

Part 9: MU-M MIXED-USE MEDIUM DENSITY DISTRICT

24.10.800 PURPOSE.

To promote the development of a harmonious mixture of a wide variety of commercial activities including limited industrial uses, if they are compatible and nuisance free, in conjunction with condominiums and apartments; to stabilize and protect the commercial characteristics of the district; and to promote a walkable, dynamic, and efficient environment for residents, businesses, and workers. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 for projects located on a major transit corridor.

24.10.801 PRINCIPAL PERMITTED USES.

This district allows a mix of residential and non-residential uses within each proposed development, or exclusively non-residential development. Each new development within the zone shall incorporate active non-residential uses along the site frontage per requirements of Chapter 24.12. The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than one hundred twenty square feet and less than fifteen feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

RESIDENTIAL USES:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Single-Room Occupancy (SRO) Housing (860)
3. Flexible Density Units (FDU) Housing
4. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
5. Small and large family daycare homes in residential units.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Park and recreational facilities.
 - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.

7. Supportive and transitional housing.
8. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, however accessory dwelling units shall not be subject to approval of a design permit.

USES FOR ACTIVE FRONTAGE:

9. Acting/art/music/dance schools and studios (610);
10. Apparel and accessory stores (250);
11. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
12. Financial, insurance, real estate offices (420);
13. Financial services (320);
14. Food and beverage stores (except liquor and convenience stores) (240);
15. General retail merchandise (drug and department stores) (230);
16. Home furnishing stores (270)
17. Medical/health offices (except veterinarians and ambulance services) (410);
18. Museums and art galleries (600);
19. Professional/personal service (except contractors' yards and mortuaries) (310);
20. Repairs, alterations and maintenance services for household items (except boat repair) (340);
21. Small preschool/childcare (twelve or fewer) (510A);
22. Specialty retail supply stores (290); except thrift stores (290m);
23. Theaters (620);

NON-RESIDENTIAL USES

24. Professional offices (400);
25. Communication and information services (550);
26. Community organizations, associations, clubs and meeting halls (570);
27. Educational facilities (public/private) (510);

- 28. Government and public agencies (530);
- 29. Houses of worship/religious facilities (500)

24.10.802 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

RESIDENTIAL

- a. Expansion of an existing single-family dwelling.
- b. Two family dwelling if the lot area allows for only two units. New Single-Family development is not permitted.
- c. Temporary structures and uses.
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

USES FOR ACTIVE FRONTAGE

- e. Bakery, handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;
- f. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- g. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- h. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- i. Thrift stores (290m);
- j. Veterinarians (410A);

NON-RESIDENTIAL

- k. Developed parks (710);
- l. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- m. Lodging (300);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Recycling collection facilities;

- p. Temporary commercial structures and uses;
- q. Utilities and resources (540);
- r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses are subject to approval of a special use permit and a design permit:

RESIDENTIAL:

- a. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- b. Dormitories, fraternity/sorority residence halls, boardinghouses.
- c. Health facilities for inpatient and outpatient psychiatric care and treatment.
- d. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

USES FOR ACTIVE FRONTAGE

- e. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- g. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- h. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- i. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

NON-RESIDENTIAL:

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;

- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F);

24.10.803 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, shall be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

24.10.804 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	4 & 50
• Mixed use (stories and feet)	4 & 45
• Additional height for volumetric modular, factory-built housing (stories and feet)	0 & 2 + 1 per residential story
• Accessory	1 & 20
b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	4000
c. Required lot area per dwelling unit	Determined by General Plan density
d. Setbacks	
• Front-yard	0 ²
• Rear-yard	15 ¹
• Interior Side	0 ¹
• Exterior Side	8 ^{1,2}
e. Open space per unit (residential)	
• Private (sq. ft.)	40

• Common (sq. ft.) and accessible to residential units	80
f. Distance between buildings on same lot	10

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.
2. Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for affected street.

(2) Projects developed pursuant to this chapter are encouraged to include both residential and non-residential uses in each development proposal. Residential and non-residential uses may be mixed either horizontally on the same or neighboring parcels developed concurrently, or vertically within the same structure.

(3) Where mixed-use is proposed, the residential components of mixed use projects must be the predominant use of the property with at least two-thirds of building square footage allocated to residential uses, including a minimum of 2 residential housing units.

(4) Projects developed under this chapter are required to include non-residential uses, and to incorporate Uses for Active Frontage per the requirements of Section 24.12.185.

(5) Residential units shall not be located on a street frontage, but may be located on the ground floor of mixed-use buildings, or on the ground floor of residential buildings on sites where a commercial or mixed use building occupies the street frontage.

(6) Other Requirements. Other regulations which may be applicable to site and building design in this zone are set forth in Title 24.12.

(7) All new development adjacent to a “CON – Neighborhood Conservation District” overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

24.10.805 PARKING.

Off-street parking requirements must be fulfilled in accordance with the provisions of Chapter 24.12 Part 3, Off-Street Parking and Loading Facilities. Guest parking spaces required for residential units may also be counted toward required commercial parking.