are kept, located, or found.

22.04.051 Bail Bonds Shops.

Establishments that provide security for the due appearance of an individual ~~in order~~ to obtain temporary release from imprisonment.

22.04.052 Bar.

"Bar" shall mean a business where alcoholic beverages, but not including beer and/or wine only, are sold for on-site consumption, with either no or limited food service which do not include a "bona-fide public eating place." "Bar" does not include a business where alcoholic beverages are served which business complies with all of the following: a) operates as "a bona-fide public eating place", b) possesses a license type issued by ABC which is issued only to establishments with a "bona-fide public eating place"; and c) provides meals, prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the Martinez Municipal Code of the City of Martinez and the City Building Official.

22.04.054 Bed and Breakfast Inn.

"Bed and Breakfast Inn" means a business operated as part of a dwelling in which lodging or lodging and meals are provided for compensation for more than 2 two but not more than 6 six persons other than members of the resident family, excluding a nursing home ~~as defined in this Chapter~~, where the following conditions are met:

- A. The business is conducted within a dwelling by an inhabitant thereof.
- B. No signage is displayed other than a name plate not exceeding six ~~(6)~~ square feet in area.
- C. No noisy or otherwise objectionable machinery or equipment is used in the conduct of the business.
- D. No storage of equipment or supplies takes place outside of the dwelling.
- E. Off-street parking is provided at the rate of 2 two spaces plus 4 one space for each guest room.

- F. The conduct of the business does not create excessive pedestrian, automobile or truck traffic in the vicinity.

~~22.04.060~~ Block.

"Block" means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad rights-of-way, unsubdivided land or watercourse.

~~22.04.063~~ Bona-fide Public Eating Place.

"Bona-fide public eating place" shall have the same meaning as set forth in California Business and Professions Code Section 23038 and includes a place which regularly serves meals and which has suitable kitchen facilities connected therewith. "Bona-fide public eating places" does not include establishments with only limited food service such as only sandwiches or salads or pre-prepared foods.

~~22.04.070~~ Breezeway.

"Breezeway" means a structure for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site. A breezeway shall not exceed 12 feet in height and no more than fifty percent (50%) of the sides of the structure shall be enclosed with any material other than that necessary for roof supports.

~~22.04.075~~ Building.

"Building" means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, chattels, or property of any kind.

~~22.04.078~~ Building Height.

"Building height" means the vertical distance at any point of the surface of the ground covered by the structure directly over said point between the natural grade and the highest point of the structure, not including the exceptions outlined in Section 22.34.170.B.

~~22.04.080.5~~ Campground.

"Campground" means real property made available to persons for camping, whether by tent, trailer, camper, cabin, recreational vehicle, or similar device. "Campground" does not include a manufactured home community or mobile home park.

~~22.04.081~~ Cannabis Delivery Permit.

"Cannabis delivery permit" means a permit issued by the Chief of Police to business that delivers cannabis products within the City limits of the City of Martinez.

~~22.04.090~~ Carport.

"Carport" means an accessory structure or portion of a main structure having a roof but open on two or more sides and designed for the storage of motor vehicles.

~~22.04.091~~ Check Cashing Shops.

Establishments with a primary purpose of cashing checks and making loans other than a financial institution such as a bank or credit union.

22.04.091.5 Chicken.

"Chicken" means any domesticated chicken excluding roosters, kept for the primary purpose of egg production, meat, or as a pet.

22.04.092 Christmas Tree Farm.

~~"Christmas tree farm" means the seasonal sale of trees grown on site. Customer selection and cutting of trees may be part of the sales process.~~

Clean Technology.

"Clean technology" means a business or operation related to the development of innovative practices and technologies aimed at reducing environmental impact, enhancing resource efficiency, and promoting sustainability. It encompasses renewable energy systems like solar and wind power, energy-efficient solutions for buildings and transportation, waste management and recycling facilities, water conservation technologies, clean transportation options such as electric vehicles, sustainable agriculture practices, green building materials, and environmental monitoring and remediation technologies.

22.04.095 Commercial Vehicle.

"Commercial vehicle" shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that commercial vehicle shall not include a pickup truck as defined in the California Vehicle Code as the same may be amended from time to time.

22.04.100 Commissions, Officers, Boards.

- A. "Board of Adjustments" and "Board" mean the Zoning Administrator, or the Planning Commission, as determined by the ~~Planning & Building Director~~ Manager or Designee.
- B. "Building Inspector" means the ~~Chief Building Inspector of the City of Martinez~~ Official or designee.
- C. "City Engineer" means the City Engineer ~~of the City of Martinez~~ or designee.
- D. "City Planning Commission" and "Commission" mean the Planning Commission duly appointed by the City Council.
- E. "Zoning Administrator" means the ~~Planning and Building Director~~ Community and Economic Development Director, Planning Manager, or his designee.

22.04.102 Common Open Space.

"Common Open Space" means land area of the site not covered by buildings or structures which is accessible to all occupants or dwelling units within the development. It does not include proposed street rights-of-way, open parking areas, driveways, school sites, commercial areas and related facilities, or areas determined unsuitable by the Zoning Administrator or Planning Commission.

22.04.104 Community-Oriented Non-Profit Organization.

"Community-Oriented Non-Profit Organization" means an organization owned, controlled, and operated by an entity that maintains a 501c(3) non-profit status and provides services to Martinez residents.

22.04.108 Conservation Area.

"Conservation area" means an area of land that is intended to be protected and conserved for its natural, cultural, or historical significance.

Contracting and Construction Establishment.

"Contracting and construction establishment" means a commercial entity engaged in the construction, renovation, or improvement of structures, buildings, or infrastructure, including, but not limited to, residential, commercial, industrial, and public works projects. This may include general contractors, subcontractors, construction firms, and other entities involved in the planning, management, and execution of construction activities.

22.04.111.5 Coop.

"Coop" means a roofed structure where chickens typically roost.

Craftsmanship Establishment.

"Craftsmanship establishment" means a business engaged in the skilled production of goods through various artisanal techniques such as metalworking, stonemasonry, glassworking, and woodworking. These establishments typically involve hands-on craftsmanship, precision, and expertise in shaping raw materials into finished products.

22.04.112 Day Care, General.

"General day care" means a commercial business or institution that provides care for persons on a less than 24-hour basis. This classification is exclusive to those facilities licensed by the State, and includes nursery schools, preschools and day care centers for children or adults, but excludes smaller facilities such as family day care home.

22.04.120 Depth.

"Depth" means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

22.04.125 Disabled Person(s).

"Disabled person(s)" means a person who has a medical, physical, or mental impairment or condition that substantially limits 4 one or more major life activities, as those terms are defined in the California Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled persons does not include a person who is currently using illegal substances, unless ~~he or she has~~ they also have a separate disability.

22.04.126 Dispensary—Cannabis.

"Dispensary" means a business that holds a valid state license and conducts the retail sale of cannabis or cannabis products. "Dispensary" means the same thing as "retail cannabis store."

22.04.127 Distribution—Cannabis.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between commercial cannabis businesses licensed by the state.

22.04.130 Dog Fancier.

"Dog fancier" means a person owning or keeping four or more dogs over the age of six months:

- A. As pets;

- B. For showing in recognized dog shows, field trials or obedience trials;
- C. For working or hunting;
- D. For improving the variety of breed in temperament or conformation with a view to exhibition in shows or trials, or for use as working dogs in hunting.

22.04.140 Dog Kennels, Commercial.

"Commercial dog kennels" means any lot, building, structure, enclosure or premises where one or more dogs are kept or maintained for commercial purposes, including boarding, breeding and veterinary care, for the primary purpose of sale or service for profit. All dogs maintained in commercial dog kennels are to be confined on the premises under the owner's control, and shall be enclosed in a building during the hours of darkness.

22.04.150 Dwelling.

"Dwelling" means a one-family dwelling, multiple dwelling, lodging house or apartment hotel.

22.04.155 Dwelling, Primary.

"Primary dwelling" means a means a one-family dwelling, multiple dwelling, lodging house or apartment hotel on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.

22.04.156 Dwelling, Single-family.

"Single-family dwelling" means a structure containing no more than one dwelling unit, designed for occupancy or occupied by no more than one family not occupied on a transient basis.

22.04.160 Dwelling Unit.

"Dwelling unit" means 4 or more rooms and a single kitchen, designed for occupancy by one family for living and sleeping purposes. This includes mobile homes constructed after 1976 (certified under the National Mobile Home Construction and Safety Standards Act of 1974) and placed on permanent foundations.

Educational Institution.

"Educational institution" means an establishment or facility primarily engaged in providing instruction, training, or education to individuals, including, but not limited to, schools, colleges, universities, vocational training centers, tutoring centers, language schools, and other similar entities.

22.04.163 Employee Housing.

"Employee Housing" means residential accommodations for individuals employed within a specific geographic area or by a particular employer. Employee housing serving six or fewer employees shall be deemed a single-family structure and shall be subject to the same standards as any single-family residence in the same zoning district. Employee housing is not a business run for profit.

Event rental business.

"Event rental business" means a commercial enterprise engaged in renting out equipment, facilities, or services for events such as weddings, parties, conferences, and exhibitions. These businesses provide a variety of items for rent, including tents, tables, chairs, decorations, audiovisual equipment, lighting, and other event-related supplies. Event rental businesses may also offer delivery, setup, and pickup services as part of their rental packages.

22.04.165 Fair Housing Laws.

"Fair Housing Laws" means the Federal Fair Housing Act (42 United States Code Section 3601 et. seq.) and the California Fair Employment and Housing Act (California Government Code Section 12926 and 12955 et. seq.), including amendments there to.

22.04.170 Family.

"Family" means one or more persons related by blood, marriage, or legal adoption, or a group of persons living together who constitute a single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

22.04.175 Family Day Care Home.

A facility located in a residential district which provides licensed family day care to 12 or fewer children including children who reside at the home.

22.04.177 Farmworker and Employee Housing.

"Farmworker and employee housing" means accommodations for up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. All occupants of the housing units must be agricultural employees who are employed in, raising, or harvesting any agricultural commodity. Such employees need not work on the property where the housing is located. Any farm worker and employee housing providing accommodations for six or fewer farm workers or employees shall be deemed a single-family structure. Farm worker and employee housing is not a business run for profit.

Financial Institution.

"Financial institution" means an establishment or entity engaged in providing financial services, including but not limited to banks, credit unions, savings and loan associations, mortgage brokers, investment firms, and insurance companies. This category may also include ATM facilities, currency exchanges, and other similar financial service providers.

22.04.180 Floor Area, Gross.

"Gross floor area" means the total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft enclosures or exterior walls.

22.04.182 Foster Family Home.

"Foster family home" means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed, or as defined and regulated by the California Health and Safety Code.

Freight and Transportation Station.

"Freight and transportation station" means a facility designated for the storage, handling, and distribution of goods and materials, as well as the transfer of passengers and cargo between different modes of transportation. These stations serve as hubs for various transportation activities, including shipping, receiving, sorting, passenger transit, and transferring freight and cargo.

22.04.190 Frontage.

"Frontage" means the property line of a site abutting on a street, other than the ~~sideline~~ side yard property line of a corner lot.

22.04.200 Garage.

"Garage" means an accessory structure or a portion of a main structure, enclosed on ~~3~~ three or more sides, designed for the storage of motor vehicles.

22.04.210 Garage, Repair.

"Repair garage" means a structure or part thereof where motor vehicles are repaired or painted.

22.04.220 Garage, Storage.

"Storage garage" means a structure or part thereof used for the storage, parking or servicing of motor vehicles but not for the repair thereof.

General Retail Sales.

"General retail sales" means the sale of various consumer goods and merchandise directly to the public for personal or household use. Such goods may include, but are not limited to, clothing, accessories, electronics, home goods, appliances, groceries, toys, and books.

22.04.230 Group Care and Rehabilitation Facilities.

"Group care and rehabilitation facilities" means residential facilities which provide supervision, care and/or rehabilitation services to resident mentally disordered persons, resident persons who have suffered such problems or diseases as alcoholism, drug addiction, or the like or other handicapped resident persons.

Health Care Clinics, Medical Outpatient Facilities, and Medical and Dental Offices.

"Health care clinics, medical outpatient facilities, and medical and dental offices" means facilities where medical and dental services are provided to patients on an outpatient basis. These establishments offer a range of medical and dental services, including consultations, examinations, diagnostics, treatments, and preventive care. They may include general medical clinics, specialized medical clinics, dental offices, diagnostic imaging centers, outpatient surgery centers, and similar facilities. These establishments are typically staffed by licensed medical and dental professionals, such as physicians, dentists, nurses, and technicians, and may also provide ancillary services such as laboratory testing and pharmacy services.

High Technology.

"High technology" means activities and processes that involve advanced scientific and technological knowledge with the purpose of producing cutting-edge products or services. Such activities may include research, development, design, testing, and production of technology-based goods or services. High Technology establishments may encompass industries such as electronics, biotechnology, information technology, aerospace, artificial intelligence, emerging technology, and other fields that heavily rely on innovation and scientific expertise.

22.04.240 Home Occupation.

- A. "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products, but not including any of the following:
1. Appliance repair, other than repair of small household appliances;
 2. Motorized garden tool repair such as, but not limited to, lawnmowers;
 3. Massage parlor business, as defined in Chapter 5.58 of this Code;
 4. Pest control;

5. Vehicle production and services such as, but not limited to, the following: cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, and towing, excluding the dispatching of vehicles such as limousines, taxicabs, and ambulances;
 6. Welding;
 7. Any use which requires a hazardous materials permit from the Fire Department;
 8. Commercial cannabis activity, as provided in Chapter 22.41;
 9. Any other use which does not comply with any of the conditions listed in subsection B of this Section.
- B. All home occupations are subject to the following conditions:
1. The home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
 2. There shall be no external alteration of the dwelling in which the home occupation is conducted;
 3. No sign shall be displayed other than a nameplate in which the home occupation is conducted;
 4. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation, except that a doctor, dentist, osteopath or chiropractor may employ one assistant;
 5. There shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation;
 6. There shall be no storage, keeping or display of equipment, supplies or merchandise outside or in the vicinity of the dwelling. No goods, merchandise or products shall be sold or offered for sale inside of, outside of, or in the vicinity of, the dwelling. As used in this subsection, vicinity includes any private property located in the same street block as the dwelling;
 7. The conduct of the home occupation shall not create excessive pedestrian, automobile or truck traffic in the vicinity or on the property of any other residence.

22.04.244 Homeless Person(s).

"Homeless person(s)" also referred to as "unhoused person(s)." means an individual who lacks a fixed, regular and adequate nighttime residence; and/or an individual who has a primary nighttime residence that is:

- A. A supervised, ~~publicly~~ publicly or privately operated shelter designed to provide temporary living accommodations, including but not limited to emergency shelters, congregate shelters and transitional housing;
- B. An institution that provides a temporary residence for individuals intended to be institutionalized; or
- C. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

22.04.246 Homeless Shelter, Emergency.

~~"Homeless shelter, emergency" means a residential facility, other than a community care facility, operated by a provider which provides temporary accommodations to persons or families with low income. The term "temporary accommodations" means that a person or family will be allowed to reside at the shelter for a time period not to exceed 180 days. For purpose of this definition, a "provider" shall mean a government agency or private non-profit organization which provides or contracts with recognized community organizations to provide emergency or temporary shelter, and which may also provide meals, counseling and other services, as well as common areas for residents of the facility. Such a facility may have individual rooms, but is not developed with individual dwelling units.~~

"Emergency homeless shelter" means a temporary facility or designated area intended to provide short-term housing and supportive services to individuals or families experiencing homelessness or displacement due to natural disasters, emergencies, or other crises. "Short term" means a period not to exceed 180 days. Emergency shelters may be operated by governmental agencies, nonprofit organizations, religious institutions, or other entities authorized by the local jurisdiction. These shelters typically offer overnight accommodations, meals, hygiene facilities, and access to social services such as counseling, job assistance, and medical care. Emergency shelters include, but are not limited to, other interim interventions like navigation centers, bridge housing, and respite or recuperative care.

22.04.248 Homeless Shelter, Ongoing.

"Homeless shelter, ongoing" means a program, operated by a religious or eleemosynary institution (with the intent of placing the homeless in permanent dwelling units within 90 days after first occupying the shelter) that provides overnight shelter, ~~2~~ two meals a day and case management services for homeless persons, with no predetermined limitation to length of occupancy.

22.04.250 Hotel.

"Hotel" means a structure or portion thereof in which there are 16 or more individual guest rooms or suites, usually occupied on a transient basis, where lodging, with or without meals is provided for compensation, and in which more than 50% percent of the individual guest rooms and suites are without kitchens.

Industry, Heavy.

"Heavy industry" means industrial activities involving large-scale manufacturing, processing, storage, or production that typically utilize heavy machinery, equipment, and raw materials. Heavy industry facilities are characterized by their large physical footprint, high energy consumption, and potential to generate substantial noise, odor, vibration, illumination, emissions, waste byproducts, and truck traffic. These uses must conform to the Industrial Performance Standards of this Title.

Industry, Light.

"Light industry" means industrial activities involving manufacturing, processing, assembly, research and development and storage uses conducted indoors; accessory restaurant and retail sales to serve the industrial area only; construction trades such as contracting, plumbing, and electrical; food and beverage production; and other uses determined to be substantially similar to the above by the Community and Economic Development Director or designee. Light industry is oriented towards the production of consumer goods for end users rather than for intermediate use by other industries. Light industry does not generate substantial noise, odor, vibration, illumination, emissions, waste byproducts, or truck traffic.

22.04.260 Junkyard.

"Junkyard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this Chapter. An establishment for the sale, purchase or storage of used cars or salvaging machinery in operable condition, and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard.

22.04.264 Kitchen.

"Kitchen" shall mean an area ~~used or~~ designed to be used for the preparation of food and equipped with ~~any one or~~ all of the following:

- A. A sink and/or other device for dishwashing;
- B. A stove, microwave or other device for cooking or heating food;
- C. A refrigerator or other device for cool storage of food;
- D. Cabinets, shelves or counters for storage of equipment and utensils for food preparation.

22.04.265 Kitchen, Efficiency.

"Efficiency Kitchen" means ~~a kitchen that includes a cooking facility with appliances~~ a room or part of a room that is designated for food preparation and includes a sink, a refrigerator, a stove/range, a food preparation counter of at least three linear feet and no more than eight linear feet, and storage cabinets of at least three linear feet and no more than 15 linear feet. All appliances must be electric and shall not require propane or natural gas.

22.04.266 Legal Religious Institution.

"Legal Religious Institution" means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operated as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 91010), or as a corporation sole pursuant to Part 6 (commencing with Section 10000), of Division 2 of Title 1 of the Corporations Code.

Life Sciences and Biotechnology.

"Life sciences and biotechnology" means establishments engaged in research, development, manufacturing, and commercialization activities related to biological and medical sciences, including, but not limited to, biopharmaceuticals, medical devices, diagnostics, genetic engineering, regenerative medicine, and agricultural biotechnology. These establishments may include laboratories, research facilities, manufacturing plants, and offices dedicated to advancing scientific knowledge, developing innovative products, and improving human and environmental health. Life sciences and biotechnology facilities may also encompass ancillary uses such as conference centers, training facilities, and support services essential to the operation of these establishments.

22.04.270 Lodging House.

"Lodging house" means a dwelling in which lodging or lodgings and meals are provided for compensation for more than ~~6~~ six but not more than 15 persons other than members of the resident family, excepting a nursing home ~~as defined in this Chapter.~~

22.04.280 Lot.

"Lot" means a parcel of subdivided land which is shown on a duly approved and recorded subdivision map.

22.04.290 Lot, Corner.

"Corner lot" means a site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

22.04.300 Lot, Corridor Access.

"Corridor access lot" means a site with access to a street by means of a corridor having not less than 20 feet of frontage and a width less than the required site width but not less than 20 feet. The area of an access corridor shall not be included in determining site area.

22.04.310 Lot, Double Frontage.

"Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets.

22.04.320 Lot, Interior.

"Interior lot" means a lot other than a corner lot.

22.04.330 Lot, Key.

"Key lot" means the first interior lot to the rear of a reversed corner lot.

22.04.340 Lot Line, Front.

"Front lot line" means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

22.04.350 Lot, Reversed Corner.

"Reversed corner lot" means a corner lot where the side line ~~of which~~ is substantially a continuation of the front property line of the first lot to the rear.

22.04.353 Low-Barrier Navigation Center.

"Low-Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low-barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- 1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- 2) Pets.
- 3) The storage of possessions.
- 4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

22.04.355 Lunch Wagon.

A cart or motor vehicle from which beverages and ready-to-eat food items are sold.

Machinery and Equipment Manufacturing, Sales, and Repair.

"Machinery and equipment manufacturing, sales, and repair" means a business involved in the production, distribution, and maintenance of machinery and equipment used in various industries. This category encompasses establishments engaged in the manufacturing of machinery and equipment, such as industrial machinery, agricultural equipment, construction machinery, and electronic equipment. It also includes businesses that sell or rent machinery and equipment to customers, as well as those offering repair and maintenance services for such machinery and equipment.

22.04.360 Major Thoroughfare.

"Major thoroughfare" means a major street having two or more lanes for each direction of travel, designated as a thoroughfare on the circulation element of the General Plan. For the purposes of this title, this shall apply to all of Alhambra Avenue; Berrellesa Street; Escobar Street and Marina Vista from Berrellesa Street easterly; Pine Street from Jones Street northerly; and Pacheco Boulevard.

22.04.360A Manufacturer—Cannabis.

"Manufacturer" means a business that holds a valid state license and conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

Manufacturing, Advanced.

"Advanced manufacturing" means the use of cutting-edge and innovative processes in the production of goods. Examples include, but are not limited to, 3D printing, biotechnology, nanotechnology, robotics, precision machining, advanced pharmaceuticals, and automation. Advanced manufacturing facilities are characterized by their emphasis on the use of high technology and highly specialized production methods.

Marina, Harbor, and Boatbuilding Facility.

"Marina, harbor, and boatbuilding facility" means a facility designated for the docking, mooring, and storage of watercraft; fishing piers and related facilities; and the construction, repair, and maintenance of boats and vessels. These facilities typically include docks, piers, wharves, slips, boat ramps, and storage areas for boats, yachts, and other watercraft. Boatbuilding facilities may also feature workshops, warehouses, and equipment for the construction, assembly, and outfitting of boats. Marinas and harbors serve as hubs for recreational boating activities, such as sailing, fishing, and cruising, while also supporting commercial and industrial maritime operations.

22.04.361 Massage Parlors Business.

"Massage business" means an establishment engaged in the purpose of massage treatments by one or more therapists. This category does not include day spas.

Media Production.

"Media production" means a business involved in the creation, development, and distribution of various forms of media content, including, but not limited to, audiovisual productions, digital media, print media, and multimedia projects. This category includes businesses engaged in producing films, television shows, commercials, documentaries, music videos, podcasts, radio programs, web series, digital advertisements, graphic design, publishing, and other similar endeavors. Media production facilities may include studios, editing suites, sound stages, recording booths, post-production facilities, and equipment rental services.

22.04.362 Mobile Storage Container.

"Mobile storage container" means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, "POD" units, and other pre-fabricated structures intended for the storage or transport of goods.

Mobile Vendor.

"Mobile vendor" means a vehicle or trailer that is equipped to prepare, serve, and sell food, beverages, and other retail items.

22.04.370 Motel.

"Motel" means a structure, or portion thereof, or a group of attached or detached structures containing individual guest rooms, ~~or suites or dwelling units~~, usually occupied on a transient basis and usually with a garage attached or parking space located in proximity to each unit, where lodging is provided for compensation.

22.04.380 Motor Vehicle Wrecking Yard.

"Motor vehicle wrecking yard" means a site, or portion of a site, on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating under their own power for thirty (30) days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

22.04.390 Multiple Dwelling.

"Multiple dwelling" means a structure containing more than 1 dwelling unit, designed for occupancy or occupied by more than 1 family and ~~usually~~ not occupied on a transient basis. A structure with an attached ADU or JADU does not qualify as a multiple dwelling.

Natural Resource Extraction.

"Natural resource extraction" means the process of extracting or harvesting naturally occurring resources from the earth or its atmosphere for commercial purposes. This includes activities such as mining, logging, fishing, and hunting.

22.04.392 Net Lot Area.

"Net lot area" means total parcel area excluding street rights-of-way including but not limited to streets, alleys and access corridors, and creek setbacks.

Nightclub.

"Nightclub" means an establishment primarily engaged in providing entertainment, music, and dancing, often accompanied by the sale of alcoholic beverages. Nightclubs typically operate late into the night. They may feature DJs, live bands, or other forms of entertainment. The primary focus of a nightclub is on providing a venue for socializing and entertainment, with alcoholic beverages being a significant component of their offerings.

22.04.393 Non-Storefront Retail Business—Cannabis.

"Non-storefront retail business" means a non-storefront cannabis business that sells and delivers cannabis or cannabis products to customers without a premises that is not open to the public. While the business shall have a physical location within the City of Martinez, all sales are conducted exclusively by delivery.

22.04.395 Non-Taxable Merchandise.

"Non-taxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax.

Nursery and Garden Supply Store.

"Nursery and garden supply store" means a commercial establishment primarily engaged in the retail sale of plants, trees, shrubs, flowers, gardening supplies, farming supplies, and related products for landscaping, gardening, agriculture, and outdoor decoration purposes, not including the sale of animals. These establishments may also provide gardening advice, landscaping services, and delivery options for large items.

22.04.400 Nursery School.

"Nursery school" means a school for 13 or more pre-elementary school age children (including those residing on the site), or use of a site, or portion of a site, for a group day care program.

22.04.410 Nursing Home.

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, invalids and aged persons not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

22.04.420 Off-Street Loading Facilities.

"Off-street loading facilities" means a site, or a portion of a site, devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

22.04.430 Off-Street Parking Facilities.

"Off-street parking facilities" means a site, or portion of a site, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

22.04.440 Outdoor Advertising Structure.

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

Packing and Shipping Establishment.

"Packing and shipping establishment" means a business involved in the packaging, crating, and transportation of goods. These services typically include packing items securely for shipment, constructing crates or pallets as needed, and arranging for the delivery or shipping of packages to their destination. They may cater to residential or commercial clients and handle a variety of items, ranging from household goods to industrial equipment. Additionally, these businesses may offer ancillary services such as storage, logistics management, and insurance coverage for transported items.

22.04.441 Pawnshops.

"Pawnshop" means an establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

Personal Services.

“Personal services” means an establishment or entity providing services primarily for individual or household needs, including, but not limited to, beauty salons, barber shops, nail salons, spas, dry cleaners, laundromats, tailors, and pet grooming services. This category may also include similar businesses offering personal care, hygiene, or maintenance services.

Physical Fitness Facility.

“Physical fitness facility” means an establishment or facility primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This includes gyms, health clubs, fitness centers, yoga studios, Pilates studios, martial arts studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services.

Private Clubs, Lounges, and Lodges.

“Private clubs, lounges, and lodges” means an establishment that provides social, recreational, or leisure facilities exclusively for members and their guests. These establishments may offer amenities such as dining, entertainment, recreational activities, and meeting spaces. Private clubs, lounges, and lodges often require membership fees or dues for access and may have specific membership criteria or eligibility requirements. Examples include, but are not limited to, country clubs and fraternal organization.

Professional and Administrative Offices.

“Professional and Administrative Offices” means commercial spaces primarily utilized for administrative, managerial, or professional purposes, typically not involving regular in-person services to clients or customers. These establishments primarily serve as workplaces for tasks such as clerical work, data analysis, project management, administrative support, financial operations, and other similar functions. Professional and Administrative Offices may include individual offices, cubicles, conference rooms, common areas, and related facilities necessary for conducting administrative or professional tasks. These spaces are distinct from establishments offering professional services where clients or customers regularly visit the premises for in-person consultations or services, such as law firms, accounting offices, medical clinics, or consulting firms.

Professional Services.

“Professional services” means a business or establishment primarily engaged in providing specialized services that require advanced education, training, or expertise in a specific field, including but not limited to legal, accounting, engineering, architecture, consulting, counseling, and medical services. This category may also include other similar services deemed to require professional qualifications by the Planning Division.

Public and Private Philanthropic Institution.

“Public and private philanthropic institution” means an organization dedicated to promoting the public good, welfare, or charitable activities. These institutions may include foundations, trusts, non-profit organizations, or charitable associations that provide financial support, resources, or services for humanitarian, educational, cultural, environmental, or social causes.

Public Entertainment Venue.

“Public entertainment venue” means a commercial establishment designed and operated for the primary purpose of providing entertainment to the public, including, but not limited to, bowling alleys, movie theaters, concert halls, ice skating rinks, miniature golf, ax throwing venues, experiential venues like escape rooms, arcades, and similar spaces where individuals gather to engage in recreational or cultural activities. Public entertainment venues do not include sensitive retail uses.

Public Utility Structure and Installation.

"Public utility structure and installation" means a facility, equipment, or structure owned or operated by public utility companies or agencies that provide essential services to the community. These may include facilities related to the generation, transmission, distribution, and provision of electricity, gas, water, sewage, telecommunications, and other essential utilities. Public utility structures and installations encompass a wide range of infrastructure, including power plants, substations, transformers, distribution lines, water treatment plants, pumping stations, sewage treatment facilities, telecommunications towers, and related equipment.

22.04.442 Reasonable Accommodation.

"Reasonable accommodation" means providing disabled persons flexibility or removal of constraints in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking areas or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable Accommodation does not include an accommodation which would impose an undue financial or administrative burden on the City, or require a fundamental alteration in the nature of the City's land use and zoning program.

22.04.443 Recreational Vehicle.

- A. "Recreational vehicle" means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:
1. All terrain vehicle;
 2. Bus;
 3. Camp trailer;
 4. Camper;
 5. Fifth-wheel travel trailer;
 6. Golf cart;
 7. House car;
 8. Motor truck;
 9. School bus;
 10. Semitrailer;
 11. Snowmobile;
 12. Tow truck;
 13. Trailer;
 14. Trailer coach;
 15. Trailer bus;
 16. Truck tractor;
 17. Utility trailer;
 18. Youth bus.
- B. Recreational vehicle also means any of the following:

1. Horse trailer;
2. Off-road motorcycle;
3. Boat;
4. Jet ski or other watercraft.

22.04.444 Recreational Vehicle, Oversized.

"Oversized recreational vehicle" means any recreational vehicle, as defined in Section 22.04.442, that exceeds either: (1) a height of 12 feet; or (2) a length of 35 feet.

Religious Institution.

"Religious institution" means a facility or place of worship that is primarily used for religious gatherings, ceremonies, worship services, and related activities conducted by a recognized religious organization. Such institutions may include churches, mosques, synagogues, temples, chapels, and similar places of religious assembly. Religious institutions may also encompass ancillary uses such as administrative offices, classrooms, meeting rooms, fellowship halls, libraries, recreational areas, and emergency shelters, provided that these facilities are directly associated with the religious activities of the organization. Additionally, religious institutions may engage in charitable, educational, and community outreach programs consistent with their religious mission.

Renewable Energy Operation.

"Renewable energy operation" means a business involved in the generation, transmission, distribution, and storage of energy derived from renewable sources such as solar, wind, hydroelectric, geothermal, biomass, and alternative fuels. This category encompasses facilities and installations involved in harnessing renewable energy resources to produce electricity, heat, or fuel for various purposes, including residential, commercial, industrial, and municipal applications. Renewable energy operations may include solar farms, battery production, wind farms, hydroelectric power plants, geothermal facilities, biomass processing facilities, alternative fuels refining, and energy storage facilities such as battery storage systems.

Research Laboratory.

"Research laboratory" means a facility dedicated to scientific investigation and experimentation aimed at advancing knowledge and understanding in various fields. These facilities typically house specialized equipment and infrastructure to conduct experiments, analyze data, and develop innovative solutions. Research laboratories may focus on a wide range of disciplines, including but not limited to, biology, chemistry, physics, engineering, medicine, environmental science, and technology.

22.04.445 Residential Care Facility.

"Residential care facility" means a facility operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff, or as defined and regulated by the California Health and Safety Code. Residential care facilities are intended to serve as a residence for individuals in need of assistance with daily living activities.

22.04.445.5 Restaurant and Other Food and Beverage Service Establishment.

"Restaurant and other food and beverage service establishment" ~~shall~~ means an eating and drinking establishment, including, but not limited to, a bona-fide public eating place, sandwich shop, café, coffee shop, catering operation, beer garden, or wine bar, but not including a bar. Restaurants and other food and beverage service establishments are distinguished from bars and nightclubs by their focus on food service as the primary offering, or by only offering beer and wine.

22.04.447. Secondhand Stores.

~~The retail sale of used appliances, clothing and miscellaneous household or personal items. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.~~

22.04.448 Sales Floor Area.

"Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space.

Seasonal Sales.

"Seasonal sales" means temporary retail activities conducted on a short-term basis, typically associated with specific seasons or holidays, such as Halloween, Christmas, or Easter. These sales may include the offering of seasonal goods or services, such as pumpkins, Christmas trees, wreaths, decorations, and related items. Seasonal sales activities are generally limited to a specific time period within the corresponding season and may be conducted in designated areas, such as parking lots or open fields.

Secondhand Stores.

The retail sale of used appliances, clothing and miscellaneous household or personal items. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

Sensitive Retail Uses.

"Sensitive retail uses" means retail establishments that offer goods or services which may have specific regulatory or social considerations due to their potential impact on public health, safety, or welfare. These uses include tobacco shops, adult-oriented businesses, firearm dealers, and pawnshops.

22.04.450 Service Station.

"Service station" means a place where gasoline or any other motor fuel, lubricating oil or grease for the operation of passenger vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including lubrication on the site and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used.

22.04.460 Shall.

The word "shall" is mandatory and not directory.

22.04.465 Single-Room Occupancy.

"Single-Room Occupancy," also referred to as an an SRO, means a facility providing six or more dwelling units where each unit has a minimum floor area of ~~one hundred fifty (150)~~ square feet and a maximum floor area of ~~four hundred (400)~~ square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered monthly or longer. Units exceeding ~~two hundred fifty (250)~~ square feet shall provide full individual bathroom facilities. Otherwise, common bathroom facilities shall be provided in accordance with the California Building Code. Each unit shall have a separate closet. If individual kitchen facilities are not provided, common kitchen facilities shall be provided with at least one kitchen per floor. Two hundred (200) square feet of common space shall be provided per floor. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ~~ten (10)~~ units, with at least one washer and dryer per floor. A cleaning supply room or utility closet with a wash tub with hot and cold running water

shall be provided on each floor of the SRO facility. An SRO facility with ~~ten~~(10) or more units shall have an on-site manager.

22.04.470 Site.

"Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

22.04.480 Site Area.

"Site area" means the total horizontal area included within the property lines of a site.

22.04.482 Small Animal Farming.

"Small animal farming" means the raising of chickens, rabbits and other grain-fed rodents and birds.

22.04.490 Stable.

"Stable" means a structure accessory to a dwelling, used or designed to be used to shelter horses, including a corral or paddock.

Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above the ground adjacent to the building for more than 50 percent of the total perimeter or is more than 12 feet above ground at any point, such basement, cellar, or unused under-floor space shall be considered a story.

Story, Half.

"Half story" means that portion of a building under a gable, hip or gambrel roof, the top wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such building portion.

22.04.500 Street.

"Street" means a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

22.04.510 Street Intersection.

"Street intersection" means the intersection of the right-of-way or side lines of the street at a corner, or the intersection of a straight line extension of such right-of-way or side lines thereof.

22.04.520 Structure.

"Structure" means anything constructed or erected which requires a location on the ground, including a building but not including a fence or a wall used as a fence.

22.04.530 Structure, Accessory.

"Accessory structure" means an attached or detached subordinate structure, which is, subordinate in size and incidental to the use of the main structure or the main use of the land, and which is located on the

same site with the main structure or use. Examples of attached accessory structures include, but are not limited to, unenclosed structures and unconditioned enclosed structures such as: decks that are 18 inches or more above grade, trellises, and patio covers/enclosures. Examples of detached accessory structures include, but are not limited to, those features permitted as attached accessory structures, as well as: garages, carports, storage sheds, greenhouses, and gazebos. The size of an enclosed accessory structure is defined as the floor area within the structure. The size of an unclosed accessory structure, such as a carport, gazebo or deck, is defined as the structure's projected roof or deck area. In-ground swimming pools where no part of the pool and/or ancillary features is more than 18 inches above grade, are not defined as accessory structures for purposes of height, minimum yard and/or maximum coverage limitations.

~~22.04.540~~ Structure, Main.

"Main structure" means a structure housing the principal use of a site or functioning on the principal use.

~~22.04.541~~ Supportive Housing.

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 and as per subdivision (b) of Section 50675.14 of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

~~22.04.542~~ Tasting Room.

"Tasting room" means a room, facility, or outlet for the promotion of a farm's products by providing samples of such products to the public and for the sale of such products at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of products can be given complimentary or for a fee.

~~22.04.543~~ Tattoo Parlors.

Establishments specializing in providing tattoos, body piercing or other similar service involving permanent coloring or adorning of skin or body parts.

~~22.04.544~~ Testing Laboratory—Cannabis.

"Testing laboratory" means a business that holds a valid state license that offers or performs tests of cannabis or cannabis products and that is both of the following:

- A. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- B. Licensed by the bureau of cannabis control.

~~22.04.545~~ Tobacco-Related Products.

"Tobacco-related products" are any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco and products prepared from tobacco.

~~22.04.548~~ Transit Stop.

"Transit Stop" means a regularly scheduled bus stop, as posted in a transit agency's most current publication of routes and stops, including but not limited to Central Contra Costa Transit Authority's ("CCCTA") "County Connection" bus service.

~~22.04.549~~ Transitional Housing.

"Transitional Housing" and "Transitional Housing Development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than 6 six months, per subdivision (h) of Section 50675.2 of the California Health and Safety Code.

~~22.04.550~~ Transmission Line.

"Transmission line" means a system designed to impart direction to any energy, force, material or substance for the purpose of conveying said items from one location to another location without the lines' output content being reduced, in comparison to line input content, by direct distribution to consumers.

~~22.04.560~~ Usable Open Space.

"Usable open space" means outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access or landscaping. Such areas:

- A. Shall not include off-street parking space or driveways;
- B. Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;
- C. Shall have a minimum dimension of 12 feet in any direction and a minimum area of 200 square feet, provided:
 1. Balconies may be included if they have a minimum dimension of 7 seven feet and a minimum area of 80 square feet; and
 2. Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s).

~~22.04.570~~ Use.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged, or for which either a site or a structure is or may be occupied or maintained.

~~22.04.575~~ Use by Right.

"Use by right" means a development project that satisfies both of the following conditions:

- A. The development project does not require a conditional use permit, planned unit development permit, or other discretionary local government review.
- B. The development project is not a project for the purposes of the California Environmental Quality Act (Division 13 [commencing with Section 10000] of the Public Resources Code).

Vehicle and Vehicle Accessory Sales and Services.

"Warehouse and storage " means a commercial establishment primarily engaged in the sale, lease, rental, or service of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles (RVs). This category also includes the sale of vehicle accessories, parts, and related products. Vehicle sales and service establishments may offer a range of services, such as vehicle maintenance, repair, customization, and installation of accessories. Additionally, these establishments may provide financing, insurance, and other related services to support vehicle ownership and operation.

Warehouse and Storage.

"Warehouse and storage " means a facility involved in the storage, handling, and distribution of goods, materials, or merchandise. These establishments typically include buildings, structures, or outdoor spaces equipped with shelving, racks, containers, or other storage equipment. Warehouse and storage may also feature loading docks, truck bays, and administrative offices for managing inventory and logistics operations.

Waste Storage, Processing, and Disposal.

"Waste storage, processing, and disposal" means a facility or operation that involves the collection, temporary storage, sorting, treatment, recycling, and final disposal of solid waste, hazardous waste, recyclable materials, and other waste streams. This includes but is not limited to landfills, transfer stations, composting facilities, recycling centers, waste-to-energy plants, incinerators, and any other facilities or activities involved in the management of waste materials

22.04.580 Width.

"Width" means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Wholesale Establishment.

"Wholesale establishment" means a business that primarily sells goods or merchandise to retailers, industrial users, commercial entities, institutions, or other wholesalers. These businesses may include warehouses, distribution centers, or similar facilities where goods are stored, sorted, or processed for wholesale distribution. They typically engage in bulk sales, offering products in large quantities or at discounted prices.

22.04.585 Wind Generator.

"Wind generator" means the equipment used to convert wind energy into electrical power, including a rotor (e.g., propeller), support pole and/or wires, and all interconnection and auxiliary equipment.

22.04.590 Yard.

"Yard" means an open space on the same site as a structure unoccupied and unobstructed from the ground upward, including a front yard, side yard, rear yard or space between structures.

22.04.600 Yard, Front.

"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable zoning district standards.

~~22.04.610~~ Yard, Rear.

"Rear yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and line parallel thereto on the site.

~~22.04.620~~ Yard, Side.

"Side yard" means a yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, to the rear property line of the site when no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

~~22.04.630~~ Yard, Street-Side Side.

"Street-side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is an area extending across the full length of the lot between the street side property line and the minimum required street-side yard setback distance, as required by the applicable zoning district standards.

CHAPTER 22.08 DISTRICT DESIGNATIONS

22.08.010 Specified.

The districts established by this Title shall be designated as follows:

R-1.5 Multifamily Residential District:	1,500 square feet per dwelling unit
R-2.5 Multifamily Residential District:	2,500 square feet per dwelling unit
R-3.5 Family Residential District:	3,500 square feet per dwelling unit
R-6.0 One Family Residential District:	6,000 square feet minimum lot area
<u>R-7.0 One Family Residential District:</u>	<u>7,000 square feet minimum lot area</u>
R-7.5 One Family Residential District:	7,500 square feet minimum lot area
R-10.0 One Family Residential District:	10,000 square feet minimum lot area
R-15 One Family Residential District:	15,000 square feet minimum lot area
R-20 One Family Residential District:	20,000 square feet minimum lot area
R-40 One Family Residential District:	40,000 square feet minimum lot area
R-65 One Family Residential District:	65,000 square feet minimum lot area
R-80 One Family Residential District:	80,000 square feet minimum lot area
R-100 One Family Residential District:	100,000 square feet minimum lot area
RR One Family Rural Residential District:	20,000 square feet minimum lot area (RR-20) to 100,000 square feet minimum lot area (RR-100)

PA Professional and Administrative Office District

NC Neighborhood Commercial District

CC Central Commercial District

~~TC Thoroughfare Commercial District~~

SC Service Commercial District

LI Light Industrial District

HI Heavy Industrial District

~~CI Controlled Industrial District~~

"M" Mixed Use District: Two or more zoning districts may be combined and overlaid to form a mixed use district. The designation shall be "M" followed by the appropriate zoning classifications, for example, "M—CC/R-1.5," an "R-1.5 Multifamily Residential District" overlaying a "CC-Central Commercial District," permitting all the uses of both zoning districts, but meeting the yard requirements and landscaping coverage and height restrictions of the more restrictive of the combined districts.

ECD Environmental Conservation District

OS Open Space District

GF Governmental Facilities District

RF Recreational Facilities District

~~U Undesignated District~~

"P" Prezoned District: A special zoning designation used in conjunction with a specific zoning district designation (i.e., "R-7.5-P") indicates properties outside the corporate limits of the City which have been prezoned in accordance with the requirements of law; the zoning automatically changes to the base specific zoning (i.e., "R-7.5" in the case noted) upon annexation to the City.

CHAPTER 22.14 PA PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICTS

22.14.010 General Provisions and Exceptions.

22.14.020 Purpose.

22.14.030 Permitted Uses.

22.14.040 Conditional Uses.

22.14.050 Required Conditions.

22.14.060 Distances Between Structures.

22.14.070 Site Area.

22.14.080 Frontage and Width of Site.

22.14.090 Coverage.

22.14.100 Front Yard.

22.14.110 Side Yard.

22.14.120 Rear Yard.

22.14.130 Usable Open Space.

22.14.140 Height of Structures.

22.14.150 Landscaped Area.

22.14.160 Off-Street Parking and Loading Facilities.

22.14.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34 of this Title.

In addition to the objectives prescribed in Section 22.02.010 of this Title, ~~the purpose of the PA professional Professional and administrative Administrative office Office district District is included in the zoning regulations to achieve the following purposes to:~~

- A. Reserve appropriately located areas for harmonious transitional uses to serve as buffers between residential districts and central commercial or industrial districts;
- ~~B. Provide opportunities for professional and administrative offices of a semi-commercial character to locate outside of commercial districts;~~
- ~~C. Create a suitable environment for major public buildings and for community facilities and institutions which appropriately may be located in professional and administrative office districts;~~
- ~~D. Provide adequate space to meet the needs of modern professional and administrative offices, including off-street parking of automobiles and, where appropriate, off-street loading areas of trucks;~~
- ~~E. Minimize traffic congestion and to avoid overloading of utilities by preventing the construction of oversized buildings of excessive size in relation to the amount of land around them;~~
- ~~F. Protect professional and administrative offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to commercial uses; and from the noise, odor, dust, dirt, smoke, vibration, heat, glare, and truck traffic incidental to industrial use.~~
- ~~G. Protect professional and administrative offices from the noise, odor, dust, dirt, smoke, vibration, heat, glare and truck traffic incidental to industrial use.~~

22.14.030 Permitted Uses.

The following uses shall be permitted:

- A. All uses permitted in an R-1.5 district;
- B. Professional and administrative offices ~~not including any of the uses prescribed in Sections 22.16.040B and 22.16.070B of this Title;~~
- C. Public administration buildings and grounds, excepting schools;
- ~~D. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Section 22.36.020 of this title;~~
- ~~ED. Churches, parsonages, parish houses, monasteries, convents and other r~~Religious institutions;
- ~~FE. Public and private philanthropic and eleemosynary institutions;~~
- ~~GF. Hospitals, sanitariums, and nursing homes, not including hospitals, sanitariums or nursing homes for mental or drug addict or liquor addict cases;~~
- ~~HG. Private, noncommercial clubs, lounges, and lodges;~~
- ~~H. Union halls;~~
- ~~J. Public and private libraries, museums, and art galleries;~~
- ~~K. Telephone exchanges;~~
- ~~LJ. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a permitted use.~~
- ~~MK. Low-barrier navigation centers;~~
- ~~NL. Supportive housing;~~
- M. Physical fitness facilities;
- N. Health care clinics, medical outpatient facilities, and medical and dental offices.

22.14.040 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Chapter 22.40 ~~of this title:~~

- A. Public and Pprivate schools and colleges;
- B. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines found by the City Planning Commission to be necessary for the public health, safety, or welfare;
- ~~C. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use;~~
- ~~DC. Group care and rehabilitation facilities (other than State authorized, certified or licensed family care, foster home or group home serving six 6 or fewer mentally ~~disordered~~ disabled or otherwise handicapped persons);~~
- ~~ED. Child Daycare Facilities.~~
- F. Lunch wagons except Downtown (north of Green Street, south of Marina Vista, between Berrellesa and Court Streets), provided that on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings:
 - ~~1. The use will not be detrimental to other businesses in the area.~~
 - ~~2. The use will not create a safety hazard.~~
 - ~~3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.~~
 - ~~4. The use will not be a nuisance to neighboring properties especially residences.~~

~~GE.~~ Veterinary offices and small animal hospitals including short-term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building ~~which complies with specifications of soundproof construction which shall be prescribed by the Planning Commission.~~

F. General retail sales, except for sensitive retail uses;

G. Restaurants and other food and beverage service establishments, not including restaurants serving alcoholic beverages, except beer and/or wine only;

H. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Section 22.36.020;

I. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use;

J. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.14.050 Required Conditions.

The following conditions shall be required of all uses in the PA district:

- A. All professional pursuits and administrative enterprises shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas;
- B. No sales, production, repair or processing shall be permitted except in a medical or dental laboratory accessory to a professional office or permitted upon the granting of a use permit;
- C. No use shall be permitted and no process equipment materials shall be employed which are found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion.

22.14.060 Distances Between Structures.

- A. Garages, carports and other accessory structures may be attached to and have a common wall with the main structure on a site or may be connected with the main structure by a breezeway;
- B. Where there is more than one detached structure on a site, the minimum distance between a structure used for human habitation and another structure shall be 10 feet. ~~The minimum distance between structures shall be increased 1 foot for every 2 feet of height above the lowest 12 feet of height of either structure.~~

22.14.070 Site Area.

The minimum site area shall be 6,000 square feet.

22.14.080 Frontage and Width of Site.

Each site shall have not less than 40 feet of frontage on a ~~P~~public street and shall have a width of not less than 60 feet subject to the exception that the width of a corner lot shall not be less than 70 feet.

22.14.090 Coverage.

The maximum site area covered by structures shall be fifty percent ~~(50%)~~ of the total area of the site.

22.14.100 Front Yard.

The minimum front yard shall be 10 feet.

22.14.110 Side Yard.

The minimum side yard shall be ~~five feet~~ ten percent (10%) of the average width of the site provided that a side yard of more than 10 feet shall not be required and a side yard of less than 5 feet shall not be permitted, subject to the following exceptions:

- A. On the street side of a corner lot the side yard shall not be less than 10 feet;
- ~~B. One foot shall be added to each side yard for each 2 feet of height above the lowest 12 feet of the structure;~~
- CB. Where the side property line of a site of a professional office or an administrative office adjoins property in an R district, the side yard adjoining the R district shall be not less than ~~20~~ ten feet and a solid masonry wall or board fence ~~six~~ six feet in height shall be located on the property line. In addition, the ~~Board of Adjustments shall require that~~ five 5 feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness, or to ~~insulate adjoining dwellings against~~ mitigate noise;
- ~~D. A side yard providing access to more than one dwelling unit shall be not less than 10 feet.~~

22.14.120 Rear Yard.

The minimum rear yard shall be 10 feet subject to the following exceptions:

- ~~A. One foot shall be added to the minimum rear yard for each 2 feet of height above the lowest 12 feet of height of the structure;~~
- BA. Where the rear property line of a site of a professional office or an administrative office adjoins property in an R district the rear yard shall be not less than ~~35~~ 20 feet and a solid masonry wall or board fence six (6) feet in height shall be located on the property line. In addition, ~~the Board of Adjustments shall require that the~~ five (5) feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness or to insulate adjoining dwellings against noise.
- CB. Accessory structures not exceeding 12 feet in height, including garages and carports, garden structures, greenhouses and storage buildings may be located in a required rear yard except on a reversed corner lot.

22.14.130 Usable Open Space.

Minimum usable open space in the PA district shall be 400 square feet per residential dwelling unit.

22.14.140 Height of Structures.

No ~~S~~structures shall exceed 30 feet in height. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.

- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.

22.14.150 Landscaped Areas.

The required front yard, the required rear yard ~~on a double frontage~~ of a lot whose front and rear yards both front on a public street, and not less than ~~five~~ 5 feet of the required side yard adjoining the side lot line on the street side of a corner lot shall be landscaped and permanently maintained.

22.14.160 Off-Street Parking and Loading Facilities.

- A. ~~Off-street parking shall be provided for office development, in accordance with the requirements of Section 22.36.040;~~
- B. ~~For residential uses, off-street parking shall be provided in accordance with the requirements of Section 22.36.030;~~
- C. ~~Dimensions and locations of required parking spaces shall conform to the regulations prescribed in Chapter 22.36 of this Title;~~
- D. ~~Loading facility requirements for other uses, and for structures in excess of 5,000 square feet gross floor area shall comply with the regulations prescribed in Chapter 22.36 of this Title.~~

Off-street parking and loading facilities shall conform to the regulations prescribed in Chapter 22.36.

CHAPTER 22.15 PURPOSES OF R and D DISTRICT RD RESEARCH AND DEVELOPMENT DISTRICTS

- 22.15.010 Purpose.
- 22.15.020 Permitted Uses.
- 22.15.030 Conditional Uses.
- 22.15.040 Site Development Regulations.
- 22.15.050 Required Conditions.
- 22.15.060 Performance Standards.

22.15.010 Purpose.

The Research and Development (R & D) District is designed to create and maintain sites for a limited group of research and development uses ~~which may have special requirements for space and desire sites in a research park environment.~~

- A. The intent of said District is to establish a high standard of development which emphasizes quality design in a campus environment. ~~Generally, u~~Uses within the Research and Development District shall be ~~non-polluting,~~ technologically-oriented and compatible with adjoining uses;
- B. A campus design shall be generally defined as one which utilizes a superior landscape plan, considers pedestrian orientation within the project, and physical amenities such as paths, trails, and quality architectural design;
- C. ~~In no way shall the Research and Development use pose any hazard to the health and safety of the community. No by-products of any process shall create an injurious condition.~~

22.15.020 Permitted Uses.

~~Permitted Uses:~~ The following uses shall be permitted ~~in the Research and Development District:~~

- A. Professional, ~~executive~~ and administrative offices; ~~(uses which are consistent with the purposes of the R and D District);~~
- B. Research laboratories;
- C. ~~Accessory facilities and activities customarily associated with or essential to permitted uses;~~
- D. ~~Financial institutions;~~
- EC. Manufacturing, assembly and packaging of electric and electronic instruments and devices; ~~such as computers, phonographs, radio and television sets. The Planning Commission will however, reserve the right to review these manufacturing uses and may propose additional conditions pertaining, but not limited, to potential impacts, such as noise, hours of operation and hazardous waste disposal;~~
- F. ~~Health clubs;~~
- GD. Testing laboratory—cannabis; subject to Chapter 5.29 Commercial Cannabis.
- E. Facilities used for the research or development of high technology products or applications.
- F. Advanced manufacturing;
- G. Life sciences and biotechnology;
- H. Accessory facilities and activities customarily associated with or essential to permitted uses.

22.15.030 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Chapter 22.40: may be conditionally allowed in the Research and Development District, subject to issuance of a Conditional Use Permit:

- A. Limited commercial facilities which are incidental to and primarily serve R & D, such as restaurants ~~(non take-out)~~, copying services, ~~motels, and~~ business supplies, etc., provided that the ~~Board of Adjustments~~ Planning Commission or Zoning Administrator finds that the proposed use will:
 - 1. Be oriented to, incidental to, and serve, an R & D development;
 - 2. Be a use not able to be located (or already found) on nearby existing commercially-zoned property;
- B. Private clubs, lounges, or lodges or fraternal orders;
- C. Other manufacturing, and assembly, and packaging uses, ~~not in permitted uses, when it can be demonstrated the use will be non-polluting and not conflict with any adjoining land uses~~;
- ~~D. Blueprinting, photostating, photo engraving, printing, publishing and book binding.~~
- ~~E.D.~~ Public and private schools, colleges, and related facilities.
- E. Physical fitness facilities.
- F. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.15.040 Site Development Regulations; ~~Required Conditions.~~

The following site development regulations shall apply in the R & D District:

- A. Site Area: Minimum site area shall be one acre;
- B. Site Width: Minimum site width shall be 100 feet;
- C. Site Depth: Minimum site depth shall be 150 feet;
- D. Front Yard: Minimum front yard shall be ~~30~~ 10 feet;
- E. Side and Rear Yards: The minimum side yard shall be ~~20~~ zero feet. The minimum rear yard shall be ~~25~~ zero feet. Where the lot has its side or rear yard adjacent to any residential district, the side yard shall be 10 ft. and the rear yard shall be 25 feet., and a solid masonry wall or board fence ~~six~~ 6 feet. in height shall be located on the property line. Additionally, five ~~5~~ feet. adjoining the property line shall be landscaped with plant materials and permanently maintained;
- ~~F. Maximum Site Coverage: Thirty percent (30%) of the site area;~~
- ~~G.F.~~ Height of Buildings: A structure may be two (2) stories, not to exceed 36 ~~50~~ ft., in height; Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:
 - 1. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
 - 2. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
 - 3. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.

3. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
4. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.
- H.G. Landscaping: Landscaping shall be considered as an integral part of any development plan. All landscape plans shall be reviewed and approved by ~~the Planning Commission~~ the Community and Economic Development Director, Planning Manager, or designee;
- H. Parking: Parking shall be constructed at a ratio established by ~~Section~~ Chapter 22.36 for the proposed use. ~~Parking areas shall be a major design feature of the site plan and considered by the Planning Commission.~~
- The Planning Commission or Zoning Administrator may require fewer parking spaces when it can be adequately demonstrated by the applicant the proposal will demand less parking than required by Code.
- ~~Parking area development shall comply to all regulations stipulated in Chapter 22.36.080 through 210 of the Municipal Code.~~
- J. Design Review: ~~No building shall be constructed or moved onto any building site, nor any existing main building enlarged, remodeled or otherwise altered on the exterior, nor shall any landscaping previously required pursuant to any permit be altered, nor shall any parking layout or dimension be altered until the design plan and site plan have been approved by the Martinez Planning Commission. Design review is required for all new construction, exterior alterations, or site improvements such as landscaping.~~

22.15.050 Required Conditions.

- A. ~~When a proposal~~ project within the ~~d~~District involves the use, manufacturing, or disposal of toxic, hazardous, or otherwise dangerous materials and by-products, the ~~proposal~~ project shall be reviewed by the State Department of Health, ~~and~~ Department of Resources, Contra Costa County Environmental Health, or other applicable body for ~~recommendations~~ requirements pertaining to the safe handling of such materials.
- B. All uses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas and outdoor dining areas, and other uses specifically approved by permit.
- ~~C. All uses have a minimum of 40% (forty percent) of gross floor area devoted to office design or laboratory space unless otherwise specifically approved by Use Permit.~~

22.15.060 Performance Standards.

All R & D land uses shall conform to the following standards:

- A. **Noise or vibration.** No noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point from a lot line of the building site or off-site.
- B. **Radioactivity.** No activity, including storage or dumping, shall result in the emission of radioactivity in dangerous amounts. A dangerous amount is defined as any level exceeding 10 millisieverts.
- C. **Electrical disturbance.** No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. **Explosive materials.** No explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of

explosion and all equipment and devices for fire prevention and firefighting approved by the Contra Costa County Fire Protection District.

- E. **Air pollution.** No air pollution or smoke shall be produced which is in violation of the requirements of the Bay Area Air Pollution Quality Management District.
- F. **Glare or heat.** No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point from a lot line of the building site or off-site.
- G. **Odorous gases.** No emission of any odorous gases or matter shall occur in quantities which are discernible without instruments at any point from a lot line of the building site or off-site.
- H. **Dust, dirt, or particulate matter.** No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the building site which is discernible without instruments at any point from a lot line of the building site or off-site.
- I. **Liquid contaminants.** No discharge into any public sewer, private sewage disposal system approved by the County Department of Environmental Health, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.

CHAPTER 22.16 C COMMERCIAL DISTRICTS

22.16.010 General Provisions and Exceptions.

22.16.020 Purpose.

22.16.040 Permitted Uses – NC – Neighborhood Commercial District.

22.16.050 Permitted Uses – CC – Central Commercial District.

22.16.070 Permitted Uses – SC – Service Commercial District.

22.16.080 Conditional Uses.

22.16.160 Enclosure, Fencing, and Frontage Requirements.

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22.16.200 Height of Structures.

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22.16.220 Off-Street Parking and Loading Facilities.

22.16.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34 of this Title.

22.16.020 Purposes.

In addition to the objectives prescribed in Section 22.02.010 of this Title, the purpose of the C Commercial Districts ~~are included in the zoning regulations to achieve the following purposes~~ is to:

- A. Provide appropriately located areas for retail stores, offices, service establishments, ~~amusement~~ cultural and entertainment establishments and wholesale businesses offering various ranges of commodities and services scaled to meet the needs of the different geographical areas and various categories of patrons they serve;
- B. Provide opportunities for retail stores, offices, service establishments and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship ~~to each other~~;
- C. Provide space for community facilities and institutions which appropriately may be located in commercial areas;
- D. Provide adequate space to meet the needs of ~~modern~~ commercial development, including off-street parking and truck loading areas;
- E. Minimize traffic congestion and to avoid the overloading of utilities ~~by preventing the construction of buildings of excessive size in relation to the amount of land around them~~;
- F. Protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, ~~fire, explosion, noxious fumes~~ and other objectionable influences and hazards incidental to industrial uses;
- ~~G. Protect commercial properties from fire, explosion, noxious fumes and other hazards.~~
- G. Provide activated ground-floor commercial areas, particularly in the Downtown area.
- H. Encourage economic development in a way that attracts investment, fosters entrepreneurship, and supports the long-term sustainability of commercial enterprises in commercial areas.

22.16.030 Permitted Uses—Generally.

~~The following uses shall be permitted in the commercial districts as set out in Sections 22.16.040 through 22.16.070.~~

22.16.040 Permitted Uses—NC—Neighborhood Commercial District.

Permitted uses are as follows: The following uses shall be permitted:

~~A. Professional and administrative offices;~~

~~B. Retail stores and service establishments which supply commodities or provide services primarily to meet the needs of residents of a residential neighborhood, including:~~

~~Art and antique stores~~

~~Art and craft schools and colleges~~

~~Artist supply stores~~

~~Bakery goods stores~~

~~Banks~~

~~Barbershops and beauty shops~~

~~Bookstores and rental libraries~~

~~Business, professional, and trade schools and colleges~~

~~Candy stores~~

~~Cleaning and laundry agencies, including the use of one synthetic dry cleaning machine using nonflammable and nonexplosive solvents and having a capacity of not more than 40 pounds per cycle~~

~~Clothing stores~~

~~Department stores~~

~~Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis~~

~~Drugstores~~

~~Dry goods stores~~

~~Florists~~

~~Food lockers~~

~~Food stores, delicatessens and supermarkets~~

~~Furniture stores~~

~~Garden shops~~

~~Gift shops~~

~~Gymnasiums~~

~~Hardware stores~~

~~Hobby shops~~

~~Household appliance stores~~

~~Interior decorating shops~~

~~Jewelry stores~~

~~Leather goods and luggage stores~~

~~Locksmiths~~

~~Low barrier navigation centers~~

~~Medical and orthopedic appliance stores~~
~~Messenger offices~~
~~Millinery shops~~
~~Music and dance studios~~
~~Music stores~~
~~Newsstands~~
~~Office and business machine stores~~
~~Offices and office buildings other than professional and administrative offices~~
~~Optician and optometrist shops~~
~~Paint and wallpaper stores~~
~~Pet and bird stores~~
~~Photographic supply stores~~
~~Photography studios~~
~~Picture framing shops~~
~~Post offices~~
~~Pressing establishments~~
~~Radio and television repair shops~~
~~Realtors and real estate sales offices~~
~~Restaurants, but not including restaurants serving alcoholic beverages, except beer and wine only~~
~~Scientific instrument stores~~
~~Self-service laundries and/or self-service dry cleaning machines using nonflammable and nonexplosive solvents~~
~~Shoe repair shops~~
~~Shoe stores~~
~~Soda fountains~~
~~Sporting goods stores~~
~~Stamp and coin stores~~
~~Stationery and office supply stores~~
~~Tailor and dressmaking shops~~
~~Telegraph offices~~
~~Telephone exchanges~~
~~Toy stores~~
~~Travel bureaus~~
~~Umbrella repair shops~~
~~Variety stores~~

~~Watch and clock repair shops and other uses which are added to this list by the City Planning Commission in accord with the procedure prescribed in Chapter 22.34 of this Title;~~

- ~~C. Dwelling units located above the ground floor of a building;~~
- ~~D. Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36 of this Title;~~
- ~~E. Lodging houses and hotels;~~
- ~~F. Accessory structures and uses, not including warehouses, on the same site with and necessary for or incidental to the operation of a permitted use;~~
- ~~G. Christmas tree sales lots, nurseries, and garden supply stores, provided that all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and that fertilizer of any type shall be stored and sold in packaged form only.~~
- A. Accessory structures and uses, not including warehouses, on the same site with and necessary for or incidental to the operation of a permitted use;
- B. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;
- C. Dwelling units located above the ground floor of a building;
- D. Educational institutions;
- E. Event rental businesses;
- F. Financial institutions;
- G. General retail sales, except for sensitive retail uses;
- H. Health care clinics, medical outpatient facilities, and medical and dental offices;
- I. Hotels and motels;
- J. Low-barrier navigation centers;
- K. Nurseries, and garden supply stores, provided that all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and that fertilizer of any type shall be stored and sold in packaged form only;
- L. Personal services including, but not limited to, hair salons, laundering services, and pet grooming;
- M. Physical fitness facilities;
- N. Professional services and offices;
- O. Religious institutions;
- P. Restaurants and other food and beverage service establishments, including restaurants serving wine and beer only, but not including restaurants serving liquor;
- Q. Supportive housing;
- R. Along major thoroughfares, the following uses:
 - 1. Mortuaries;
 - 2. Vehicle and vehicle accessory sales and services;
 - 3. Public entertainment venues;
 - 4. Veterinarians' offices and animal hospitals including short-term boarding of animals and incidental care such as bathing and trimming, providing all operations are conducted within a completely enclosed building.

22.16.050 Permitted Uses—CC—Central Commercial District.

Permitted uses are as follows: The following uses shall be permitted:

~~A. All the uses permitted in Section 22.16.040;~~

~~Except that no dispensary—cannabis businesses are allowed on either Main Street or Ferry Street.~~

~~B. Retail stores and service establishments including:~~

~~Addressograph stores~~

~~Auction rooms~~

~~Bicycle shops~~

~~Blueprint and photostat shops~~

~~Bus depots and transit stations provided that no business or other transit vehicles shall be stored on the site and no repair work or servicing of vehicles shall be conducted on the site~~

~~Clothing and costume rental establishments~~

~~Department stores~~

~~Electrical appliance repair shops~~

~~Hand laundries~~

~~Household repair shops~~

~~Laboratories~~

~~Low barrier navigation centers~~

~~Musical instrument repair shops~~

~~Plumbing, heating and ventilating equipment showrooms with storage of floor samples only~~

~~Printing shops~~

~~Radio and television broadcasting studios~~

~~Sign painting shops~~

~~Soda fountains~~

~~Supportive housing~~

~~Taxidermists~~

~~Telephone exchanges~~

~~Upholstering shops~~

~~Wholesale establishments without stocks and other uses added to this list by the Planning Commission in accord with the procedure prescribed in Chapter 22.34 of this Title;~~

~~C. Private clubs and lodges;~~

~~D. Churches and other religious institutions;~~

~~E. Public and private philanthropic and eleemosynary institutions;~~

~~F. Public and private libraries, art galleries and museums;~~

~~G. Automobile supply stores; hotels and motels; mortuaries.~~

A. Accessory structures and uses, not including warehouses, on the same site with and necessary for or incidental to the operation of a permitted use;

B. Bars and nightclubs;

C. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;

- D. Dwelling units located above the ground floor of a building;
- E. Educational institutions;
- F. Financial institutions;
- G. General retail sales, except for sensitive retail uses;
- H. Health care clinics, medical outpatient facilities, and medical and dental offices;
- I. Hotels;
- J. Low-barrier navigation centers;
- K. Nurseries, and garden supply stores, provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and fertilizer of any type shall be stored and sold in packaged form only;
- L. Personal services;
- M. Physical fitness facilities;
- N. Private clubs, lounges, and lodges;
- O. Professional services and offices;
- P. Public entertainment venues;
- Q. Public and private libraries, art galleries, and museums;
- R. Public and private philanthropic institutions;
- S. Religious institutions;
- T. Restaurants and other food and beverage service establishments, including restaurants serving wine, beer, and/or liquor;
- U. Supportive housing;
- V. Wholesale establishments without stocks.

22.16.060 Permitted Uses—TC—Thoroughfare Commercial District.

Permitted uses are as follows:

- A. All the uses permitted in Sections 22.16.040F, G and 22.16.050G;
- ~~B. Automobile sales and services.~~
 - ~~Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis~~
 - ~~Bowling alleys~~
 - ~~Repair garages~~
 - ~~Restaurants~~
 - ~~Trailer sales and service~~
 - ~~Veterinarians' offices and small animal hospitals including short term boarding of animals and incidental care such as bathing and trimming, providing that all operations are conducted within a completely enclosed building which complies with the standards of sound proof construction which shall be prescribed by the Board of Adjustments.~~
 - ~~Other uses which may be added to this list by the City Planning Commission in accord with the procedure prescribed in Chapter 22.34 of this Title.~~

~~22.16.065 Permitted Uses—CR—Commercial Recreation District.~~

Permitted uses are as follows;

~~A.—Aquariums~~

~~Arboretums~~

~~Archery ranges~~

~~Auditoriums~~

~~Billiard and pool halls~~

~~Bowling alleys~~

~~Botanical gardens~~

~~Campgrounds~~

~~Clubs providing game playing areas with spectator facilities, including tennis, handball, volleyball courts, racquet ball, basketball and squash.~~

~~Community centers and recreational buildings~~

~~Cultural centers~~

~~Dance halls and studios~~

~~Electronic games~~

~~Fishing ponds~~

~~Golf courses and driving ranges~~

~~Gymnasium~~

~~Horse training, boarding and stabling facilities and horse riding~~

~~Museums~~

~~Physical fitness and health clubs which are part of a complex and are not sole occupant of a building~~

~~Skating rinks~~

~~Swimming pools~~

~~Theaters within an enclosed building~~

~~Shooting galleries within an enclosed building.~~

~~B.—Accessory structures and uses located on the same site as such permitted use.~~

~~C.—Other commercial recreation and outdoor uses not specifically listed above which are similar to and are no more objectionable than those listed may be permitted upon approval by the Planning Commission.~~

~~22.16.066 Conditional Uses—CR—Commercial Recreation District.~~

The following conditional uses shall be permitted upon the granting of a conditional use permit, in accord with the provisions of Chapter 22.40 of this Title.

Conditional uses are as follows:

~~A.—Animal menageries~~

~~Amusement parks~~

~~Amphitheaters or open-air theaters~~

~~Bicycle riding recreation facilities including riding tracks and bicycle motocrosses (non-motorized)~~

~~Carnivals~~

~~Drive-in theaters~~

~~Cafes and night clubs~~

~~Hotels and motels~~

~~Horse tracks~~

~~Miniature golf~~

~~Music studios~~

~~Open-air markets~~

~~Outdoor shooting galleries~~

~~Car race tracks (motorized vehicle)~~

~~Recreational facilities which include the use of a motorized vehicle~~

~~Restaurants (not including fast food) contained in a free-standing building in which the restaurant is the sole occupant or combined with a bar, cocktail lounge, live entertainment or dancing~~

~~Skateboard parks~~

~~Sports arena~~

~~Trap shooting~~

~~Water slides~~

~~²All uses permitted in Section 22.16.040 A and B when not abutting other commercial or office districts and not occupying more than fifty percent (50%) of the lot area (including required parking);~~

~~B. Accessory structures and uses located on the same site as a conditional use.~~

~~C. Other uses not specifically listed above which are similar to and are no more objectionable than those listed may be permitted upon the granting of a conditional use permit.~~

22.16.070 Permitted Uses—SC—Service Commercial District.

Permitted uses are as follows: The following uses shall be permitted:

A. All the uses permitted in Section 22.16.050A and B;

~~Except that no dispensary—cannabis businesses are allowed on either Main Street or Ferry Street.~~

B. Commercial service establishments, including:

~~Automobile repairing, overhauling rebuilding and painting~~

~~Automobile sales and service~~

~~Automobile upholstery and top shops~~

~~Automobile washing including the use of mechanical conveyors, blowers and steam cleaning~~

~~Bakeries~~

~~Blacksmith shops~~

Boat sales and service
Bookbinding
Bottle works
Building materials yards other than gravel, rock or cement yards
Cabinet shops
Carpenters shops
Carpet and rug cleaning and dyeing
Catering shops
Cleaning and dyeing
Cold storage plants
Contractors' equipment rental yards
Contractors' storage yards
Dairy products plants
Diaper supply services
Electrical repair shops
Exterminators
Feed and fuel stores
Freight forwarding terminals
Glass shops
Heating and ventilating shops
Household and office equipment and machinery repair shops
Ice storage houses
Kennels located not closer than 500 feet to an R District or a PA District
Laundries
Linen supply services
Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, located not closer than 500 feet to an R District or a PA District
Lumberyards not including planning mills or saw mills
Machinery sales and rentals
Mattress repair shops
Motorcycle sales and services
Nurseries and garden supply stores
Packing and crating
Parcel delivery service
Photographic developing and printing
Plumbing shops
Printing, lithographing and engraving

~~Public utility structures and installations~~

~~Railroad stations~~

~~Refrigeration equipment~~

~~Repair garages~~

~~Safe and vault repairing~~

~~Sheet metal shops~~

~~Small animal boarding located not closer than 500 feet to an R-District or a PA-District~~

~~Stone and monument yards~~

~~Storage yards for commercial vehicle~~

~~Tire sales, retreading and recapping~~

~~Tool or cutlery sharpening or, grinding~~

~~Trailer sales and services~~

~~Transit yards~~

~~Trucking terminals~~

~~Used car sales~~

~~Veterinarians' offices and small animal hospitals located not closer than 500 feet to an R-District or PA-District~~

~~Veterinarians' offices and small animal hospitals including short term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications of soundproof construction which shall be prescribed by the Board of Adjustments~~

~~Warehouses except for the storage of flammable liquids~~

~~Welding shops~~

~~Wholesale establishments and other uses which are added to this list by the City Planning Commission in accord with the procedure prescribed in Chapter 22.34 of this Title;~~

~~C. Parking lots improved in conformity with the standards prescribed for off-street parking facilities in Chapter 22.36 of this Title;~~

~~D. Accessory structures and uses on the same site with and necessary to the operation of a permitted use.~~

~~E. Homeless Shelters, Emergency. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters.~~

A. Accessory structures and uses on the same site with and necessary for or incidental to the operation of a permitted use;

B. Agricultural product processing;

C. Contracting and construction establishments;

D. Craftsmanship establishments;

E. Dispensary—cannabis; subject to Chapter 5.29 Commercial Cannabis;

F. Dwelling units located above the ground floor of a building;

G. Educational institutions;

- H. Establishments for the care of domestic animals, including, but not limited to, veterinarian clinics, animal hospitals, animal boarding, and animal grooming;
- I. Event rental businesses;
- J. Financial institutions;
- K. Freight and transportation stations;
- L. General retail sales, except for sensitive retail uses;
- M. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters.
- N. Hotels and motels;
- O. Low-barrier navigation centers;
- P. Machinery and equipment manufacturing, sales, and repair;
- Q. Nurseries, and garden supply stores, provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building and fertilizer of any type shall be stored and sold in packaged form only;
- R. Packing and shipping establishments;
- S. Personal services including, but not limited to, hair salons, laundering services, and pet grooming;
- T. Physical fitness facilities;
- U. Professional services and offices;
- V. Public entertainment venues;
- W. Public utility structures and installations;
- X. Religious institutions;
- Y. Restaurants and other food and beverage service establishments, not including restaurants serving alcoholic beverages, except beer and/or wine only;
- Z. Supportive housing;
- AA. Vehicle and vehicle accessory sales and services;
- BB. Warehouses and storage;
- CC. Wholesale establishments.

22.16.080 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a Conditional Use Permit, in accord with the provisions of Chapter 22.40 of this Title.

- A. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines found by the ~~City~~ Planning Commission to be necessary for the public health, safety or welfare.
- B. Gasoline service stations, except as follows:
 1. The NC and CC Districts shall not include automotive repair services; all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least ~~3~~ three sides;
 2. A gasoline filling station, ~~when permitted on the granting of a use permit, shall~~ may be permitted on a corner provided that all signs, gasoline filling pumps and other equipment,

including vehicles tending to obstruct the sight distance, shall be located at least 25 feet from the street line and side property line;

3. Any existing gasoline service station which, ~~as of the effective date of the ordinance codified in this Section,~~ provides automotive service, repair, maintenance, accessory sales and installation and/or other related services or products ~~as authorized pursuant to this Title,~~ or maintains the availability of air and water for tires, batteries, and radiators, ~~etc.,~~ shall not discontinue such services, product availability or maintenance without first receiving approval of a Conditional Use Permit pursuant to the provisions of Chapter 22.40 of this Title. ~~In considering any such conditional use permit application, the Board of Adjustments shall, in addition to complying with the provisions of Sections 22.40.070 (A) (1) through (3), not grant such permit unless it also finds that:~~

~~The proposed discontinuation of service, product availability and/or facility availability and maintenance would not have a significant adverse effect, either by itself or by virtue of the cumulative effects of other similar actions, on the general motoring public, particularly including aged and/or handicapped individuals who may be dependent on such services, products or facilities.~~

- C. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use.
- ~~D. Bars. Provided that on the basis of the use permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission, or City Council, on appeal, makes all of the following additional findings of fact:~~
 1. ~~The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.~~
 2. ~~The proposed use is located at an appropriate distance from:~~
 - a. ~~Religious facilities, schools, public parks and playgrounds, and other similar uses; and~~
 - b. ~~The size and proposed activity level (i.e., music, entertainment activities, food service, arcade games, or other amusement activities, etc.) will be compatible with the uses in and/or character of, the surrounding area.~~
 3. ~~The applicant has committed to voluntarily provide a beverage service training program, should one be made available locally on a no-charge basis for employees who sell or dispense alcoholic beverages, and would provide them with the knowledge and skills needed to comply with their responsibilities under state law, including the following topics:~~
 - a. ~~State laws relating to alcoholic beverages, particularly ABC regulations and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws;~~
 - b. ~~The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or others as a result of the excessive consumption of alcoholic beverages;~~
 - c. ~~Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicles;~~
 - d. ~~Methods of dealing with intoxicated customers and recognizing underage customers;~~
 - e. ~~Methods to appropriately pace customer drinking to reduce the risk that the customer will leave the premises in an intoxicated manner;~~
 - f. ~~Knowledge of mixology, including marketable alternatives to alcoholic beverages.~~

4. ~~Nonconforming Uses. Establishments which were legally operating prior to March 7, 2014 may continue to operate as nonconforming uses in compliance with the provisions of Chapter 22.38 (Nonconforming Uses, Structures and Lots). In addition to those provisions, nonconforming establishments shall be required to apply for a use permit in compliance with this Section, if any of the following occur after March 7, 2014:~~
- a. ~~The existing establishment requests permission for the ABC to change the establishments ABC license in any manner, including a change to the character or type of the license or a change in ownership;~~
 - b. ~~The establishment's license is revoked by the ABC;~~
 - c. ~~The establishment's liquor license is suspended for more than 45 days by the ABC;~~
~~or~~
 - d. ~~There is a 20 percent or larger expansion of the area within the establishment that is designated for the sale or consumption of alcoholic beverages.~~
- E. ~~On-sale alcoholic beverage sales operated in conjunction with a bona fide public eating place, which provides meals, which are prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the Municipal Code of the City of Martinez and the City Building Official, but not including restaurants serving only beer, wine or both beer and wine.~~
- E. Dog fanciers:
- F. Except as provided in the SC District pursuant to Section 22.16.070, Homeless shelters, ongoing, within permitted religious or philanthropic institutions. In addition to the applicable conditions of use permit approval pursuant to 22.40.070, Homeless Shelters, Ongoing, within permitted religious or eleemosynary institution, are subject to the development and operational standards of Section 22.34.230, Homeless Shelters:
- G. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36:
- H. Massage businesses:
- Provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission, makes all the following additional findings of fact:
1. The use will not be detrimental to other businesses in the area.
 2. The use as proposed and at the location requested will not create a potentially adverse impact on surrounding uses.
 3. Approval of the use will not constitute an over-concentration of this use within a given commercial area. An over-concentration is defined as greater than one massage business per acre.
 4. The operation of the use will not be a nuisance to neighboring properties or businesses.
- I. Drive-through restaurants:
- FJ. In the NC-Neighborhood Commercial District:
1. ~~Private clubs, lounges, and lodges;~~
 2. ~~Churches and other religious institutions;~~
 3. Public and private philanthropic and eleemosynary institutions;
 4. Public and private libraries, art galleries and museums;
 5. Public entertainment venues not along major thoroughfares; Bowling alleys;

- ~~6. Drive-in restaurants;~~
- ~~7. Take-out restaurants;~~
- ~~8. Bakeries and other specialty food establishments which bake or prepare goods primarily for retail sale from the same location;~~
- ~~9. Nightclubs;~~
- ~~10. Child daycare facilities.~~

5. Group care and rehabilitation facilities;

6. Clinics;

7. Liquor stores;

8. Bars and nightclubs, provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission, on appeal, makes all the following additional findings of fact:

1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.

2. The proposed use is located at an appropriate distance from religious facilities, schools, public parks and playgrounds, and other similar uses.

3. The applicant has committed to employing only bartenders who have been certified through the Responsible Beverage Service training program, pursuant to State law;

9. Restaurants serving liquor, but not including restaurants serving beer and/or wine only;

10. Packing and shipping establishments.

~~G. In the TC-Thoroughfare Commercial District:~~

~~1. Drive-in restaurant;~~

~~2. Take-out restaurants.~~

~~H. In the SC-Service District:~~

~~1. Light manufacturing uses involving only the assembly, packaging, repairing or processing of previously prepared material, subject to the following limitations:~~

~~a. All activities, except incidental storage, shall be conducted within a completely enclosed building;~~

~~b. The building shall be so constructed, the machinery and equipment shall be so installed and maintained, and the activity shall be so conducted so that all odor, dust, dirt, smoke, noise, vibration, illumination, glare and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury shall result to persons residing or working in the vicinity or to property located in the vicinity;~~

~~c. No machine shall be used which has more than 5 horsepower capacity;~~

~~d. No punch press exceeding 5 tons rated capacity and no drop hammer or automatic screw machine shall be used.~~

~~2. Commercial amusement establishments including amusement parks, carnivals, circuses and other transient amusement enterprises.~~

~~I. Dog fanciers' permit on sites of 20,000 square feet or more.~~

~~J. In N-C and C-C Districts: Group care and rehabilitation facilities.~~

~~K. In CC Districts: Commercial Amusement establishments in buildings, including card rooms, nightclubs, dance halls, bowling alleys, video arcades, skating rinks, theatres, and auditoriums.~~

~~L. In CC Districts: Retail stores listed in Section 22.16.050(B) which have a regional market area.~~

~~M. Lunch wagons, except Downtown (north of Green Street, south of Marina Vista, between Berrellesa and Court Streets), provided that on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings:~~

- ~~1. The use will not be detrimental to other businesses in the area;~~
- ~~2. The use will not create a safety hazard;~~
- ~~3. The use will meet the Design Review Criteria and Standards, Section 22.34.045;~~
- ~~4. The use will not be a nuisance to neighboring properties especially residences.~~

~~N. In the NC District:~~

- ~~1. Clinics;~~
- ~~2. Liquor stores;~~
- ~~3. Massage Parlors.~~

~~Provided that on the basis of the use permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Planning Commission, or the City Council, on appeal, makes all of the following additional findings of fact:~~

- ~~a. The use will not be detrimental to other businesses in the area.~~
- ~~b. The use as proposed and at the location requested, will not create a potentially adverse impact on surrounding uses.~~
- ~~c. Approval of the use will not constitute an over-concentration of this use within a given commercial area.~~
- ~~d. The proposed use will not result in the substantial aggravation of crime problems or make law enforcement unduly difficult.~~
- ~~e. The operation of the use will not be a nuisance to neighboring properties or businesses.~~

~~OK. In the CC Central Commercial Districts, retail stores and service establishments, subject to the findings listed in subsection (O) of this Section including:~~

- ~~1. Gunsmith shops; Retail firearm, firearm services, and firearm accessories;~~
- ~~2. Secondhand stores and pawnshops;~~
- ~~3. Bail bond shops (on or above the second floor, not on sites with frontage on Main Street or Ferry Street);~~
- ~~4. Check cashing shops;~~
- ~~5. Tattoo and body piercing parlors;~~
- ~~6. Billiard halls;~~
- ~~7. All conditional uses in the NC District.~~
- ~~5. Group care and rehabilitation facilities;~~
- ~~6. Clinics;~~
- ~~7. Liquor stores;~~
- ~~8. Event rental businesses.~~

~~P. In the CC District:~~

- ~~19. Parcel delivery services including garage facilities for delivery trucks but excluding repair shop facilities; Packing and shipping establishments;~~
- ~~210. Storage buildings for household goods (including mini-storage and self-storage facilities);~~
- ~~311. Storage garages;~~
- ~~4. Hotels and motels;~~
- ~~512. Dwelling units located on the ground floor of a building (located above the ground floor of a building, or at the rear of the ground floor, if the site fronts on Main Street or Ferry Street), may be allowed, with a site area per unit of not less than 1000 square feet.~~

~~QL. In the SC Service Commercial District, all Conditional Uses, in the NC or CC Districts, subject to the same findings as required by the NC or CC District.~~

- ~~1. Retail firearm, firearm services, and firearm accessories;~~
- ~~2. Pawnshops;~~
- ~~3. Bail bond shops (on or above the second floor, not on sites with frontage on Main Street or Ferry Street);~~
- ~~4. Check cashing shops;~~
- ~~5. Group care and rehabilitation facilities;~~
- ~~6. Private clubs, lounges, and lodges;~~
- ~~7. Public and private philanthropic institutions;~~
- ~~8. Public and private libraries, art galleries and museums;~~
- ~~9. Group care and rehabilitation facilities;~~
- ~~10. Clinics;~~
- ~~11. Liquor stores;~~
- ~~12. Hotels and motels;~~
- ~~13. Light manufacturing uses involving only the assembly, packaging, repairing or processing of previously prepared material;~~
- ~~14. Mortuaries.~~
- ~~15. Bars and nightclubs, provided on the basis of the Conditional Use Permit application and the evidence submitted, in addition to the findings required pursuant to Section 22.40.070, a Conditional Use Permit shall be granted only if the Zoning Administrator, or the Planning Commission, makes all the following additional findings of fact:~~
 - ~~1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.~~
 - ~~2. The proposed use is located at an appropriate distance from religious facilities, schools, public parks and playgrounds, and other similar uses.~~
 - ~~3. The applicant has committed to employing only bartenders who have been certified through the Responsible Beverage Service training program, pursuant to State law.~~
- ~~16. Restaurants serving liquor, but not including restaurants serving beer and wine only.~~

~~R. DN-N-C, CC, SC and TC Districts activities devoted primarily to the sale or exchange of tobacco-related products.~~

~~S. Homeless Shelters, Ongoing. Homeless shelters, ongoing, within permitted religious or eleemosynary philanthropic institutions. In addition to the applicable conditions of use permit approval pursuant to 22.40.070, Homeless Shelters, Ongoing, within permitted religious or eleemosynary institution, are subject to the development and operational standards of Section 22.34.230, Homeless Shelters.~~

~~M. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee~~

~~22.16.090 Required Conditions-Generally.~~

~~The following conditions shall be required of uses within the C-Commercial Districts as set out in Sections 22.16.100 through 22.16.160.~~

~~22.16.100 Required Conditions-Specifications Generally.~~

~~No use shall be permitted and no process, equipment or materials shall be employed which are found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, refuse, dirt, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic or to involve a hazard of fire or explosion.~~

~~22.16.110 Required Conditions—NC and CC Districts.~~

~~In the NC and CC Districts all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations outdoor dining areas, nurseries, garden shops and Christmas tree sales lots. A use not conducted entirely within a completely enclosed structure, on a site abutting on or across a street or alley from an R-District or a PA-District shall be screened by a solid masonry wall, board fence or compact evergreen hedge not less than 6 feet in height if found by the Board of Adjustments to be unsightly.~~

~~22.16.120 Required Conditions—TC and SC Districts.~~

~~In the TC and SC Districts, a business, service or process which is not conducted within a completely enclosed structure and which is located on a site abutting on or across a street or alley from property in an R, PA, NC or CC-District, shall be required to be screened either by a solid masonry wall, board fence or compact evergreen hedge not less than 6 feet in height if found by the Board of Adjustments to be unsightly.~~

~~22.16.130 Required Conditions—SC District.~~

~~In the SC-District, open storage or materials and equipment shall be permitted only within an area surrounded by a solid masonry wall board, fence or compact evergreen hedge (with gates where necessary) not less than 6 feet in height, provided that neither the area nor the wall fence or hedge shall be located in any required front yard or any required side yard on the street side of a corner lot and provided further that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge.~~

~~22.16.140 Required Conditions—NC District—Products to be Sold Where Produced.~~

~~In the NC-District, all products produced on the site. Of any of the permitted uses shall be sold primarily at retail on the site where produced.~~

22.16.150 Required Conditions—NC District—Number of Employees.

In the NC district not more than five (5) persons shall be engaged in the production, repair or processing of materials, except that this provision shall not apply to bars, restaurants and soda fountains.

22.16.160 Required Conditions—CC District.

In the CC District, not more than ten (10) persons shall be engaged in the production, repair or processing of materials, except that this provision shall not apply to bars, restaurants and soda fountains.

22.16.160 Enclosure, Fencing, and Frontage Requirements.

- A. In the NC and CC districts, all business, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, and garden shops.
- B. In all districts, any use not conducted entirely within an enclosed structure, on a site abutting or across a street or alley from the R, PA, NC, or CC district, shall be screened by a solid masonry wall, board fence, or compact evergreen hedge not less than six feet in height, if found by the Planning Commission or Zoning Administrator to be unsightly.
- C. In all districts, where the property line of a site adjoins property in the R or PA district, a solid masonry wall or board fence six feet in height shall be located on the property line.
- D. In the SC district, open storage of materials and equipment shall be permitted within an enclosed area bordered by a solid masonry wall, fence, or evergreen hedge, at least six feet tall. This storage area cannot be in the front or side yard facing the street on a corner lot, and materials or equipment cannot be stored higher than the wall, fence, or hedge.
- E. In the CC district, applicants for a Planning entitlement shall demonstrate that any ground floor frontage includes some form of activation by means of window displays, product displays, public art, or other pedestrian-oriented visual display. For non-retail uses, full transparency where pedestrians can clearly view the interior of the building shall qualify as activation.

22.16.165 Required Conditions—CR District.

In the CR District, a commercial recreation use which is not conducted within a completely enclosed structure and which is located on a site abutting or across a street from a property in the R or PA district, shall be required to be screened by a 6 foot solid masonry wall or board fence or landscaping or a combination thereof in order to minimize potential noise, odor and visual impacts. Additionally, increased setbacks may be required. No building(s) shall cover more than twenty five percent (25%) of the lot area and all areas not covered by buildings, parking and loading, and vehicular access shall be landscaped.

22.16.170 Front Yards.

- A. The minimum front yard shall be as prescribed in Table J 22.16.170, subject to the exceptions listed below:

TABLE J 22.16.170

District	Minimum Front Yard
NC	15 feet
CC	5 feet
TC	15 feet

SC 5 feet

<u>District</u>	<u>Minimum Front Yard</u>
<u>Neighborhood Commercial</u>	<u>15 feet</u>
<u>Central Commercial</u>	<u>5 feet</u>
<u>Thoroughfare Commercial</u>	<u>15 feet</u>
<u>Service Commercial</u>	<u>5 feet</u>

B. Exceptions:

1. In the NC and TC Districts, on a site abutting on property in an R District and fronting on the same street, the minimum front yard shall be not less than the required front yard of the adjoining site in the R District.
2. In the CC and SC Districts, no ~~S~~structure shall be closer than 15 feet to a street intersection, except that portions of a structure which are less than 3 ½ feet or more than 8 eight feet above sidewalk grade and one column, not exceeding 4 one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC Districts, on a site abutting on property in an R District and fronting on the same street, the minimum front yard shall be not less than, one-half the required front yard on the adjoining site in the R District.
4. ~~In the CR District the front yard setback shall be 20 feet. The front yard shall increase 1 foot for every 2 feet of height above the lowest 12 feet of the height of the structure.~~

22.16.180 Side Yards.

The minimum side yard shall be as follows:

- A. The minimum side yard shall be as prescribed in Table 22.16.180, subject to the exceptions listed below:

TABLE 22.16.180

<u>District</u>	<u>Minimum Side Yard</u>
<u>Neighborhood Commercial</u>	<u>15 feet</u>
<u>Central Commercial</u>	<u>0 feet</u>
<u>Thoroughfare Commercial</u>	<u>15 feet</u>
<u>Service Commercial</u>	<u>0 feet</u>

- ~~AB. In the NC and TC Districts, a 15-foot side yard shall be required subject to the following exceptions:~~

- ~~1. Where the side property line of a site adjoins property in an R or a PA district, a solid decorative masonry wall or, decorative board fence 6 feet in height shall be located on the property line.~~
- ~~21. In the NC District, interior side yards may not be required where adjoining commercial properties are master planned, site planned and architecturally designed planned, designed, and developed as a single unit.~~

- ~~B. In the CC and SC districts, no side yards shall be required, subject to the following exceptions:~~

- ~~42. In the CC and SC Districts, On a reversed corner lot adjoining property in an R District or a PA District, the minimum side yard shall be not less than ½ one-half the required front yard on the side adjoining key lot.~~

23. ~~In the CC and SC Districts, Where the side property line of a site adjoins property in an R District or a PA District, the minimum side yard adjoining the R district or PA District shall be 10 feet. Where the side property line of a site adjoins property in an R-District, a decorative masonry wall or decorative board fence 6 feet in height or screen planting shall be located on the property line or planting area.~~
- C. ~~One foot shall be added to each required side for each 3 feet of height above the lowest 12 feet of height of a structure.~~
- D. ~~In the CR-District the side yard shall be 20 feet. The, side yards shall increase 1 foot for every 2 feet of height above the lowest 12 feet of height of the structure.~~

22.16.190 Rear Yards.

The minimum rear yards shall be as follows:

- A. The minimum rear yard shall be as prescribed in Table 22.16.10, subject to the exceptions listed below:

TABLE 22.16.190

<u>District</u>	<u>Minimum Side Yard</u>
<u>Neighborhood Commercial</u>	<u>15 feet</u>
<u>Central Commercial</u>	<u>0 feet</u>
<u>Thoroughfare Commercial</u>	<u>15 feet</u>
<u>Service Commercial</u>	<u>0 feet</u>

- A. ~~In the NC and TC districts, a 15-foot rear yard shall be required in addition to the following conditions:~~
1. ~~Where the rear property line of a site adjoins property in an R-District, a solid masonry wall or board fence 6 feet in height shall be located on the property line.~~
 2. ~~Interior rear yards may not be required where adjoining, commercial properties are master planned, site planned and architecturally designed as a single unit.~~
- B. ~~In the CC and SC Districts, no rear yard shall be required subject to the following e~~Exceptions:
1. ~~In the CC and SC districts, Where the rear property line of a site adjoins property in an R district or a PA District, the minimum rear yard shall be 10 feet. Where the rear property line of a site adjoins property in an R-district, a solid masonry wall or board fence 6 feet in height shall be located on the property line.~~
 2. ~~One foot shall be added to the rear yard for each 3 feet of height above the lowest 12 feet of height of a structure.~~
- C. ~~In the CR-District the rear yard shall be 20 feet. The rear yard shall increase 1 foot for every 2 feet of height above the lowest 12 feet of height of the structures.~~

22.16.200 Height of Structures.

No structure shall exceed 30 feet in height in the NC, CR, TC or SC Districts. In the CC District, the height of structures shall not exceed 40 feet, or 3 three stories. The Planning Commission may approve taller buildings by use permit. Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.

- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.

22.16.210 Landscaped Areas.

Areas between the property line and structures or off-street parking or loading facilities shall be landscaped with plant material and permanently maintained.

22.16.220 Off-Street Parking and Loading Facilities.

Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 22.36 of this Title.

CHAPTER 22.18 I INDUSTRIAL DISTRICTS

- 22.18.010 General Provisions and Exceptions.
- 22.18.020 Purpose.
- 22.18.030 LI Light Industrial District – Permitted Uses.
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- 22.18.060 Conditional Uses.
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- 22.18.100 Site Area.
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- 22.18.120 Side Yards.
- 22.18.130 Rear Yards.
- 22.18.140 Height of Structures.
- 22.18.160 Off-Street Parking and Loading Facilities.

22.18.010 General Provisions and Exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34 of this Title.

22.18.020 Purposes.

In addition to the objectives prescribed in Section 22.02.010 of this Title, the purpose of the I Industrial Districts is are included in the zoning plan to achieve the following purposes:

- ~~A. To reserve appropriately located areas for various types of industrial plants and related activities;~~
- ~~B. To protect areas appropriate for industrial use from intrusion by residences and other inharmonious uses;~~
- ~~CA. To provide appropriate buffers between industrial and residential uses to preserve the feasibility of industrial operations as well as residential quality. To protect residential, professional and administrative offices, and commercial surrounding properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, dust, smoke, vibration, heat, glare and other objectionable influences and from fire, explosion, noxious fumes and other hazards incidental to certain industrial uses by restricting such uses to appropriately located areas;~~
- ~~D. To provide opportunities for certain types of industrial plants to concentrate in a mutually beneficial relationship to each other;~~
- ~~E. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas;~~
- ~~F. To provide sufficient open space around industrial structures to minimize the hazards of fire;~~
- ~~G. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;~~
- ~~H. To provide industrial employment opportunities for residents of the City;~~
- ~~I. The controlled industrial district is intended to optimize utilization of those designated areas by the elimination of incongruous uses, including residential and commercial development. It is further intended that development shall be restricted to activities to be conducted with a high level of site development and operational performance, devoid of such objectionable qualities as noise, smoke, fumes, glare, odor, water pollution or safety and fire hazards. Additional~~

~~provisions for open space and landscaping are required to encourage compatibility with surrounding and abutting districts.~~

B. To provide a range of employment opportunities to meet the needs of current and future residents and take advantage of the City's location relative to regional roadway and transit systems;

C. To diversify the City's economic base by providing sites for technology-based businesses, research and development, manufacturing, and similar uses;

D. To provide areas for a wide range of manufacturing, industrial, general service, warehousing, storage and distribution, and service commercial uses and to protect areas where such uses now exist.

22.18.030 LI Light Industrial District—Permitted Uses.

In the LI Light Industrial District ~~t~~The following uses shall be permitted:

~~A. Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cork, feathers, felt fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood (not including a planing mill or saw mill);~~

~~Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals; perfumes, perfumed toilet soap (not including refining or rendering of fats or oils) and toiletries;~~

~~Manufacturing, canning, and packaging of foods and food products, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar, or yeast or refining or rendering of fats or oils, provided that no noxious or offensive odors are permitted to emanate from the premises;~~

~~Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas;~~

~~Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures and light sheet metal products including heating and ventilating ducts and equipment, cornices, eaves and the like;~~

~~Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, cameras and photographic equipment except film;~~

~~Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances;~~

~~Assembly of electrical equipment such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery;~~

~~Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;~~

~~Manufacture of cutlery, hardware and hand tools; die and pattern making; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils;~~

~~Blacksmith shops~~

~~Bottling works~~

~~Bus depots and transit stations~~

~~Cold storage plants~~

~~Dairy products plants~~

~~Distribution—cannabis; subject to Chapter 5.29 Commercial Cannabis~~

~~Freight forwarding terminals~~

~~Furniture manufacture~~

~~Ice manufacture~~

~~Laboratories~~

~~Machine shops not involving the use of drop hammers, automatic screw machines or, punch presses with a rated capacity of over 20 tons~~

~~Manufacturer—cannabis; subject to Chapter 5.29 Commercial Cannabis~~

~~Marina and small boat harbor~~

~~Mattress manufacture~~

~~Metal finishing and plating~~

~~Motion picture production~~

~~Non-storefront retail business—cannabis; subject to Chapter 5.29 Commercial Cannabis~~

~~Printing, lithographing and engraving~~

~~Public utility structures and installations~~

~~Railroad stations~~

~~Small boat building not including ship building~~

~~Storage yards for commercial vehicles~~

~~Testing Laboratory—cannabis; subject to Chapter 5.29 Commercial Cannabis~~

~~Textile, knitting and hosiery mills~~

~~Transit yards~~

~~Trucking terminals~~

~~Warehouses except for the storage of fuel or flammable liquids~~

~~Welding shops~~

~~Woodwork shops and sash and door manufacturing, including only incidental mill work which shall be conducted within a completely enclosed structure and other uses which are added to this list by the City Planning Commission, in accord with the procedure prescribed in Chapter 22.34 of this Title.~~

A. Advanced manufacturing;

B. Agricultural product processing;

C. Clean technology;

D. Craftsmanship establishments;

E. High technology;

F. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters;

G. Incidental and accessory uses on the same site with and necessary for the operation of a permitted use, including, but not limited to, living quarters;

- H. Industry, light;
- I. Life sciences and biotechnology;
- J. Machinery and equipment manufacturing, sales, and repair;
- K. Marinas, harbors, and boatbuilding facilities;
- L. Media production;
- M. Offices and retail stores incidental to and on the same site with a light industrial or related use;
- N. Packing and shipping establishments;
- O. Public utility structures and installations;
- P. Renewable energy operations;
- Q. Research laboratories;
- R. Wholesale establishments.
- ~~B. Offices, retail stores and watchmen's living quarters incidental to and on the same site with a light industrial or related use prescribed in Subsection A;~~
- ~~C. Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36 of this Title;~~
- ~~D. Incidental and accessory structures and uses on the same site with and necessary for the operation of a permitted use;~~
- ~~E. Homeless Shelters, Emergency. Homeless shelters, emergency, subject to the development and operational standards of Section 22.34.230, Homeless Shelters.~~

22.18.040 HI Heavy Industrial District—Permitted Uses.

- A.—All uses permitted in the LI district;
- B.—~~Aircraft and aircraft accessories and parts manufacture~~
 - ~~Asphalt and asphalt products manufacture~~
 - ~~Automobile, truck and trailer accessories and parts manufacture~~
 - ~~Automobile, truck and trailer assembly~~
 - ~~Bag cleaning~~
 - ~~Battery manufacture~~
 - ~~Boiler works~~
 - ~~Box factories and cooperage~~
 - ~~Breweries, distilleries and wineries~~
 - ~~Building materials manufacture and assembly including composition, wallboards, partitions, panels and prefabricated structures~~
 - ~~Business machines manufacture including accounting machines, calculators, card-counting equipment and typewriters~~
 - ~~Can and metal container manufacture~~
 - ~~Candle manufacture not including rendering~~
 - ~~Carpet and rug manufacture~~
 - ~~Cement products manufacture including concrete mixing and batching~~
 - ~~Chemical fertilizer manufacture and storage~~

~~Chemical products manufacture, provided no noxious odor or dust is produced and no hazard of fire or explosion is created, including petrochemicals manufacture and storage, adhesive bleaching products, bluing, calcimine, dye-stuffs, (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue and size~~

~~Clay products manufacture including brick, firebrick, tile and pipe~~

~~Coal storage~~

~~Cork manufacture~~

~~Cotton-ginning and cotton wadding and linter manufacture~~

~~Firearms manufacture~~

~~Flour, feed and grain mills~~

~~Food products manufacture including such processes as cooking, roasting, refining, pasteurizing and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils and yeast~~

~~Gas storage~~

~~Glass and glass products manufacturing~~

~~Grain elevators~~

~~Graphite and graphite products manufacture~~

~~Gravel, rock and cement yards~~

~~Hair, felt and feathers processing~~

~~Ink Manufacture~~

~~Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds, manufacture~~

~~Jute, hemp, sisal and oakum products manufacture~~

~~Leather and fur finishing and dyeing, not including tanning and curing~~

~~Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, refrigerators and washing machines~~

~~Machine tools manufacture including metal lathes, metal presses, metal stamping machines and woodworking machines~~

~~Match manufacture~~

~~Meat products processing and packaging not including slaughtering and glue and size manufacture~~

~~Metal alloys and foil manufacture including solder, pewter, brass and bronze and tin, lead and gold foil~~

~~Metal casting and foundries not including magnesium, foundries~~

~~Motor testing of internal combustion motors~~

~~Painting, enameling and lacquering shops~~

~~Paper products manufacture including shipping containers, pulp goods, carbon paper and coated paper stencils~~

~~Paraffin products manufacture~~

~~Petroleum and petroleum products refining including gasoline, kerosene, naphtha and oil~~

~~Petroleum and petroleum products storage~~
~~Plastics manufacture~~
~~Porcelain products manufacture including bathroom and kitchen fixtures and equipment~~
~~Precious metals reduction, smelting, and refining~~
~~Public utility structures and installations~~
~~Railroad equipment manufacture including railroad car and locomotive manufacture~~
~~Railroad freight stations, repair shops and yards~~
~~Rubber products manufacture including tires and tubes~~
~~Salt works~~
~~Sandblasting~~
~~Ship building and ship repair yards~~
~~Shipping docks, piers and other berthing facilities~~
~~Shoe polish manufacture~~
~~Starch and dextrine manufacture~~
~~Steam plants~~
~~Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture~~
~~Stone products manufacture and stone processing including abrasives, asbestos, stone screening, and sand and lime products~~
~~Storage, sorting, collecting or baling of iron, junk, paper, rags or scrap metal within a completely enclosed structure~~
~~Structural steel products manufacture including bars, girders, rails and wire rope~~
~~Textile bleaching~~
~~Tobacco curing and processing~~
~~Wire and cable manufacture~~
~~Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood preserving treatment~~
~~Wool scouring and pulling and other uses which are added to this list by the City Planning Commission, in accord with the procedure prescribed in Chapter 22.34 of this Title;~~

A. Advanced manufacturing;

B. Agricultural product processing;

C. Clean technology;

D. Craftsmanship establishments;

E. High technology;

F. Incidental and accessory uses on the same site with and necessary for the operation of a permitted use;

G. Industry, heavy, except for the uses listed in Section 22.18.060;

H. Industry, light;

I. Life sciences and biotechnology;

J. Machinery and equipment manufacturing, sales, and repair;

- K. Marinas, harbors, and boatbuilding facilities;
- L. Media production;
- M. Offices, retail stores, and watchmen's living quarters incidental to and on the same site with an industrial or related use;
- N. Packing and shipping establishments;
- O. Public utility structures and installations;
- P. Renewable energy operations;
- Q. Research laboratories;
- R. Wholesale establishments.
- ~~C. Offices, retail stores and watchmen's living quarters incidental to and on the same site with an industrial or related use prescribed in Subsections A and B of this Section;~~
- ~~D. Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36 of this Title;~~
- ~~E. Incidental and accessory structures and uses on the same site with and necessary for the operation of a permitted use.~~

~~22.18.050 CI Controlled Industrial District—Permitted Uses.~~

~~In the CI Controlled Industrial District, the permitted uses are limited to agriculture, including horticulture, viticulture and the raising of small crops and fruits or nut-bearing trees. This district also allows manufacturer—cannabis, distribution—cannabis, testing laboratory—cannabis and non-storefront retail business—cannabis; subject to Chapter 5.29 Commercial Cannabis.~~

22.18.060 Conditional Uses.

The following conditional uses shall be permitted upon the granting of a conditional use permit Conditional Use Permit, in accord with the provisions of Chapter 22.40 of this Title:

- ~~A. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines found by the City Planning Commission to be necessary for the public health, safety or welfare;~~
- ~~B. Accessory structures and uses located on the same site with and necessary for or incidental to the operation of a conditional use;~~
- ~~C. Outdoor advertising structures; in accordance with subsection 16.68.080.C;~~
- ~~D. In the LI Light Industrial District, the following conditional uses shall be permitted.~~
 - ~~Any of the uses listed in Section 22.18.040 and Subsection E of this section, provided that, on the basis of the use permit application and the evidence submitted, the City Planning Commission makes the following findings, in addition to the findings prescribed in Section 22.40.070 of this Title that:~~
 - ~~1. Consideration of all of the determinable characteristics of the particular use which is the subject of the application indicates that the use has the same basic characteristics on the permitted uses prescribed in Section 22.18.030 of this Chapter;~~
 - ~~2. The use will not create more vehicular or rail traffic than the volumes normally created by the permitted uses prescribed in Section 22.18.030 of this Chapter.~~
 - ~~3. The separation between HI uses allowed in the LI district by a use permit and property in an R or PA district shall not be less than the required front, side and rear yard setbacks in an HI district (Sections 22.18.110.B, 22.18.120.E through G, and 22.18.130.C through F~~

respectively). LI uses shall be permitted within these areas, subject to the setback requirements of the LI district;

E. In the HI Heavy Industrial District, the following conditional uses shall be permitted:

Airports and heliports.

Cement, lime, gypsum and plaster of Paris manufacture

Charcoal, lampblack and fuel briquettes manufacture

Chemical products manufacture including acetylene, aniline, dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yard and carbolec, hydrochloric, picric and sulphuric acids

Coal, coke and tar products manufacture

Drop forges

Dumps and slag piles

Explosives manufacture and storage

Fertilizer manufacture and storage, other than chemical

Film manufacture

Fireworks manufacture and storage

Fish products processing and packaging

Garbage dumps

Gas manufacture

Gas and oil wells

Gelatin, glue and size manufacture from animal or fish refuse

Incineration or reduction of garbage, offal and dead animals

Junkyards

Lard manufacture

Linoleum and oil cloth manufacture

Magnesium foundries

Manure, peat and topsoil processing and storage

Metal and metal ores refining, smelting, and alloying

Motor vehicle wrecking yards

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish

Paper mills

Rifle ranges

Rolling mills

Rubber manufacture or processing including natural or synthetic rubber and gutta-percha

Soap manufacturing including fat rendering

Stockyards and slaughterhouses

Stone quarries, gravel pits, mines and stone mills

~~Storage of used building materials
Tallow manufacture
Tanneries and curing and storage of rawhides
Wood and bone distillation
Wood pulp and fiber reduction and processing;~~

~~F. In the CI Controlled Industrial District, the following conditional uses shall be permitted:~~

~~Administrative offices
Bookbinding, printing and lithography
Cartography
Editorial and designing activities
Electrical products and instrument manufacturing
Employees' cafeterias and auditoriums
Finished paper products manufacturing
Furniture manufacture and repair, or cabinet or millwork shops
Garment manufacturing
Household pottery manufacturing
Laundry and dry cleaning plants
Manufacture of clothing, novelties, toys and small appliances
Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36 of this Title
Photographic printing, finishing and processing
Plastic fabrication
Processing, packaging and distribution operations, including pharmaceuticals, drugs and cosmetics
Research laboratories and institutes
Residences for watchmen or custodians
Storage warehouses, excluding flammable fluids and explosives;~~

~~G. Dog fanciers' permit, on sites of 20,000 square feet or larger.~~

~~H. Private non-commercial clubs.~~

~~I. Lunch wagons, provided that on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings:~~

- ~~1. The use will not be detrimental to other businesses in the area.~~
- ~~2. The use will not create a safety hazard.~~
- ~~3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.~~
- ~~4. The use will not be a nuisance to neighboring properties especially residences.~~

A. Airports and heliports;

B. Agricultural product processing;

C. Dog fancier;

- D. Freight and transportation stations;
- E. Industry, heavy, in the LI Light Industrial district;
- F. Natural resource extraction;
- G. Parking lots and garages improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 22.36;
- H. Private clubs, lounges, and lodges;
- I. Pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines;
- J. Refining, smelting, and alloying of raw materials;
- K. Warehouses and storage;
- L. Waste storage, processing, and disposal;
- N. Other similar uses as determined by the Planning Commission, Zoning Administrator, Community and Economic Development Director, Planning Manager, or designee.

22.18.065 Industrial Performance Standards.

All industrial land uses shall conform to the following performance standards:

- A. **Noise or vibration.** Except for the Heavy Industrial zoning district, no noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point from a lot line of the building site or off-site.
- B. **Radioactivity.** No activity, including storage or dumping, shall result in the emission of radioactivity in dangerous amounts. A dangerous amount is defined as an level exceeding 10 millisieverts.
- C. **Electrical disturbance.** No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. **Explosive materials.** No explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of explosion and all equipment and devices for fire prevention and firefighting approved by the Contra Costa County Fire Protection District.
- E. **Air pollution.** No air pollution or smoke shall be produced in violation of the requirements of the Bay Area Air Quality Management District.
- F. **Glare or heat.** No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point from a lot line of the building site or off-site.
- G. **Odorous gases.** No emission of any odorous gases or matter shall occur in quantities which are discernible without instruments at any point from a lot line of the building site or -off-site.
- H. **Dust, dirt, or particulate matter.** No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the building site which is discernible without instruments at any point from a lot line of the building site or off-site.
- I. **Liquid contaminants.** No discharge into any public sewer, private sewage disposal system approved by the County Department of Environmental Health, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.
- I. **Hazardous materials.** Industrial activities involving the production, use, storage, or handling of hazardous materials shall comply with all applicable federal, state, and local regulations, including but not limited to those outlined by the Occupational Safety and Health Administration

(OSHA) and the Environmental Protection Agency (EPA). Adequate safety measures and procedures shall be implemented to prevent accidents, spills, or releases of hazardous substances that could pose risks to public health, safety, or the environment. Storage facilities for hazardous materials must be equipped with appropriate containment measures, leak detection systems, and emergency response protocols to minimize the potential for contamination or harm. Compliance with these standards shall be subject to inspection and verification by relevant regulatory agencies.

22.18.070 I Industrial Districts—Required Conditions.

The following conditions shall be required of uses in the I Industrial Districts:

A business, service or process which is not conducted, within a completely enclosed structure and which is located on a site abutting on or across a street or alley from property in an ~~R, PA, NC, CC or TC~~ Residential, Professional and Administrative, Neighborhood Commercial, or Central Commercial District shall be required to be screened either by a solid masonry wall, board fence or compact evergreen hedge not less than ~~six~~ six feet in height if found by ~~the Board of Adjustments Planning Commission or Zoning Administrator~~ to be unsightly.

22.18.080 LI Light Industrial District—Required Conditions.

In the LI Light Industrial District, the following conditions are required ~~of all uses:~~

- A. Open storage of materials and equipment shall be permitted only within an area surrounded by a solid masonry wall, board fence or compact evergreen hedge (with solid gates where necessary) not less than ~~six~~ six feet in height, provided that neither the area nor the wall, fence, or hedge shall be located in any required yard or any required side yard on the street side of a corner lot, and provided further that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge.
- B. No use shall be permitted and no process, equipment, or materials shall be employed which are ~~found by the City Planning Commission to be~~ objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy ~~truck~~ vehicular traffic, or to involve any hazard of fire or explosion.

22.18.090 CI Controlled Industrial District—Required Condition.

~~In the CI Controlled Industrial District, the following conditions are required of all uses:~~

- ~~A. Activity Standards. All activities shall be conducted in such a manner that noise, smoke, dust, odors and waste of any kind are confined and/or purified so as to control pollution of air, soil or water, to eliminate any detrimental effect to the public health, safety and welfare and to be in harmony with the objectives of the General Plan. All standards of the Bay Area water and air pollution boards, as well as those of the Planning Commission and the Health Department shall be strictly adhered to.~~
- ~~B. Illumination. Illumination of signs, facades, buildings, parking areas and loading facilities shall be arranged so as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district.~~
- ~~C. Manufacturing and Storage Areas. All manufacturing and fabrication operations shall be conducted entirely within buildings. All equipment and material storage areas shall be screened by solid walls, fences or adequate landscaping not less than 6 feet in height. In no case shall materials be stacked or stored so as to exceed the height of the enclosure.~~
- ~~D. Exterior Treatment of Structures. Buildings shall be constructed of masonry, concrete or similar materials. Metal structures may be erected only with the express consent of the Planning Commission.~~

- ~~E. Landscaping. All areas not used for structures, enclosed storage, circulation, parking or loading facilities shall be landscaped.~~
- ~~F. Abutting Districts. Wherever a site abuts an R or PA district, or an area designated on the General Plan for residential or professional office use, a 6-foot masonry wall shall be erected. In addition, a 5-foot landscaped strip shall be permanently maintained to buffer noise and unsightliness. Where the CI District abuts any other district, a 6-foot fence or wall shall be erected.~~

22.18.100 Site Area.

The minimum site area shall be 10,000 square feet, ~~except in the CI Controlled Industrial District, the minimum site area shall be 25,000 square feet.~~

22.18.110 Front Yard.

The minimum front yard shall be ~~20~~ 10 feet; ~~shall have 50 percent of its area landscaped; and shall not be used for parking or loading,~~ subject to the following exceptions:

- ~~A. On a site abutting on property in an R, PA or C District and fronting on the same street, the minimum front yard shall be not less than the required front yard in the R, PA or C District.~~
- ~~B. In the HI District, where the front property site is across a street or alley from property in an R or PA District, the minimum front yard shall be 100 feet.~~
- ~~C. The required front yard shall be entirely landscaped, except those areas necessary for walks and driveways. Parking or loading within the required front yard area is prohibited.~~

22.18.120 Side Yards.

The minimum side yard shall be ~~40~~ zero feet; ~~subject to the following exceptions:~~ When abutting any zoning district that allows for residential uses, the minimum side yard shall be 10 feet.

- ~~A. Except in the CI District, the side yard on the street side of a corner lot shall be not less than 20 feet.~~
- ~~B. In the CI District, the side yard on the street side of a corner lot, shall be not less than 30 feet.~~
- ~~C. In the LI District, where the side property line of a site adjoins property in an R District, or a PA District, the minimum side yard adjoining the R or PA District shall be 30 feet. Where the side property line of a site adjoins property in an R District, a solid masonry wall or board fence 6 feet in height shall be located on the property line. In addition, the Board of Adjustments shall require that the 5-foot adjoining the property line be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness or to insulate adjoining dwellings against noise.~~
- ~~D. In the CI District, where the side yard abuts an R or PA District, or an area designated on the General Plan for residential or professional office use, a side yard of 50 feet shall be required.~~
- ~~E. In the HI District, the side yard of a site adjoining property in an NC, CC or TC District shall be 75 feet.~~
- ~~F. In the HI District, the side yard of a site across the street or alley from an R or PA District shall be 100 feet.~~
- ~~G. In the HI District, the side property line of a site across a street or alley from an NC, CC or TC District shall be 25 feet.~~
- ~~H. One foot shall be added to the side yard for each 2 feet of height above the lowest 50 feet of height of a structure.~~

22.18.130 Rear Yards.

The minimum rear yard shall be ~~40 zero~~ feet, ~~subject to the following exceptions:~~ When abutting any zoning district that allows for residential uses, the minimum rear yard shall be 25 feet.

- ~~A. Except in the HI District where the property abuts an R or PA District, or an area designated on the General Plan for residential or professional office use, the minimum rear yard shall be 50 feet.~~
- ~~B. An additional foot shall be added for each 3 feet in excess of 12 feet of building height.~~
- ~~C. In the HI District where the rear property line of a site adjoins property in an R or PA District, the minimum rear yard shall be 150 feet.~~
- ~~D. In the HI District where the rear property line of a site adjoins property in an NC, CC or TC District, the minimum rear yard shall be 75 feet.~~
- ~~E. In the HI District where the rear property line of a site is across a street or alley from property in an R or PA District, the minimum rear yard shall be 100 feet.~~
- ~~F. In the HI District where the rear property line of a site is across a street or alley from property in an NC, CC or TC District, the minimum rear yard shall be 25 feet.~~

22.18.140 Height of Structures.

No structure shall exceed 30 ~~50~~ feet of ~~in~~ height, ~~except in the HI Heavy Industrial District, where taller structures may be allowed by a conditional use permit.~~ Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception and makes the following findings:

- A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.
- B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.
- C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.
- D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing Martinez's competitiveness in the region.
- E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.
- F. The increased height complies with the purpose and intent of the zoning district.

22.18.150 Site Coverage.

~~In the CI Controlled Industrial District, the maximum area to be covered by structures shall be 50 percent of the total site area.~~

22.18.160 Off-Street Parking and Loading Facilities.

Off-street parking and loading facilities shall be provided for industrial development in accordance with the requirements specified in Chapter 22.36 of ~~this Title~~.

~~CHAPTER 22.30 U UNDESIGNATED DISTRICTS~~

~~22.30.010 General Provisions and Exceptions.~~

~~All uses shall be subject to the general provisions and exceptions prescribed in Chapter 22.34 of this Title.~~

~~22.30.020 Purpose.~~

~~The U Undesignated District is established as a holding zone, to be assigned automatically to annexed property in the absence of zoning hearings simultaneously with the annexation or rezoning hearings in advance of the annexation. The U Undesignated District designation shall be removed in favor of a zoning district consistent with the General Plan following application by the property owner or upon the City Planning Commission's initiative.~~

~~22.30.030 Permitted Uses.~~

~~Permitted uses are as follows:~~

- ~~A. The only use permitted in the U Undesignated District shall be agriculture, including horticulture, viticulture and the raising of crops and fruit or nut bearing trees.~~
- ~~B. Single family dwellings on existing legal lots.~~

~~22.30.040 Conditional Uses.~~

~~There shall be no conditional uses in the U Undesignated District.~~

~~22.30.050 Division of Land.~~

~~No division of land zoned U Undesignated shall be permitted.~~

22.36.060 Parking—Industrial Uses.

Parking shall be provided for industrial uses in accordance with the following table:

INDUSTRIAL USES TABLE

Industrial Use and Required Parking Space (per gross floor area*).

- A. Warehouse and storage buildings—1 per 1,000 square feet except for areas used exclusively for truck loading.
- B. Manufacturing plants and other industrial uses—1 per ~~600~~ 1000 square feet except for floor areas used exclusively for storage or truck loading-, plus 1 space per 300 square feet of office area.

* Except for floor area used exclusively for storage or truck loading.

ATTACHMENT B – PUBLIC COMMENTS

Dear City of Martinez and City Council Members,

I hope this letter finds you well. As a business owner on Main Street Martinez, I wanted to express my concerns regarding the recent idea to allow food trucks with permits downtown. While I understand the intention behind diversifying food options and attracting more visitors to Martinez, I believe there are other solutions that can achieve these goals without negatively impacting local businesses.

Firstly, I want to emphasize that Main Street Martinez already offers a variety of food options, and the introduction of food trucks could potentially hinder the sales of businesses that have been contributing to the community for years. Many of us have been diligently paying property taxes, and it's disheartening to see our efforts potentially undermined by the introduction of food trucks.

As we continue to recover from the challenges of 2020, it's essential to support local businesses that have persevered through difficult times. Instead of introducing competition that could potentially divert customers away from established businesses, I urge the City Council to explore alternative strategies for revitalizing downtown.

Additionally, I want to clarify that my concerns are not against food trucks themselves. I understand that food trucks represent small businesses, someone's dream, someone's vision. However, like many other cities, I believe that designated areas such as parks or the marina would be more suitable for food truck gatherings. These areas can provide ample space with tables and chairs, creating a vibrant atmosphere where people can enjoy a variety of food options. Having a monthly or weekly events where food trucks gather in a designated area would allow residents and visitors to anticipate and plan their visits, supporting both the food truck owners and local businesses. However, placing food trucks downtown, especially in front of existing restaurants or on Main Street, exacerbates our existing parking issues and undermines our efforts to attract customers to Downtown Martinez, which has undergone significant transformations since 2016 when I first started my business here. Therefore, I urge the City Council & the City of Martinez to consider alternative locations for food truck gatherings that promote community engagement without negatively impacting established businesses downtown.

I appreciate the efforts of the City Council & City officials to improve our community, and I am open to constructive dialogue on this matter. Together, I believe we can find solutions that benefit both the community and local businesses.

Thank you for considering my concerns.

Sincerely,

Corey Katz
Owner, Brix & Craft



**City of Martinez
Planning Commission
Uses Update and Other Revisions
Zoning Text and Zoning Map Amendments**

April 9, 2024



What is being proposed?

- Comprehensive Update to Permitted and Conditionally-Permitted Uses
- New and Revised Definitions
- Industrial Zoning Incentives
- New Temporary Use Permit Chapter
- New Regulations for Mobile Vendors (Food Trucks)
- Minor Changes to Accessory Dwelling Units
- Rezoning 98 Parcels
- Other Minor Changes



Background

Why are these changes necessary?

- Obsolete and archaic code language
- Housing Element (Work Plan) and State law
- Consistency and ease-of-use
- Evolving community needs



Permitted and Conditionally Permitted Uses

- Proposed to move from listing specific uses to a category-based approach
- Example: instead of “dry cleaning” and “pet grooming” as individual uses, a new category of “personal services” would take their place
- Benefits:
 - Provides a more flexible approach,
 - Helps the City attract new emerging businesses, and
 - Reduces the need for future changes to the MMC



Definitions

- New definitions to reflect the new use categories are proposed to be added
- Several existing definitions were revised to clarify or modernize language
- Numbering proposed to be removed



Definitions

Agricultural product processing; airport and heliport; contracting and construction establishment; clean technology; craftsmanship establishment; educational institution; event rental business; financial institution; freight and transportation station; general retail sales; health care clinics, medical outpatient facilities, and medical and dental offices; high technology; heavy industry; light industry; life sciences and biotechnology; machinery and equipment manufacturing, sales, and repair; advanced manufacturing; marina, harbor, and boatbuilding facility; media production; mobile vendor; natural resource extraction; nightclub; nursery and garden supply store; packing and shipping establishment; personal services; physical fitness facility; private clubs, lounges, and lodges; professional services; public and private philanthropic institution; public entertainment venue; public utility structure and installation; renewable energy operation; religious institution; research laboratory; sensitive retail uses; story; half story; vehicle and vehicle accessory sales and services; warehouse and storage; waste storage, processing, and disposal; and wholesale establishment.



Temporary Use Permits and Mobile Vendors

- The City proposed to add a new chapter on Temporary Use Permits (“TUPs”)
- TUPs differ from Conditional Use Permits (“CUPs”) in that they:
 - Don’t run with the land
 - Are time-limited
 - Are processed at an administrative level
- TUPs provide an optimal framework for transient uses, like seasonal sales, or for uses that merit regular reinspection, like food trucks or construction staging



Temporary Use Permits and Mobile Vendors

- The City Council held a special study session on food trucks in February, and endorsed using a TUP process to regulate food trucks (and to call them “mobile vendors”)
- In addition to the requirement to obtain a TUP, mobile vendors would be subject to further regulations



Temporary Use Permits and Mobile Vendors

- Mobile vendor regulations:
 - Secure property owner approval
 - Secure and provide proof of all state/local permits
 - Secure and display Martinez business license
 - Report Martinez as point of sale for all sales in City for sales tax
 - Minimize noise from generators
 - Limit operations to 100 days per year (not including Mondays or Tuesdays)



Temporary Use Permits and Mobile Vendors

- Mobile vendors in the public right-of-way
 - The City cannot prohibit mobile vendors from operating in legal parking spaces due to Vehicle Code Section 2455 and case law
 - The City can impose time, place, and manner restrictions that have a health or safety rationale. The City is proposing these further limitations:
 - Hours of operation: 7:00 A.M. to 10:00 P.M.
 - Provide waste receptacle and off-haul any refuse
 - Prohibition from operating on streets where speed limit >35mph
 - If located in a parking spot for longer than one hour:
 - 100-foot separation distance from the nearest food truck in a parking space, and
 - Within 200 feet of a readily-available toilet and hand-washing facility



Setbacks and Building Separation Requirements

- In 2023, the Planning Commission endorsed and the City Council adopted Ordinance No. 1448 that included multiple “clean ups” to the MMC.
- One such clean up was the change to setbacks and building separation requirements, from a complicated equation to a standard table.
- To ensure consistency between zoning districts, it is proposed that this approach be brought to the Commercial, Industrial, and Research and Development zoning districts.



Performance Standards

- The City proposed to add performance standards in the Industrial and Research and Development districts, to reflect the capacity of these zones to accommodate uses with more impactful external effects.
- These standards relate to noise, vibration, radioactivity, electrical disturbances, explosive materials, air pollution, glare and heat, odorous gases, dust and particulate matter, liquid contaminants, and hazardous materials.
- Performance standards differ from required conditions because they regulate ongoing activities rather than the condition of the property.



Enclosure, Fencing, and Frontage Requirements

- In the Commercial Districts Chapter (22.16), there were multiple duplicative sections on “Required Conditions.”
- These have been condensed and simplified into a new section on enclosure, fencing, and frontage requirements.
- A new requirement to activate any ground-floor frontage of a commercial building in the Central Commercial zoning district is included. This would only apply to buildings where an applicant is seeking a planning entitlement.

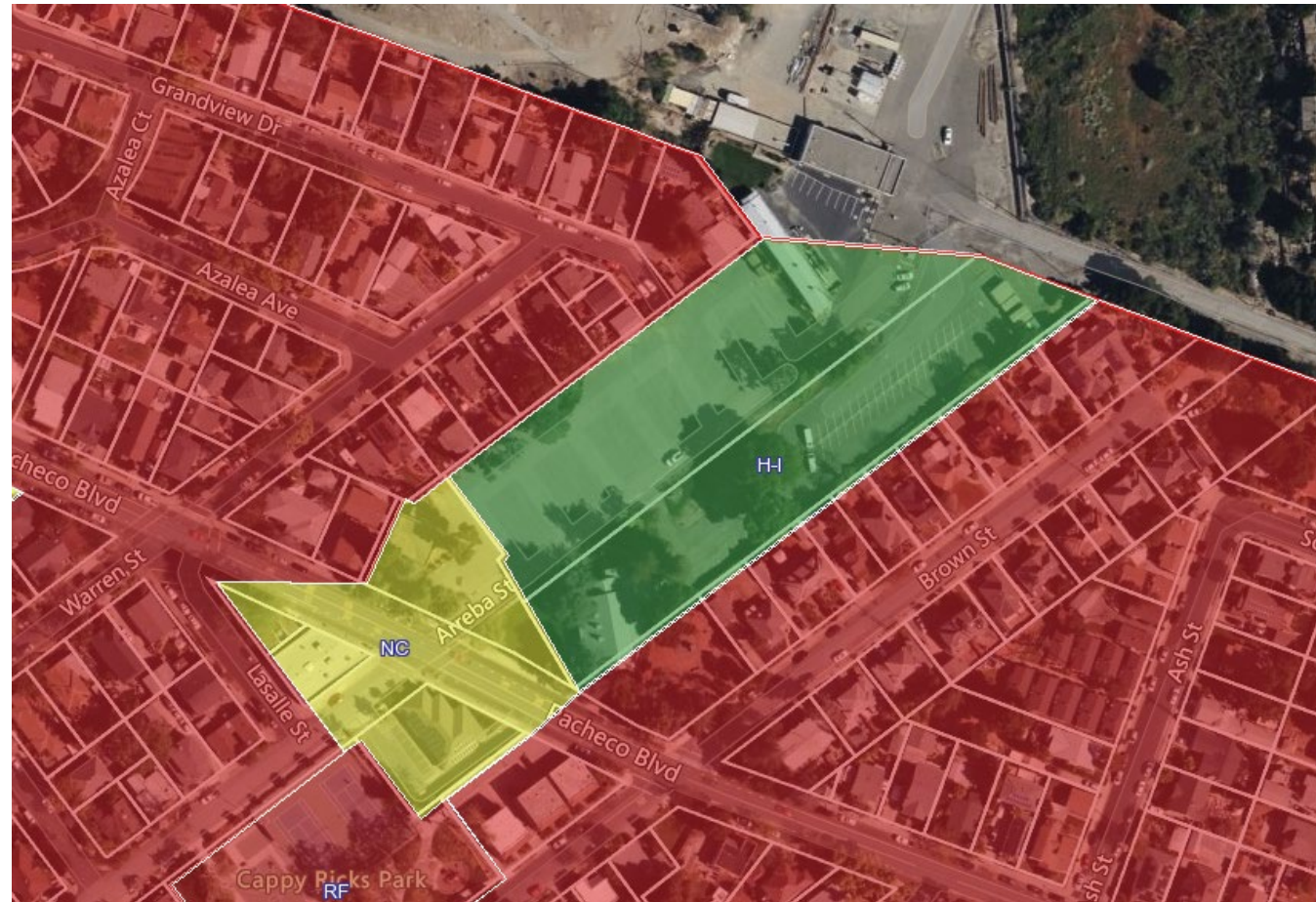


Industrial Zoning Incentives

- The City Council held a special study session on March 20, 2024 and endorsed the following to incentivize high-value industrial development:
 - Increase in maximum permitted height to 50 feet for RD and I districts, and inclusion of an exception process, rather than a CUP, for greater height.
 - Decrease in the minimum setbacks for RD and I districts to 10 feet (front) and zero feet (side and rear), except when abutting a Residential District.
 - Increase in maximum floor area ratio from 0.4 to 2.0.
 - Reduce required front yard landscaping from 100% to 50%.
 - Establishment of a community benefit bonus program.
- These changes, except for the FAR modification and community benefit bonus program, are included in these revisions.

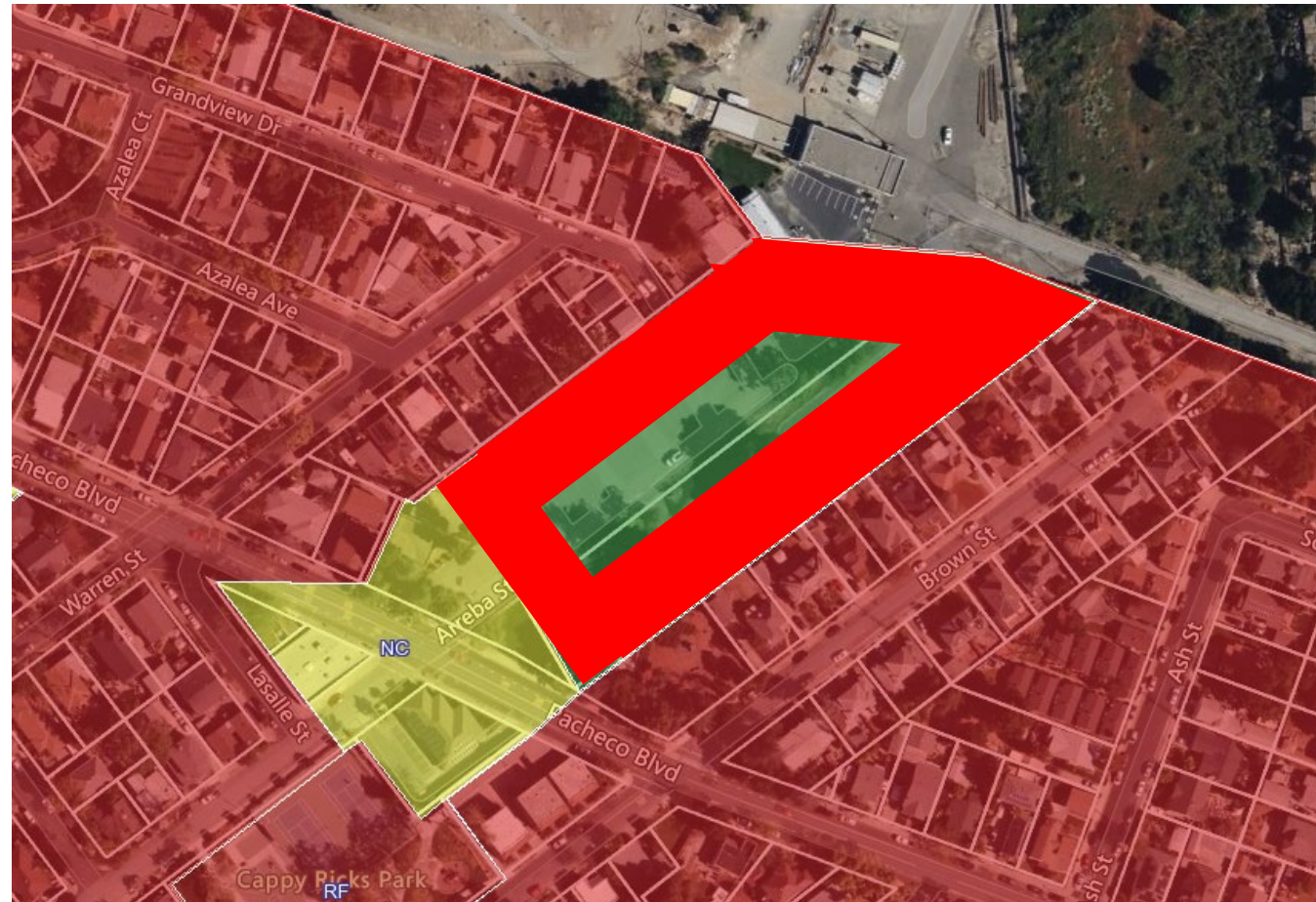


Industrial Zoning Incentives





Industrial Zoning Incentives





Industrial Zoning Incentives





Industrial Zoning Incentives





Elimination of Certain Zoning Districts

- The City proposes eliminating the TC Thoroughfare Commercial, CR Commercial Recreation, CI Controlled Industrial, and U Undesignated zoning districts.
- Thoroughfare Commercial only applied to the commercial stretch of Alhambra Avenue between Highway 4 and Alhambra High School, and three parcels on Arnold Drive.
- The only additional uses the district allowed over the NC Neighborhood Commercial district were mortuaries, vehicle sales and repair, public entertainment like bowling alleys, and veterinarians offices.
- These are proposed for inclusion in the Neighborhood Commercial district, for properties along “major thoroughfares.”



Elimination of Certain Zoning Districts

- The Commercial Recreation zoning district only applied to four parcels near the intersection of Muir Road and Center Avenue, and none of the parcels has an active use that could be described as “commercial recreation”.
- The existing uses are county offices and a movie theater.
- These parcels are proposed to be rezoned to Neighborhood Commercial, which allows for both offices and movie theaters.



Elimination of Certain Zoning Districts

- The Controlled Industrial zoning district is oriented to agricultural uses like horticulture and viticulture, yet the only area zoned Controlled Industrial is a collection of business parks off Arnold Drive and a storage facility off Muir Station Road.
- The parcels on Arnold Drive have mixed zoning with PA Professional and Administrative, and are proposed to be rezoned to Professional and Administrative/Research and Development.
- The storage facility is currently zoned ECD Environmental Conservation District/Controlled Industrial and is proposed to be rezoned to Environmental Conservation District/Service Commercial.



Elimination of Certain Zoning Districts

- The U Undesignated zoning district was previously used as a “holding zone” for parcels which the City annexes but does not simultaneously rezone.
- However, it has not been used for this purpose and to do so would not be good practice.
- Several parcels have retained this zoning designation for decades since annexation.
- Parcels zoned Undesignated are proposed to be rezoned consistent with the General Plan.
- Going forward, annexations and rezonings of annexed parcels will be conducted concurrently.



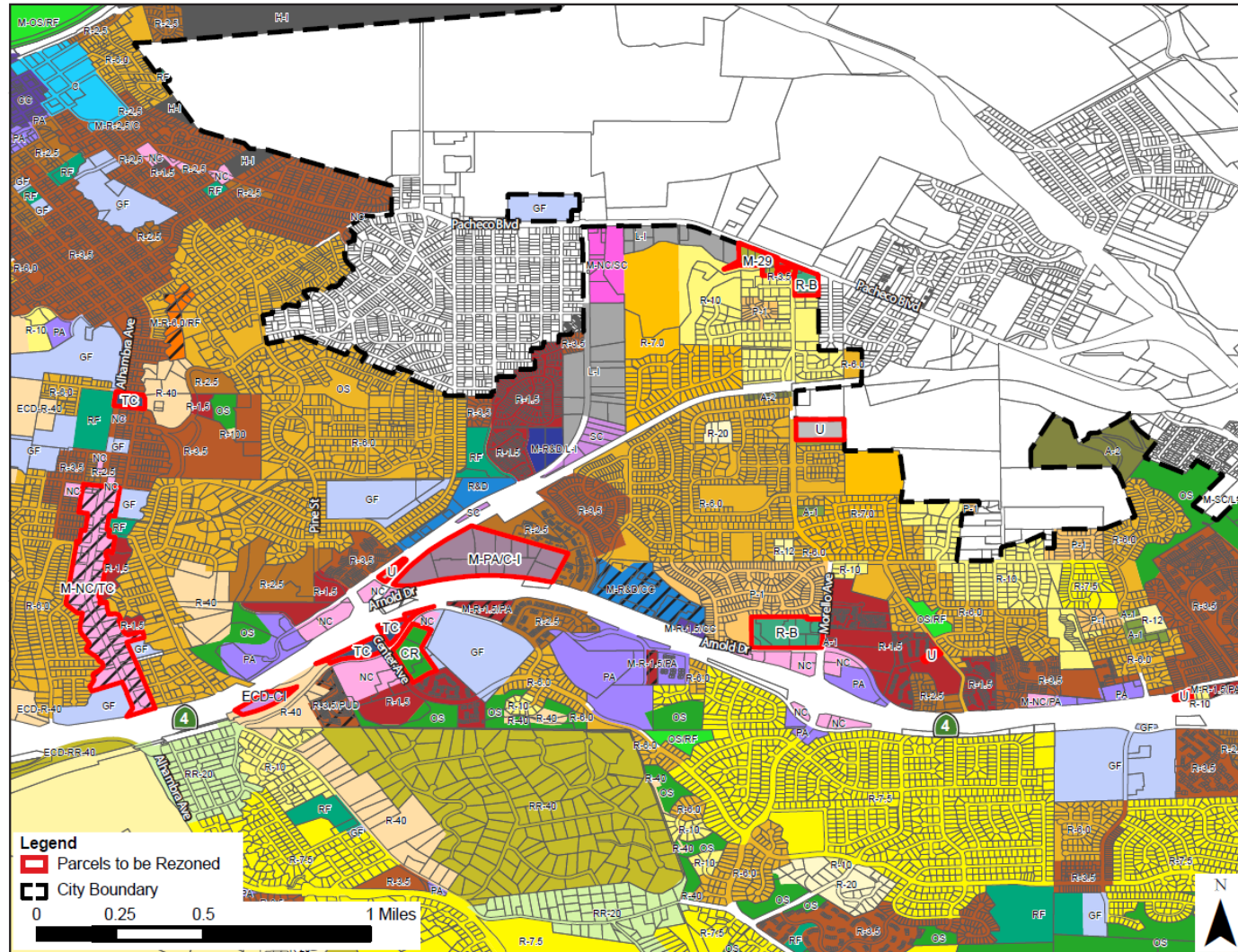
Elimination of Certain Zoning Districts

- Additionally, several parcels with designations that were holdovers from the County and were not updated post-annexation are proposed to be rezoned.
- These include:
 - All parcels zoned RB Retain Business (to be rezoned to Neighborhood Commercial).
 - All parcels zoned M-29 (to be rezoned to R-1.5 Residential).

Uses Update

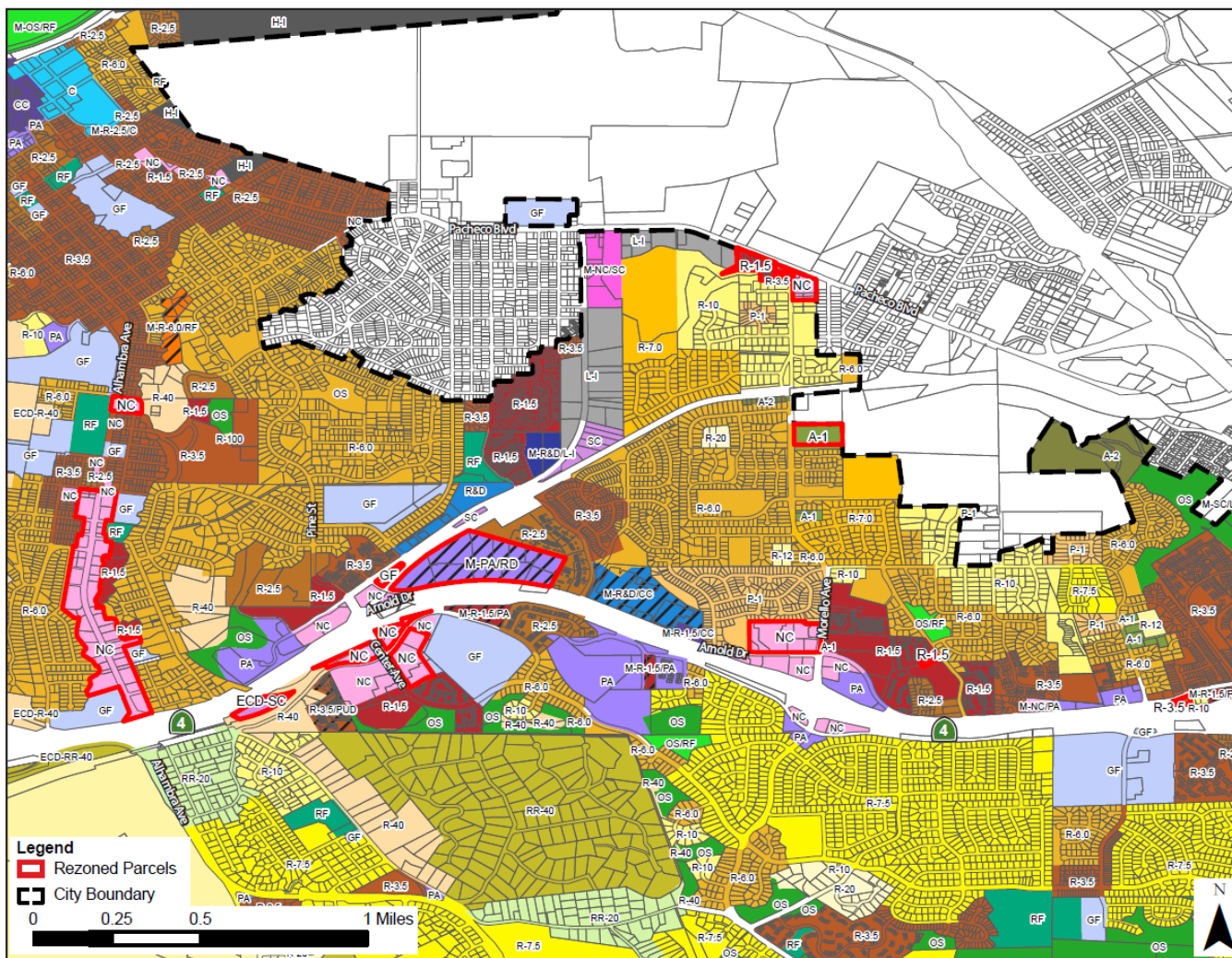


Rezoning





Rezoning





ADU Revisions

- The 2023 California legislative sessions saw several new ADU laws that require changes to the City's ADU chapter. These include:
 1. AB 1033: Requires the City allow ADUs to be conveyed separately from the primary dwelling through a condominium plan.
 2. AB 643: Extends the prohibition of owner-occupancy requirements for ADUs until 2025.
 3. Ab 1332: Requires cities to adopt preapproved detached ADUs plans and adds a 30-day review requirement for any ADU application utilizing preapproved plans or utilizing plans from previously-approved ADU applications.



ADU Revisions

- Staff is also proposing additional edits related to rooftop decks and balconies.
- A previous inconsistency could have allowed for balconies and rooftop decks to be built closer to property lines than originally intended.
- Staff recommends requiring decks and balconies attached to an ADU to conform to the setbacks required for the primary dwelling, to minimize privacy impacts.



Other Zoning Text Changes

- Removal of references to the Board of Adjustments, as the functions of that body have been assumed by the Planning Commission and Zoning Administrator;
- Revisions to Chapter 22.08 (District Designations) consistent with the elimination of several zoning districts;
- Updates to some of the “Purposes” for the affected zoning districts to modernize them;
- Simplification and clarification of the Use Permit findings for bars;
- Ability for massage business Use Permits to be brought before the Zoning Administrator instead of directly to the Planning Commission; and
- Addition of tables for setback, height, and other requirements for ease of use.



Next Steps

- City Council 1st Reading of Ordinance: May 1st, 2024
- City Council 2nd Reading of Ordinance: May 15th, 2024
- Regulations Effective: June 15th, 2024



Questions?