

**EXHIBIT:**

**MINI-SHOPPING CENTER  
COMMERCIAL CORNER DEVELOPMENT**

I agree to the following conditions:

If the standards set forth in Paragraph (a) and the conditions set forth in Paragraph (b) of subdivision 12.22 A 23 of the Municipal Code are met, and the proposed use or uses are not enumerated in Section 12.24 W 27, then a conditional use approval pursuant to Section 12.24 W 27 shall not be required for any new use, change of use or addition of floor area to a Mini-Shopping Center in the C, M1, M2 or M3 zones, or a Commercial Corner Development in any C or M zone. The uses enumerated in Section 12.24 W 27 include:

- (i) a use not otherwise subject to conditional use approval which operates between the hours of 11 p.m. and 7 a.m.; or
- (ii) an amusement enterprise as enumerated in Section 12.14 A 3 of the Municipal Code; or
- (iii) an automobile laundry or wash rack; or

a multi-family residential use on a corner lot in a C zone and in Height Districts 1, 1-L, 1-VL or 1-XL, the lot line of which adjoins, is separated only by an alley adjacent to, or is located across the street from, any portion of a lot zoned RW1 or more restrictive zone.

**(a) Development Standards.**

- (1) Height.** Buildings or structures located in Height District Nos. 1 and 1-L shall not exceed a maximum height of 45 feet. However, buildings or structures shall comply with the provisions of Section 12.21.1 A 10, "Transitional Height," of this Code.
- (2) Front Yard.** The front yard requirements set forth in Sections 12.12.2 C, 12.13 C 1 and 12.13.5 B 1 of this Code shall not apply to Mini-Shopping Centers or Commercial Corner Developments.
- (3) Windows.** The exterior walls and doors of a ground floor containing non-residential uses that front adjacent streets shall consist of at least fifty percent transparent windows, unless otherwise prohibited by law.
- (4) Parking.**
  - (i) Notwithstanding Section 12.21 A 5 (h) of this Code to the contrary, no tandem parking shall be permitted, except those spaces reserved exclusively for residential use.
  - (ii) Bicycle parking shall be provided as required by Section 12.21 A 16 of this Code.
  - (iii) Parking in the Downtown Business District shall be provided as required by Section 12.21 A 4 (i) of this Code.
- (5) Lighting.** All public areas of the lot or lots not covered by a building shall have night lighting for safety and security. All other open exterior areas, such as walkways and trash areas, shall have low-level, security-type lighting. All exterior lighting shall be directed onto the lot or lots, and all flood lighting shall be designed to eliminate glare to adjoining properties. All parking areas shall have a minimum of 3/4 foot-candle of flood lighting measured at the pavement.
- (6) Signs.**
  - (i) In addition to the requirements set forth in Division 62 of this Code, no person shall erect on the lot or lots the following signs, as defined in Section 91.6203 of this Code without first obtaining a conditional use permit: pole signs; projecting signs; or roof signs.
  - (ii) Monument signs and information signs shall be located only within the landscape-planted areas of the lot or lots.
- (7) Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If

underground service is not currently available, then provisions shall be made for future underground service.

- (8) Walls and Trash Storage.** A solid masonry wall at least six feet in height shall be erected along the lot lines of the lot or lots where the lot or lots abut or are across an alley from any residential zone or use, except for that portion of the lot line where an access driveway is required by the City. Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building.
- (9) Recycling Area or Room.** Every Mini-Shopping Center or Commercial Corner Development shall conform to the requirements of Section 12.21 A 19 (c) of this Code.
- (10) Landscaping.** All landscaping shall comply with Sections 12.41, 12.42 and 12.43 of this Code and the following requirements:
- (i) Landscaping - Setback.** A landscaped, planted area having a minimum width of five feet shall be required along all street frontages of the lot and on the perimeters of all parking areas of the lot or lots which abut a residential zone or use.
- (ii) Irrigation System.** An automatic irrigation system shall be provided for all landscaped areas. This system shall be installed prior to the issuance of any certificate of occupancy.
- (b) Conditions of Operation.** A Mini-Shopping Center or a Commercial Corner Development shall comply with the following conditions:
- (1) Maintenance.** The condition of the lot or lots, including but not limited to parking areas, exterior walls, required lighting, and landscaped areas, shall at all times be maintained in a safe and sanitary condition and in a state of good repair. Exterior wall surfaces shall at all times be kept free from graffiti and any marks of vandalism.
- (2) Debris Removal.** The lot or lots shall at all times be kept clear of weeds, rubbish, and all types of litter and combustible materials. Trash receptacles shall be located throughout the open areas of the lot or lots.
- (3) Hours.** Parking lot cleaning and sweeping, and trash collections from and deliveries to a Mini-Shopping Center or Commercial Corner Development, shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays.
- (4) Landscape Maintenance.** Maintenance of landscaped areas shall include continuous operations of watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects, and rodents, or other operations necessary to assure normal plant growth. All trees, shrubs and ground cover shall be maintained as healthy and vigorous at all times. Irrigation systems, installed pursuant to the requirements in Subsubparagraph (a) (10) (ii) above shall be continuously maintained in accordance with Section 12.41 B 5 of this Code.
- (5) Covenant.** Prior to the issuance of a building permit or land use permit, the owner of the lot or lots shall execute and record a covenant and agreement in a form satisfactory to the Director of Planning, acknowledging that the owner shall implement each of the conditions set forth in Paragraph (b) of this subdivision, and shall not permit the erection of any of the signs enumerated in Paragraph (a) (6) of this subdivision or the establishment of any uses enumerated in Section 12.24 W 27 of this Code without first obtaining a conditional use approval. The covenant and agreement shall run with the land and be binding upon the owners, and any assignees, lessees, heirs, and successors of the owners. The City's right to enforce the covenant and agreement is in addition to any other remedy provided by law.

**(c) Existing Building Changed to Mini-Shopping Center or Commercial Corner Development.**

- (1)** An existing building or buildings may be converted to a Mini-Shopping Center or to a Commercial Corner Development without first obtaining a conditional use approval if all of the following requirements are met:
  - (i)** all alterations result in no more than a twenty percent increase in the existing floor area of all of the buildings on a lot or lots;
  - (ii)** the proposed Mini-Shopping Center or the Commercial Corner Development use or uses are not enumerated in Section 12.24 W 27;
  - (iii)** no sign identified in Paragraph (a) (6) of this subdivision shall be erected on the site; and
  - (iv)** the proposed Mini-Shopping Center or the Commercial Corner Development complies with the conditions of operation of Paragraph (b) of this subdivision.
- (2)** For an existing Mini-Shopping Center, or existing Commercial Corner Development use, no person shall establish as a new use, any of the uses enumerated in Section 12.24 W 27 of this subdivision without first obtaining a conditional use approval.

**(d) Exemptions.** The following Projects shall not be subject to this subdivision:

- (1)** A Mixed Use Project as defined in Section 13.09 B 3 that consists of predominantly residential uses and does not contain commercial uses enumerated in Section 12.24 W 27;
- (2)** Adaptive Reuse Projects as defined in Section 12.22 A 26; and
- (3)** Libraries, governmental offices, police stations, fire stations, and other government owned related facilities or uses.

**(e) Specific Plan Compliance.** If, as determined by the Director of Planning or his/her designee, the provisions of this Section conflict with those of an adopted Specific Plan, then the provisions of the Specific Plan shall prevail.