



# Memorandum Planning Division

Wednesday, October 5, 2016

To: Planning Commission  
From: Christopher Wright, Associate Planner  
Subject: Phase 2 Zoning update for General Plan consistency  
Copies: Jim Pechous, City Planner

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This Study Session is to introduce and review approaches for addressing General Plan implementation items in Phase 2 of the Zoning update. These implementation items include:

1. Automobile sales and service uses,
2. Vehicle sales and dealerships in the Rancho San Clemente Business Park,
3. Fueling stations, and
4. Farmers' Markets

The regulatory amendments update the Zoning Ordinance and Specific Plans for consistency with the Centennial General Plan (CGP) and to implement several policy items directed by the City Council.

## **BACKGROUND**

Following the adoption of the CGP, staff has been working towards making the Zoning Ordinance and Specific Plans consistent. A first phase of this project was completed in November 2015. This phase refined policies for mixed-use and commercial development and land use maps.

On January 6, 2016, the Planning Commission conducted a Study Session overviewing the next phase of the consistency project, focused largely on format and the integration of Specific Plan uses and development standards into the Zoning Ordinance and map.

On February 17, 2016, the Planning Commission conducted a second Study Session on the project to discuss approaches toward implementing several CGP policies. This included policies on automobile uses and farmer's markets items that will be explored in greater detail this evening.

## **DISCUSSION**

The following is a discussion of General Plan policy implementation items:

1. Automobile sales and service uses,
2. Vehicle sales and dealerships in the Rancho San Clemente Business Park,
3. Fueling stations, and
4. Farmers' Markets

For each item below is a description of issues and staff's working approach to implement these policies. Also, attached to this report are referenced CGP policies (Attachment 1) and draft zoning amendments (Attachments 2 to 4) for the working approaches.

### **ITEM #1. Automobile sales and service uses (CGP Policies LU-5.03 to LU-5.05)**

#### **Issues for new automotive uses**

The CGP goal for automobile-related uses is to: *“Encourage the relocation of automobile-related uses to industrially-designated lands and business parks and permit the continuation of automobile-related uses, existing as of the date of adoption of this General Plan, that do not detract from the aesthetics, character and function of the surrounding area.”*

Policies prohibit most auto-related uses on properties in mixed-use zones, in the pedestrian overlay, and on lots fronting El Camino Real (“prohibited areas”), including vehicle dealerships, sales, rental (more than five cars), and service uses (car wash, minor repair). In addition, existing zoning regulations prohibits these uses on properties “adjacent” to Residential-Low Density (RL) zones. The exception is an allowance for auto-parts stores (no installation) and vehicle rentals with less than five cars on commercial properties not in the Pedestrian Overlay.

#### **Issues for existing automotive uses**

The CGP carries forward and refines provisions from the 1993 General Plan and the Zoning Ordinance, which allow automobile service uses (car washes, minor repair) to continue as conforming uses in prohibited areas that were legally established as of February 2014 (time of CGP adoption), except for abandoned uses (when operations lapse longer than a year). The CGP policies prohibit expansions of auto-related uses. Minor expansions of structures are allowed (General Plan cleanups are to clarify this intent in overlapping policies). Architectural improvements are however allowed that are consistent with Design Guidelines.

Working approach (see Attachment 2 for draft amendments)

1. Revise and update the categories and definitions for automobile uses.
2. Modify the zoning non-conforming use exemption [at Section 17.72.030 “Applicability”] for automobile service uses to include new mixed-use zones. Add references to the exemption.
3. Add a use category “Auto Parts Store” to clarify the sale of auto accessories, parts, and fluids is permitted in commercial zones without installation or service [per CGP Policy LU-5.03].
4. Add a use category “vehicle rental (5 car maximum)” to clarify the use is permitted in commercial zones with a Minor Conditional Use Permit (MCUP), including zones on El Camino Real.
5. Prohibit automobile service, sales, rental (more than five cars), and dealerships in mixed-use zones, Neighborhood Commercial zones, and in the Pedestrian Overlay.
6. Modify location requirements to prohibit new uses on properties that are *abutting residential and mixed-use zones*. Currently, the prohibition of uses is limited to properties “adjacent” to Residential-Low Density zones (“RL”).
7. Limit the allowance of new vehicle service, sales, rental (more than five cars) with a Conditional Use Permit (CUP) to: Community Commercial (CC) zones and Specific Plan commercial zones, such as Neighborhood Commercial (NC) areas of the Talega, Rancho San Clemente and Forster Ranch Specific Plans.
8. Add a special CUP finding that requires fueling stations to: *“The proposed use has service bays and equipment screened from public views from abutting right-of-way of arterial streets and City gateway interchanges, ramps, and intersections (gateways are identified in the General Plan).”*
9. Include a Planning Commission process allowing for minor physical expansion of buildings that improve architecture and don’t expand auto-uses. Such a minor expansion was a key flexibility in the redesign of Paramount Tire on El Camino Real.

**ITEM #2. Vehicle Sales and Service in Rancho San Clemente Business Park Focus Area (CGP Policy Reference LU-8.02)**

Issue for vehicle sales and service uses

Policy LU-8.02 allows these uses to be conducted within the Business Park of the Rancho San Clemente Specific Plan. In addition to the focus area, proposed zoning amendments would allow for vehicle dealerships, sales, rental uses in Community Commercial (CC) zones (see Item #1 above).

Working approach (see Attachment 2 for draft amendments)

1. Revise the definition of vehicle dealerships that groups dealerships with sales, leasing, and rental. Also, the definition does not recognize the common provision of on-site vehicle services and part sales.
2. Revise the Rancho San Clemente Specific Plan to allow vehicle sales, dealerships, and minor vehicle repair in the Business Park (Light Industrial General Plan designation), excluding areas designated for Business Commercial uses. Currently, vehicle sales are not allowed in the Specific Plan and the allowance of vehicle service uses is limited to properties within and adjacent to the Rancho San Clemente Industrial Park.

**ITEM #3. Fueling stations (CGP Reference: Policy LU-5.01, LU-5.02)**Issues for new fueling stations

The CGP proposes that new fueling stations (filling stations offering gas and vehicle service) be added as appropriate within commercial zones and business parks. The CGP policy indicates a number of locational factors and design considerations, including a provision limiting stations to a single location in any given intersection. The Zoning Ordinance has a number of criteria for the location and design of service stations. Also, Conditional Use Permit findings must be met requiring fueling stations be consistent with related CGP policies.

Issues for existing fueling stations

The issues are the similar to those described above for existing automobile sales and service uses (see Item 1 above). CGP policies allow existing fueling stations continue as conforming uses that were legally established as of February 2014 on properties along major streets and highways. Staff interprets “major streets and highways” to include major, primary, and secondary streets identified in the CGP mobility element, such as El Camino Real and freeway interchanges.

Working approach (see Attachment 3 for draft amendments)

1. Add a definition of “fueling station” and refine the definition of Service Station to be consistent with terminology of the CGP;
2. Modify the zoning non-conforming use exemption [at Section 17.72.030 “Applicability”] for fueling stations to include new mixed-use zones. Add references to the exemption.
3. Limit the allowance of new fueling stations with a CUPto: Community Commercial (CC) zones and Specific Plan Neighborhood Commercial zones, such as

Neighborhood Commercial (NC) areas of the Talega, Rancho San Clemente and Forster Ranch Specific Plans.

4. Prohibit automobile service, sales, rental (more than five cars), and dealerships in mixed-use zones, Neighborhood Commercial zones, and in the Pedestrian Overlay
5. Modify location requirements to prohibit new uses on properties that are *abutting residential and mixed-use zones*. Currently, the prohibition of uses is limited to properties “adjacent” to *single-family residential zones* (“RL”).
6. Include a Planning Commission process allowing for minor physical expansion of buildings that improve architecture and don’t expand auto-uses.
7. Modify special use requirements (Chapter 17.28.290) to remove mention of “petroleum products.” This is proposed because the term “fueling station” was used in the CGP because the City Council specifically wanted to broaden the types of fueling stations that could be considered (e.g. larger EV charging stations).
8. Add a separation requirement to achieve the CGP intersection-exclusive policy (this item is pending). Staff is leaning toward limiting the allowance of fueling stations to property on one-corner of an intersection of major, primary, and secondary roadways identified in the General Plan.

#### **ITEM #4. Farmers Markets [CGP Policy BPR-6.01 and BPR Implementation, 31]**

##### Issues for farmer’s market use

There aren’t regulations that allow farmer’s markets and access to healthy foods is encouraged in CGP policies. Farmer’s markets operate on a regular schedule typically one day per week. Due to the continued schedule, the use does not qualify for temporary use permits. Examples of appropriate regulatory controls are available from the experience of other nearby cities.

##### Working approach (see Attachment 4 for draft amendments)

1. Add provisions into the Zoning Ordinance which would allow farmer’s markets with a CUP within: Community Commercial (CC) zones, Public zones, Publicly-owned Open Space zones in developed parks, and Specific Plan Neighborhood Commercial zones, such as Neighborhood Commercial (NC) areas of the Talega, Rancho San Clemente and Forster Ranch Specific Plans.
2. Limit the allowance of farmer’s markets to sites with a “*minimum area of 5,000 or greater square feet for Farmer’s Market operations. Farmer’s markets must have such space to comprise a significant array of product suppliers.*” This standard and others are to significantly limit the allowance for farmer’s markets to properties in Public zones and Public-owned Open Space zones that could meet required CUP findings for compatibility with surrounding properties. A property must be large enough to have a sizable accessible pad to support operations. Also, properties in these zones (Public, Publicly-owned Open Space) are mostly or entirely owned by

the City or other public agencies, so this limits the potential for applications to establish farmer's markets that could be of significant public concern.

3. Add special use requirements including minimum standards related to frequency, hours of operation on operating day, refuse disposal, sound amplification, etc.;
4. Specify that farmers' markets shall not create parking conflicts. Staff kept this standard general to provide more opportunities for discretion in the review process, so a wider-range of parking supply strategies could be considered.

#### **ATTACHMENT**

1. Text of referenced Centennial General Plan policies
2. Draft zoning amendments for vehicle sales and services
3. Draft zoning amendments for fueling stations
4. Draft zoning amendments for Farmer's markets

**ITEM #1. Automobile sales and service Uses (CGP Policies LU-5.03 to LU-5.05)**

LU-5.03. ***New Automobile-Related Service and Repair Uses.*** We permit the development of automobile-related service and repair uses (e.g., tire shops, lube and tune, and other similar uses) in certain commercial and business park districts and designated sites within specific plan areas. Such uses shall be designed to convey a high quality architectural and landscape character, consistent with the overall character and image of the City as specified in the Urban Design Element. New car rental businesses on El Camino Real are allowed if the new business is limited to an office use and up to five (5) rental cars on site at any time.

LU-5.04. ***El Camino Real and Other Mixed Use and Pedestrian-Oriented Areas.*** With the exception of automobile-related parts sales with no onsite installation of parts, we prohibit new and major expansions of automobile-related uses along El Camino Real and in other commercial and mixed-use areas of the City designated to promote pedestrian activity.

LU-5.05. ***Existing Auto Related Service and Repair Uses along El Camino Real.*** We consider automobile-related service and repair uses located along El Camino Real, existing as of the date of adoption of this General Plan, to be conforming land uses which may continue. Expansion of such uses or structures shall not be allowed. Modification of such facilities shall be designed to convey a high quality architectural and landscape character, consistent with the overall character and image of the City as specified in the Urban Design Element.

**ITEM #2. Vehicle Sales and Service in Rancho San Clemente Business Park (CGP Policy Reference LU-8.02)**

LU-8.02. ***Vehicle Sales and Services.*** We permit vehicle sales and services consistent with the Rancho San Clemente Business Park Specific Plan.

**ITEM #3. Fueling stations (CGP Reference: Policy LU-5.01, LU-5.02)**

LU-5.01. ***New Fueling Stations and Supporting Service Facilities.*** We permit the development of new fueling stations and support facilities in commercial and business park districts, provided they are:

- a. Designed to convey a high quality architectural and landscape character, consistent with the overall character and image of the City, as specified in the Urban Design Element; and *[sic]*
- b. Limited to a single corner of a street intersection and located at a limited number of key activity intersections, as designated in the Specific Plans for the Ranches.
- c. Consistent with the Zoning Ordinance and Design Guidelines.

LU-5.02. ***Existing Fueling Stations and Supporting Service Facilities.*** We permit the continuation of fueling stations and supporting service facilities existing as of the date of adoption of this General Plan and located along major streets and highways. Expansion or modification of such facilities shall be designed to convey a high quality architectural and landscape character, consistent with the overall character and image of the City as specified in the Urban Design Element.

**ITEM #4. Farmers Markets [CGP Policy BPR-6.01 and BPR Implementation, 31]**

BPR-6.01. ***Access to Healthy Foods (Standards)***. We promote access to healthy food choices through flexible development standards that allow small-scale, neighborhood-oriented grocery stores in residential zones, where appropriate.

31. Support farmers' markets and similar types of events at various locations, times, and days of the week throughout the community and amend the Zoning Ordinance to broaden the range of temporary uses to allow the sale of agricultural products in commercial areas.



**Amend Chapter 17.88 "Definitions" to add, delete and amend certain definitions:**

**"Truck Rental and Sales"** means a place of business engaged in renting, leasing and/or selling new and/or used commercial trucks, heavy vehicular equipment and/or tractors.

**"Truck Repair"** means a place of business offering major or minor vehicle repair to commercial trucks, heavy vehicular equipment and/or tractors.

**"Vehicle Dealership"** means a nationally-branded place of business engaged in renting, leasing and/or selling new and/or used passenger and light truck vehicles and customarily providing vehicle repair and parts.

**"Vehicle Parts Store"** means a place of business engaged in whole or in part in the sale of automotive appurtenances such as parts, accessories, fluids, electronics, supplies and/or novelties, and which does not provide vehicle services nor allow on-site automotive parts installation.

**"Vehicle Rental"** means a place of business engaged in the short term rental of passenger and light truck vehicles.

**Vehicle Repair, Major.** "Major vehicle repair" means establishments which provide major repair and maintenance related to motor vehicles. Typical uses would include, but not be limited to, auto-body repair shops auto glass shops, automotive painting shops, customizing shops, engine rebuilding, transmission shops, and upholstery shops.

**Vehicle Repair, Minor.** "Minor vehicle repair" means establishments which provide routine care and maintenance related to motor vehicles. Typical uses would include, but not be limited to, brake shops, tire stores, muffler shops, alignment shops, detail shops, radiator shops, stereo installation shops, and tune-up services and oil and lubrication services.

**"Vehicle Sales"** means a business, other than a Vehicle Dealership, engaged in buying and selling used passenger and light truck vehicles.

**~~"Vehicle service and repair-related facilities~~Services**" means uses which service or repair vehicles, including car washes, minor and major vehicle repair facilities, and other similar uses. ~~Vehicle dealerships (with strictly sales and no service and repair facilities), service stations, and vehicle parts/accessories retailers are not, for the purposes of this title, considered vehicle service and repair-related facilities.~~

**Amend Section 17.16.060(C), Conditional Use Permit Applicability:**

- C. Applicability. Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, in this Title. Conditional Use Permits are also required for the following requests:

| Use/Modifications  | As Provided for in:                                       |
|--|---|
| <u>Minor Architectural Expansions of Fueling Stations and Vehicle Service Facilities existing as of February 4, 2014 and exempt from Nonconforming Use restrictions per Section 17.72.030(C)</u> | <u>Section 17.72.030(C), Nonconforming Use Exemptions</u> |

**Amend Section 17.16.060(F)(2), Conditional Use Permit Specific Findings:**

2. Specific Findings. In addition to the general findings required in Subsection (F)(1), above, specific findings shall be made prior to the approval of an application for a Conditional Use Permit for the following requests, as follows:

| Use/Modifications       | As Provided for in:                            |
|-------------------------|--|
| <u>Vehicle Services</u> | <u>Section 17.28.320(E), Required Findings</u> |

**Amend Section 17.28.310, Vehicle Dealerships:**

17.28.310 - Vehicle Dealerships, Rental, and Sales.

- A. **Purpose and Intent.** This section is to ensure that vehicle dealerships, rental, and sales do not create an adverse impact on adjacent properties and surrounding neighborhoods. The guidelines following attempt to mitigate the negative impacts of automobile dealerships uses such as traffic generation, visual blight, bright light, and noise.
- B. **Applicability.** This section applies to uses: Vehicle Dealerships, Vehicle Rental, and Vehicle Sales.
- B.C. **Review Requirements.** Please refer to permitted and conditional use tables in Chapter 17.36, Commercial Zones and Standards, to determine if Vehicle Dealerships, Rental, and Sales may be established in particular zoning districts.
- C. ~~Minimum Standards for Auto Dealerships and Rental Facilities with 10 or Fewer Cars for Sale/No Repair.~~ The following standards shall apply to auto dealerships with 10 or fewer cars for sale and with no on-site repair or service facilities:
  1. ~~Location.~~ Please refer to permitted and conditional use tables in Chapter 17.36, Commercial Zones and Standards, of this title.
  2. ~~Noise.~~ When vehicle dealerships are adjacent to residential development, there shall be no outdoor loudspeakers. Interior loudspeakers shall not be audible above daytime ambient noise levels beyond the property boundaries under normal conditions (e.g., with windows open if they are likely to be opened).

- ~~3. Outdoor Display. Please refer to the outdoor display requirements found in Section 17.28.210(C), Minimum Standards, of this title.~~
  - ~~4. Parking. Three parking spaces shall be provided for employees and clients. Each for-sale car shall be displayed in parking spaces which meet the size requirements in Section 17.64.060(A), Parking Space Size, and shall be provided in addition to those for employees and clients. Striping, aisle width, backup distance and other aspects of parking shall be determined by the City Engineer.~~
  - ~~5. Paving. All surfaces other than those used for structures and/or landscaping shall be paved.~~
  - ~~6. Other Requirements. Vehicle dealerships may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.~~
- ~~D. **Minimum Standards for All Other Vehicle Dealerships.** The following standards shall apply to auto dealerships and rental facilities with more than 10 cars, all auto dealerships with repair or service facilities, and all other vehicle dealerships which do not qualify for the provisions of Subsection (C) of this section, Minimum Standards for Auto Dealership and Rental Facilities with 10 or Fewer Cars for Sale/Repair~~
- ~~1. Landscaping. Along with the landscaping standards for the specific zone in which the vehicle dealership is located, the vehicle dealership site shall be landscaped pursuant to the following standards:
    - ~~a. A planting strip at least 15 feet wide shall be required along street frontages, except for driveway entrances and areas occupied by buildings.~~
    - ~~b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.~~~~
  - ~~2. Location. Please refer to permitted and conditional use tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this title. In no case shall any vehicle repair or service facilities related to vehicle dealerships be located on property adjacent to property zoned for low density residential development or property in mixed-use zones allowing residential development.~~
  - ~~3. Noise. When vehicle dealerships are adjacent to residential development, there shall be no outdoor loudspeakers. Interior loudspeakers shall not be audible above daytime ambient noise levels beyond the property boundaries under normal conditions (e.g., with windows open if they are likely to be opened).~~
  - ~~4. Outdoor Display. Please refer to minimum standards for outdoor display found in Section 17.28.210(C), Minimum Standards, of this title.~~
  - ~~5. Parking. Employee and Customer Parking. One per 400 square feet of showroom and office, plus one per 2,000 square feet of outdoor display area, plus one per 500 square feet of vehicle repair area, plus one per 300 square feet of parts department area. Areas designated for employee and customer parking shall not be used for vehicle storage or display. Each for-sale car shall be displayed in parking spaces which meet the size requirements in Section 17.64.060(A), Parking Space Size, and shall be provided in addition to those for employees and clients. Striping, aisle width, backup distance and other aspects of parking shall be determined by the City Engineer.~~

- ~~6. Paving. All surfaces other than those used for structures and/or landscaping shall be paved.~~
- ~~7. Vehicles to be Repaired.~~
  - ~~a. No vehicles to be repaired shall be parked or stored on any public street or alley.~~
  - ~~b. Please refer to Section 17.28.320, Vehicle Repair Facilities, of this chapter.~~
- ~~8. Other Requirements. Vehicle dealerships may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.~~

**D. General Requirements.**

1. Location. New vehicle dealerships, rental, and sales shall not be located on property that meets any of the following:
  - i. Located within zoning districts that do not allow vehicle dealerships, rental, and sales as a permitted or conditionally permitted use.
  - ii. Abutting residential or mixed use zones.
  - iii. Located within the Pedestrian [P] Overlay District.
2. Noise. Interior loudspeakers shall not be audible above daytime ambient noise levels beyond the property boundaries under normal conditions (e.g., with windows open if they are likely to be opened).
3. Outdoor Display. Please refer to the outdoor display requirements found in Section 17.28.210(C), Minimum Standards.
4. Parking Display Spaces. Each for sale-or-rental car shall be displayed in parking spaces which meet the size requirements in Section 17.64.060(A), Parking Space Size, and shall be provided in addition to those for employees and clients. Striping, aisle width, backup distance and other aspects of parking shall be determined by the City Engineer.
- ~~4. Paving. All surfaces other than those used for structures and/or landscaping shall be paved.~~
5. Other Requirements. Land uses may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.

**E. Standards for Vehicle Rental and Sales Facilities with more than 10 vehicles on-site.**

Vehicle rental and sales facilities with 10 or more vehicles on-site shall meet general requirements of this Section and the following:

1. Landscaping. Along with the landscaping standards for the specific zone in which the proposed use is located, landscaped shall be provided pursuant to the following standards:
  - a. A planting strip at least 15 feet wide shall be required along street frontages, except for driveway entrances and areas occupied by buildings.

- b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude vehicles from driving across the sidewalk at locations other than access driveways.
  - 2. Parking. Employee and Customer Parking. One per 400 square feet of showroom and office, plus one per 2,000 square feet of outdoor display area, plus one per 300 square feet of parts department area. Areas designated for employee and customer parking shall not be used for vehicle storage or display.
- F. Standards for Vehicle Dealerships.** Vehicle dealerships shall meet general requirements of this Section and the following:
  - 1. Landscaping. Along with the landscaping standards for the specific zone in which the vehicle dealership is proposed, landscaped shall be provided pursuant to the following standards:
    - a. A planting strip at least 15 feet wide shall be required along street frontages, except for driveway entrances and areas occupied by buildings.
    - b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude vehicles from driving across the sidewalk at locations other than access driveways.
  - 2. Parking. Employee and Customer Parking. One per 400 square feet of showroom and office, plus one per 2,000 square feet of outdoor display area, plus one per 500 square feet of vehicle service area (repairs and/or car washes), plus one per 300 square feet of parts department area. Areas designated for employee and customer parking shall not be used for vehicle storage or display. Each for-sale car shall be displayed in parking spaces which meet the size requirements in Section 17.64.060(A), Parking Space Size, and shall be provided in addition to those for employees and clients. Striping, aisle width, backup distance and other aspects of parking shall be determined by the City Engineer.
  - 3. Vehicle Repairs.
    - a. No vehicles to be repaired shall be parked or stored on any public street or alley.
    - b. Please refer to Section 17.28.320, Vehicle Service Facilities, of this chapter.

**Amend Section 17.28.320, "Vehicle Repair Facilities":**

**17.28.320 - Vehicle Repair Facilities Services.**

- A. Purpose and Intent.** The purpose of this section is to provide for the mitigation of potential noise, fumes, litter and parking problems associated with ~~motor-vehicle repair shops~~ service facilities. The special standards contained in this section are intended to ensure that vehicle ~~repair~~ service facilities operate harmoniously and are compatible with adjacent and surrounding uses. In the interest of protecting the health, safety and welfare of the City and its residents, special conditions shall be imposed on ~~repair and equipment installation~~ facilities, consistent with the goals, objectives and policies of the General Plan.
- B. Applicability.** This section applies to Vehicle Service uses.
- B.C. Review Requirements.**
  - 1. New Vehicle Service Facilities. Please refer to permitted and conditional use tables in Chapter 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, to determine if vehicle service facilities may be established in particular zoning districts.

2. Continuation and Improvement of Existing Facilities. Vehicle Service uses may continue as conforming permitted uses that were lawfully established as of February 4, 2014, per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

#### C.D. Minimum Standards.

1. Landscaping. Along with the landscaping standards for the specific zone in which the vehicle ~~repair~~service facility is located, the vehicle ~~repair~~service facility site shall be landscaped pursuant to the following standards:
  - a. A planting strip at least 10 feet wide shall be required along all street frontages, except for driveway areas and areas occupied by buildings.
  - b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.
  - c. Permanent landscaping or berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.
2. Litter. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored in the surrounding areas of the parcel.
3. ~~Location Requirements. Please refer to the permitted and conditional use tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this title. In no case shall any new vehicle repair facility be located on property adjacent to property zoned for low density residential development or property in mixed use zones allowing residential development.~~
  - a. New Vehicle Service Facilities. New vehicle service facilities shall not be located on property that meets any of the following:
    - iv. Located within zoning districts that do not allow vehicle service facilities as a permitted or conditionally permitted use.
    - v. Abutting residential or mixed use zones.
    - vi. Located within the Pedestrian [P] Overlay District.
  - b. Continuation and Improvement of Existing Vehicle Service Facilities. If vehicle service facilities have lawfully existed as of February 4, 2014 (General Plan adoption date) and do not meet the location requirements above, such vehicle service facilities may continue as conforming permitted uses if criteria are met in Chapter 17.72.030(C), Nonconforming Use Exemptions.
4. ~~Location of Activities. Enclosure of Uses.~~ All repair and service activities and operations shall be conducted entirely within an enclosed service building.
5. ~~4.~~ Operation of Facilities. The vehicle ~~repair~~service facility shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonable anticipated to produce any of the following:
  - a. Damage or nuisance from noise, smoke, odor, dust or vibration;

- b. Hazard from explosion, contamination or fire;
- c. Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.

6.5. Parking.

- a. Vehicle Repair Facilities. Parking shall provided for vehicle repair facilities at a minimum amount greater of either: one parking space for each 400 square feet of gross floor area, or with a minimum of five total spaces: one parking space per service pay, one space per employee, and a two space queuing lane for each service bay. There shall be a minimum of five parking spaces provided.
- b. Full Service Car Wash Facilities. Full service car wash facilities shall have a minimum of one parking space per three employees on the maximum shift plus 600 square feet of operations parking area for each 20 feet of conveyor length.
- c. Self Service Car Wash Facilities. Self service car wash facilities shall have a minimum of one parking space plus one space queuing lane in front of each self car wash stall.

7.6. Paving. All surfaces other than those used for structures and/or landscaping, shall be paved.

8.7. Refuse Storage and Disposal. Trash areas shall be provided and screened in accordance with Section 17.24.050, Building Equipment Services and Their Screening, of this title. Additional requirements are as follows:

- a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
- b. Refuse bins shall be provided and placed in a location convenient for customers.
- c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be stored outside the main building.

9.8. Storage. Exterior parking areas shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles awaiting repair shall be parked or stored on any street or in any alley.

10.9. Other Requirements. Vehicle ~~repair~~service facilities may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.

E. Required Findings. For approval of a vehicle service use, the review authority shall meet the general findings for a Conditional Use Permit (Section 17.16.060[F]) and the specific finding below:

- 1. The proposed use has service bays and equipment screened from public views from abutting right-of-way of arterial streets and City gateway interchanges, ramps, and intersections (gateways are identified in the General Plan).

**Delete Section 17.28.330(C), "Vehicle Service and Repair-Related Facilities, General Locational Requirements"**

~~17.28.330 - Vehicle Service and Repair-Related Facilities, General Locational Requirements.~~

- ~~A. Purpose and Intent. The purpose of this section is to provide limitations on the location of vehicle service and repair-related facilities in conformance with the City's General Plan. For a definition of these facilities, please consult Chapter 17.88, Definitions, of this title.~~
- ~~B. Applicability. Please refer to the permitted and conditional use tables in Chapters 17.36, Commercial Zones and Standards, and 17.48, Public Zones and Standards of this title for specific uses.~~
- ~~C. Locational Standards. In no case shall new vehicle service and repair-related facilities be located on property adjacent to property zoned for low density residential development or property in mixed-use zones allowing residential development. For additional standards for vehicle repair facilities, please refer to Section 17.28.320, Vehicle Repair Facilities, of this chapter.~~
- ~~D. Other Requirements. Please refer to Section 17.28.320, Vehicle Repair Facilities, of this title for additional standards for vehicle repair facilities. Vehicle repair facilities may be required to comply with the NPDES Stormwater Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division, or contact the San Diego Office of the Regional Water Quality Control Board.~~

**Amend Table 17.36.020.A Uses Table for Commercial Zones [Partial table excerpt]:**

| <b>9. Vehicle-Related Repair, Sales and Service Uses</b> | <b>NC 1.1</b> | <b>NC 1.2</b> | <b>NC 1.3</b> | <b>NC 2</b> | <b>NC 3</b> | <b>CC 1</b> | <b>CC 2</b> | <b>CC 3</b> | <b>CC 4</b> | <b>MR</b> | <b>NOTE 22</b> |
|--|---------------|---------------|---------------|-------------|-------------|-------------|-------------|-------------|-------------|-----------|----------------|
| Car Washes   |               |               | C             | C           | C           | C           | C           | C           | C           |           | 24             |
| Vehicle Parts Store                                      |               |               | P             | P           | P           | P           | P           | P           | P           |           |                |
| Vehicle Parts/Accessories Sales                          |               |               | MC            | MC          | MC          | MC          | MC          | MC          | MC          |           |                |
| Vehicle Dealership                                       |               |               |               |             |             | C           | C           | C           | C           |           | 24-23          |
| Vehicle Sales [10 or fewer vehicles on site]             |               |               |               |             |             |             |             |             |             |           | 24-23          |
| Vehicle Sales [more than 10 vehicles on site]            |               |               |               |             |             | MC          | MC          | MC          | MC          |           | 24-23          |
| Vehicle Rental [5 or fewer vehicles on site]             |               |               |               |             |             | MC          | MC          | MC          | MC          |           | 24-23          |
| Vehicle Rental [6 to 10 vehicles on site]                |               |               |               |             |             | MC          | MC          | MC          | MC          |           | 24-23          |



|   |  |  |    |    |    |          |          |          |          |  |        |
|---|--|--|----|----|----|----------|----------|----------|----------|--|--------|
| Vehicle Rental [more than 10 vehicles on site]              |  |  |    |    |    | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |  | 224.23 |
| Vehicle Dealerships (Sales, Leasing, Rental, New and Used): |  |  |    |    |    |          |          |          |          |  |        |
| a. Auto Dealerships with fewer than 10 cars                 |  |  | MC | MC | MC | MC       | MC       | MC       | MC       |  |        |
| b. All Other Vehicle Dealerships                            |  |  | E  | E  | E  | E        | E        | E        | E        |  |        |
| Vehicle Repair/Service, Minor                               |  |  | C  | C  | C  | C        | C        | C        | C        |  | 25.24  |

~~22~~ Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, for provisions for all vehicle service and repair-related facilities.

~~2322~~ Refer to Section 17.28.290, Service Stations, of this title, for special provisions for service/gas stations. Refer to Section 17.28.290, Fueling Stations, for special provisions for Fueling Stations. Fueling stations may continue as conforming permitted uses that were lawfully existing as of February 4, 2014, per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

~~24.23~~ Refer to Section 17.28.310, Vehicle Dealerships, Rental, and Sales, for special provisions for vehicle dealerships, rentals, and sales. ~~The sales, leasing, and/or rental of new and/or used vehicles which meet any of the following criteria shall be prohibited within the commercial zones described in this chapter:~~

~~25.24~~ Refer to Section 17.28.320, Vehicle Repair Facilities, of this title, for special provisions for vehicle repair facilities. Refer to Section 17.28.320, Vehicle Service Facilities, for special provisions for vehicle service facilities Vehicle Service uses may continue as conforming permitted uses that were lawfully existing as of February 4, 2014, per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

**Amend Table 17.40.020.A “Uses Table for Mixed Use Zones” [Partial table excerpt]:**

| <b>8. Vehicle-Related Repair, Sales and Service Uses</b> | <b>MU 1</b> | <b>MU 2</b> | <b>MU 3.0</b> | <b>MU 3.1</b> | <b>MU 3.2</b> | <b>MU 3.3</b> | <b>MU 4 [PR]</b> | <b>MU 5</b> | <b>NOTE 29</b> |
|--|-------------|-------------|---------------|---------------|---------------|---------------|------------------|-------------|----------------|
| Car Washes   |             |             |               |               |               |               |                  | C           | 24             |
| Vehicle Parts Store                                      |             |             | P             | P             | P             |               |                  | P           |                |

|   |  |  |  |  |  |  |  |    |    |
|---|--|--|--|--|--|--|--|----|----|
| Vehicle Parts/Accessories Sales with no on-site installation services |  |  |  |  |  |  |  | MC | 29 |
| Vehicle Repair/Service, Repair, Minor                                 |  |  |  |  |  |  |  |    | 24 |

~~2924 Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities. Refer to Section 17.28.290, Fueling Stations, and Section 17.28.320, Vehicle Service Facilities. Fueling Stations and Vehicle Service Facilities may continue as conforming permitted uses lawfully existing as of February 4, 2014 per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.~~

**Amend 17.56.030.C “P Overlay” zone: [Identical at Item: Fueling Stations]**

C. Prohibited uses. The establishment of the following uses is specifically prohibited in pedestrian overlay districts:

1. Fueling Stations.
2. Vehicle Dealerships.
3. Vehicle Rental.
4. Vehicle Sales.
5. Vehicle Services.

D. **Permitted and Conditionally Permitted Uses.** Within the [P] Overlay, the appropriateness of the location of nonpedestrian-oriented uses, as defined below, in pedestrian-oriented space, as defined below, shall be considered as part of the discretionary review process for the use, as indicated in the use table in Chapter 17.40, Mixed-Use Zones and Standards, of this title.

1. Definitions.
  - a. Pedestrian-oriented uses. Pedestrian-oriented uses facilitate a relatively high level of pedestrian activity. Examples of pedestrian-oriented uses include retail shops; restaurants; entertainment; commercial services such as banks, cleaners, electronic repair shops; offices such as optometrists with retail space and realtors; the common areas of lodging facilities such as lobbies, restaurants, and shops; public uses such as postal offices and parks; and other similar uses.
  - b. Nonpedestrian-oriented uses. Nonpedestrian-oriented uses facilitate relatively little pedestrian activity. Examples of nonpedestrian-oriented uses include most professional offices, such as insurance agencies, secretarial services and telemarketing services; medical uses such as doctor's, dentist's and veterinary offices and optometrists without retail space; guest rooms in lodging facilities; and other similar uses.

- c. Pedestrian-oriented space shall be commercial space on the street level of a project which meets either of the following criteria:
  - i. Individual commercial space with a wall which is contiguous with the front property line; or
  - ii. Individual commercial space with an entrance located within 15 feet of the front property line.
- 2. Required Findings. In addition to the general findings listed for the discretionary process required for the application, one of the following findings shall be made:
  - a. The use sufficiently generates pedestrian activity to be appropriate in a pedestrian-oriented space; or
  - b. Current market conditions make it reasonably necessary to allow a use that does not generate significant pedestrian activity in order for the subject space to remain occupied.

**Amend 17.72.030.C.3. "Nonconforming Exemptions, Land Uses":**

- 3. Land uses. The following land uses are exempt from regulations that apply to Nonconforming Uses:
  - a. Multiple-family dwellings constructed in the Residential Low Density zoning district prior to April 4, 1962.
  - b. ~~Auto service and repair uses abutting properties located in Residential Low Density zones, if the use meets all of the following criteria:~~
    - i. ~~The use is located along El Camino Real or within the MU 3 Zone, the MU 5.1 zone, or the Central Business (CB) Overlay.~~
    - ii. ~~The use had a business license for the establishment of an auto service and/or repair use on or before May 6, 1993February 4, 2016 (the date of the adoption of the General Plan).~~
    - iii. ~~The use has not been discontinued more than 365 consecutive calendar days.~~

Fueling Stations and Vehicle Service uses if the use meets the following criteria:

- i. The use was lawfully established on or before February 4, 2014, and
- ii. The use has not been discontinued more than 365 consecutive calendar days; and
- iii. The use is on property fronting El Camino Real, or located in Mixed-use zones, or the Pedestrian Overlay district, or on property abutting and on the same side of streets as residential and mixed-use zones.

Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

- ~~iv-c.~~ Nonconforming Uses associated with the historical significance of national, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit per Table 17.16.100B.

**Draft zoning amendment: Fueling stations**

**In Chapter 17.88 “Definitions” per alphabetical order, add:**

**Fueling Station.** “Fueling station” means any premises where gasoline and other fuel products are sold to the general public. A fueling station may be operated in conjunction with a convenience store, automated car wash and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning. This definition shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**In Chapter 17.88 “Definitions” amend “Automobile or Gasoline Service Station” to read:**

**Service Station, Automobile or Gasoline.** ~~“Automobile or gasoline service station” or “fueling station” means any premises where gasoline and other fuel products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning. This definition shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted. See “Fueling Station”~~

**Amend Section 17.16.060(C), Conditional Use Permit Applicability:**

- C. Applicability. Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, in this Title. Conditional Use Permits are also required for the following requests:

| Use/Modifications  | As Provided for in:                                       |
|--|---|
| <u>Minor Architectural Expansions of Fueling Stations Vehicle Service Facilities existing as of February 4, 2014 and exempt from Nonconforming Use restrictions per Section 17.72.030(C)</u> | <u>Section 17.72.030(C), Nonconforming Use Exemptions</u> |

GD. **Permitted and Conditionally Permitted Uses.** [Unchanged except for lettering order]

**Amend Section 17.28.290 “Service Stations” to read:**

**17.28.290 Service Fueling stations.**

A. **Purpose and Intent.** The purpose of these standards is to ensure that servicefueling stations do not result in an adverse impact on adjacent land uses, especially residential uses. While servicefueling stations are needed by residents, visitors and employees in this City, the traffic and other impacts associated with servicefueling stations, particularly those servicefueling

stations, particularly those open 24 hours per day, may be incompatible with nearby uses, particularly residential uses.

**B. Review Requirements.** ~~Please refer to the use tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, to determine if zones allow servicefueling stations and which review process is required.~~

1. New Fueling Stations. Please refer to permitted and conditional use tables in Chapter 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, to determine if fueling stations may be established in zoning districts.
2. Continuation and Improvement of Existing Fueling Stations. Fueling stations uses may continue as conforming permitted uses that were lawfully established as of February 4, 2014, per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

**C. Minimum Standards.**

1. Access and Circulation, Service Bay and Wash Racks. All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within 50 feet of a residentially zoned property, and shall be oriented away from public rights-of-way.
2. Air and Water. Each servicefueling station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.
3. Canopies. Canopies shall be at least 10 feet from any property line and shall be attached to and architecturally integrated with the structure to which it is attached.
4. Height, Maximum Building. 30 feet.
5. Landscaping. Along with the landscaping standards for the specific zone in which the servicefueling station is located, the servicefueling station site shall be landscaped pursuant to the following standards:
  - a. A planting strip at least 10 feet wide shall be required along street frontages, except for driveway entrances. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent landscaping or berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.
  - b. A landscaped area, with a minimum of 150 square feet, shall be provided at the street corner.
6. ~~Location of Activities~~Enclosure of Uses. All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:
  - a. The dispensing of petroleum or other fuel products, water and air from pump islands;
  - b. Replacement service activities such as wiper blades, fuses, radiator caps, and lamps;

- c. The sale of items from vending machines placed next to the main building in a designated area not to exceed 32 square feet, and screened from public view;
  - d. The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed 12 square feet and that the products shall be enclosed in a specially designed case.
7. ~~Location Requirements. Please refer to the permitted and conditional use tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this title. In no case shall any new vehicle repair facility be located on property adjacent to property zoned for low density residential development or in mixed use zones allowing residential development.~~
- a. New Fueling Stations. New fueling stations shall not be located on property that meets any of the following:
    - i. Located within zoning districts that do not allow vehicle service facilities as a permitted or conditionally permitted use.
    - ii. Abutting residential or mixed use zones.
    - iii. Located within the Pedestrian [P] Overlay District.
    - iv. IPENDING. Add criteria re: limit on number of stations to one at key intersections, consistent with GP policy LU-5.02]
  - b. Continuation of Existing Fueling Stations. If fueling stations have lawfully existed as of February 4, 2014 (General Plan adoption date) and do not meet the location requirements above, such fueling stations may continue as conforming permitted uses if criteria are met in Chapter 17.72.030(C), Nonconforming Use Exemptions.
8. Lot Size, Minimum. 6,000 square feet.
9. Lot Width, Minimum. 60 feet.
10. Operation of Facilities. The servicefueling station shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:
- a. Damage or nuisance from noise, smoke, odor, dust or vibration;
  - b. Hazard from explosion, contamination or fire;
  - c. Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.
11. Parking. Parking shall be based on the uses conducted on site, with parking provided for each ancillary use, including, but not limited to:
- a. With convenience store: one per 200 square feet of gross floor area devoted to convenience items;
  - b. With car wash:
    - i. Single-bay self service: no additional spaces required,
    - ii. Other self-service and full service car-wash facilities: refer to standards for car washes in Table 17.64.050, Number of Parking Spaces Required, of this title;

c. With auto repair: one space per 400 square feet of repair area.

In no case shall fewer than three parking spaces be provided for any servicefueling station.

12. Paving. The site shall be entirely paved, except for buildings and landscaping.

13. Refuse Storage and Disposal. Trash areas shall be provided and screened, in accordance with Section 17.24.050, Building Equipment and Their Screening, of this title. Additional requirements are as follows:

a. All trash shall be deposited in a gated trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.

b. Refuse bins shall be provided and placed in a location convenient for customers.

c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be stored outside the main building.

14. Rest Rooms. Each servicefueling station shall provide a public rest room that is accessible to the general public and physically disabled persons during all hours the servicefueling station is open to the public. Rest rooms shall be attached to a structure on site with entrances or signage clearly visible from the gasolinefueling service area or cashier station, and concealed from view of adjacent properties by planters or decorative screening and shall be maintained on a regular basis.

15. Telephones. At least one public telephone shall be provided at each servicefueling station in a location that is easily visible from public rights-of-way.

16. Vending Machines. Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.

17. Other Requirements. ServiceFueling stations shall comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division.

**D. Abandoned or Converted ServiceFueling Stations.**

1. Definition and Requirements. ServiceFueling stations that become vacant or cease operation beyond 180 days shall be deemed abandoned and, at the City's discretion, the owner shall be required to remove all underground storage tanks, all gasoline pumps and pump islands, and free-standing canopies.

2. Operation. In order to prevent the City from classifying a service station as abandoned, the owner must supply the City Planner with written verification prior to the 180 day that an allocation of gas has been delivered and operation of the station will commence within 30 days. However, if the station does not return to continued operation by the expiration of the 30-day period, the station shall be deemed abandoned and the owner shall perform the work required in Subsection (D)(1),



Abandoned or Converted Service Stations, Definition and Requirements, of this section.

- E. **Converted Service Stations.** When a servicefueling station use is converted to another use, the servicefueling station structures and other improvements shall be removed or modified to an extent that makes the site compatible with the neighborhood and conforming to rules. The modification or removal of improvements requires the approval of a Minor Architectural Permit or Minor Cultural Heritage Permit (Section 17.16.100) unless a waiver may be issued per Section 17.16.110. For example, the conversion of a servicefueling station could involve the removal of all gasoline equipment and underground storage tanks, pole signs, removal of canopies, removal of pump islands, removal of overhead doors, the addition or modification of landscaping, addition of missing street improvements, exterior remodeling, etc. For nonconforming service stations, refer to change of use requirements in Chapter 17.72, Nonconforming Structures and Uses.

**Amend Table 17.36.020.A Uses Table for Commercial Zones [Partial table excerpt]:**

| <b>9. Vehicle-Related Repair, Sales and Service Uses</b> | <b>NC 1.1</b> | <b>NC 1.2</b> | <b>NC 1.3</b> | <b>NC 2</b> | <b>NC 3</b> | <b>CC 1</b> | <b>CC 2</b> | <b>CC 3</b> | <b>CC 4</b> | <b>MR</b> | <b>NOTE</b> |
|--|---------------|---------------|---------------|-------------|-------------|-------------|-------------|-------------|-------------|-----------|-------------|
| Service/Gas Station<br>Fueling Station                   | C             | C             | C             | C           | C           | C           | C           | C           | C           |           | 2322        |

2322: Refer to Section 17.28.290, Service Stations, of this title, for special provisions for service/gas stations. Refer to Section 17.28.290, Fueling Stations. Fueling stations may continue as conforming permitted uses that were lawfully existing as of February 4, 2014, per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

**Amend Table 17.40.020.A “Uses Table for Mixed Use Zones” [Partial table excerpt]:**

| <b>8. Vehicle-Related Repair, Sales and Service Uses</b> | <b>MU 1</b> | <b>MU 2</b> | <b>MU 3.0</b> | <b>MU 3.1</b> | <b>MU 3.2</b> | <b>MU 3.3</b> | <b>MU 4 [PR]</b> | <b>MU 5</b> | <b>NOTE</b> |
|--|-------------|-------------|---------------|---------------|---------------|---------------|------------------|-------------|-------------|
| Fueling Station  |             |             |               |               |               |               |                  |             | 24          |

2924 –Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities. Refer to Section 17.28.290, Fueling Stations, and Section 17.28.320, Vehicle Service Facilities. Fueling Stations and Vehicle Service Facilities may continue as conforming permitted uses lawfully existing as of February 4, 2014 per Section 17.72.030(C), Nonconforming Use exemptions. Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.



**Amend to add new 17.56.030.C “P Overlay” and reletter the following paragraph as 17.56.030.D**

C. Prohibited uses. The establishment of the following uses is specifically prohibited in pedestrian overlay districts

1. Fueling Stations.
2. Vehicle Dealerships.
3. Vehicle Rental.
4. Vehicle Sales.
5. Vehicle Services.

GD. **Permitted and Conditionally Permitted Uses.** [Unchanged except for lettering order]

**Amend 17.72.030.C.3. “Nonconforming Exemptions, Land Uses”:**

3. Land uses. The following land uses are exempt from regulations that apply to Nonconforming Uses:

- a. Multiple-family dwellings constructed in the Residential Low Density zoning district prior to April 4, 1962.
- b. ~~Auto service and repair uses abutting properties located in Residential Low Density zones, if the use meets all of the following criteria:~~
  - i. ~~The use is located along El Camino Real or within the MU 3 Zone, the MU 5.1 zone, or the Central Business (CB) Overlay.~~
  - ii. ~~The use had a business license for the establishment of an auto service and/or repair use on or before May 6, 1993/February 4, 2016 (the date of the adoption of the General Plan).~~
  - iii. ~~The use has not been discontinued more than 365 consecutive calendar days.~~

Fueling Stations and Vehicle Service uses lawfully established (with approved permits and licenses required when use established) on or before February 4, 2014 that have not been discontinued more than 365 consecutive calendar days, and located on property meeting one or more of the criteria below:

- i. Fronting El Camino Real,
- ii. Within Mixed-use zones,
- iii. Withing Pedestrian Overlay district, or
- iv. Abutting and on the same side of streets as residential and mixed-use zones.

Such existing establishments may be repaired, rehabilitated or reconstructed. With the approval of a Conditional Use Permit, minor expansions of existing structures are allowed for the purpose of enhanced architecture per adopted design guidelines.

- iv.c. Nonconforming Uses associated with the historical significance of national, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit per Table 17.16.100B.

**At Chapter 17.88, Definitions, add [per alpha position]:**

**"Farmers' Market"** shall mean the operation of a certified farmers' market, as defined by Section 392.2, Title 3 of the California Administrative Code, upon the approval of County of Orange Agricultural Commissioner.

**Amend Permitted Uses Tables to Allow Farmers' Markets by CUP in:**

Commercial: Table 17.36.020.A in CC Zones, Table 17.36.020.B in Specific Plan NC Zones (Forster Ranch, Talega, Rancho San Clemente), except for NC2 and NC1.2 areas of West Pico Corridor Specific Plan on North El Camino Real.

Public Zones: Table 17.48.020, All Zones

Open Space: Table 17.44.020 OS1 zones on parcels with developed public parks

**Add reference note at foot of permitted Uses Tables/List:**

See Section 17.28.125 Farmers' Markets, for purpose and intent, and applicable performance standards.

**Add cells in table following 17.16.060.C:**

|                 |  |
|-----------------|--|
| Farmers' Market | See Section 17.28.125 for purpose and applicable performance standards |
|-----------------|--|

**Add Section 17.28.125, new, in its entirety:**

**17.28.125 Farmers' Markets**

A. Purpose and Intent. The City of San Clemente recognizes the value in providing shopping access to safe and healthy fresh food and other goods normally associated with farmers' markets. Section 1392.2, Title 3, of the California Administrative Code provides for the operation of Farmers' Markets, pursuant to a certification of the operator by the County. This Section is to set forth procedures and standards for the consideration of conditional use permits for farmers' markets.

B. Locations. Farmers' Markets may be considered within certain Commercial Zones, per Table 17.36.020.A and Table 17.36.020.B; Public Zones per Table 17.48 .020, and within developed parks in Open-Space Zones per Table 17.44.020.

C. Minimum Site Size. Sites must have a minimum area of 5,000 or greater square feet for Farmer's Market operations. Farmer's markets must have such space to comprise a significant array of product suppliers.

D. Application. A Conditional Use Permit is required to allow Farmers' Markets. In addition to general application requirements in Section 17.16.060, an application for a Farmers' Market shall be made, with the consent of the property owner, by one or more certified producers, by a nonprofit organization, or by a local government agency.

E. Performance Standards. Farmer's markets shall meet the following performance standards:

1. If selling the following listed products, the producer shall be authorized by the County Agricultural Commissioner to sell directly to consumers: fruits, nuts, or vegetables that are produced upon the land which the certified producer farms and owns, rents, leases or sharecrops.
2. If selling the following listed products, the market operator and producer shall secure and maintain all necessary licenses, certificates and health permits which are required to sell directly to consumers: eggs, honey, fish, and other seafood and freshwater products, live plants and other agricultural products, provided they are raised, grown or caught and processed, if necessary, in California.
3. For any site, the frequency of use shall be a maximum of one farmers' market occurrence per week
4. All market activities shall be conducted only between the hours of 7:00AM and 8:30PM, or as may be alternately determined by the Planning Commission; and necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after the approved open hours period.
5. If lighting is used at any time during market activities, such lighting shall be shielded so as not to shine directly or indirectly on adjacent properties, streets, or into the sky.
6. Adequate trash containers shall be provided and maintained during hours of operation.
7. Should the Planning Commission determine that portable toilets are necessary for the conduct of a farmers' market, they shall be provided and maintained during the hours of operation.
8. The level of noise, including noise resulting from the use of amplified sound equipment, shall not exceed types and limits as set forth in Chapter 8.48 of this Code.
9. The lot or portion of the lot actually used for farmers' market activities shall be cleaned at the close of the day of operations. For the purpose of this section only, "cleaned" shall include, but not be limited to, the removal of stalls, signs, and other such temporary structures used in conjunction with the farmers' market operation and the removal of all trash, debris and liquid spills. Cleaning materials and wastewater produced from cleaning after an event shall not enter the storm drain system (i.e., street gutters or catch basins).
10. The temporary use of a farmers' market located on a parking lot shall not use more than twenty percent (20%) of the required spaces for the permanent on-site permitted use on the site. This standard may be modified or omitted from the Conditional Use Permit if the operating hours of the on-site permitted use does not coincide or overlap with the hours of operation for the farmers' market.
11. Farmers Market shall adhere to Orange County Health Department standards for storage, preparation, and service of food items. Farmers Market shall obtain the appropriate permits from the Orange County Health Department prior to any food service.
12. There will be no use of Styrofoam products at any location within the City limits. Farmers Market shall prevent the utilization and/or distribution of expandable polystyrene food service products, commonly referred to by the trade name "Styrofoam," by any Farmers Market attendee or vendor (caterer) during the term of this Agreement.
13. Farmers' markets shall not create parking conflicts.