



## 3.0 Standards for Specific Land Uses

### 3.10 Purpose

This Section describes standards for specific land uses. Allowed land use types for all property subject to the Downtown Code are identified in the zone standards.

### 3.20 Requirements for Specific Land Use Types

**A.** The pattern of compatible land use activity is important to the City's objectives for functional and appealing buildings and streetscapes. As required by the zone standards, property shall comply with the following requirements:

- 3.20.10 Alcohol Sales
- 3.20.20 Bar / Pub, Nightclub, and Live / Amplified Music
- 3.20.30 Drive-Throughs
- 3.20.40 Internet Cafes and Game Arcades
- 3.20.50 Massage Establishments
- 3.20.60 Meeting Facilities
- 3.20.70 Motor Vehicle Service Businesses
- 3.20.80 Outdoor Sales/Display of Merchandise
- 3.20.90 Outdoor Storage
- 3.20.100 Secondhand Store
- 3.20.110 Sidewalk Dining
- 3.20.120 Stealth Design
- 3.20.130 Temporary Uses

**B. Location of Business and Land Use Activity**

1. All business and associated land use activities shall be conducted and located within an enclosed building, except that the following business activities, as permitted in the zone standards, which may be conducted outside of an enclosed building:
  - a. Plant nurseries
  - b. Flower Stands
  - c. Temporary recreational, entertainment uses
  - d. Sidewalk Dining
2. There shall be no manufacturing, processing, compounding, assembling or treatment of any

material or product other than that which is clearly incidental to a particular enterprise, and where such goods are sold on the premises.

3. All permitted business and associated land use activity shall be conducted in such a manner as not to have a detrimental effect on permitted adjacent uses by reason of refuse matter, noise, light, vibration, or lack of proper maintenance of grounds or buildings.

#### 3.20.10 Alcohol Sales

- A. Purpose.** This Section provides locational guidelines and operational standards for the sale of alcoholic beverages (e.g., subject to a State-issued Alcoholic Beverage Control, or ABC, license), either on-sale or off-sale.
- B. Applicability.** The provisions in this Section shall apply to the sale of alcoholic beverages where allowed per the zone standards and the following as applicable.
- C. Nonconforming ABC Licenses.** All premises where an ABC license for the sale of alcoholic beverages exists which does not comply with the provisions of this Section, but which is legally in existence on the effective date of the adoption of this Section, shall, upon the effective date of this Section, acquire the status of a legally nonconforming license and shall be allowed to remain in existence subject to the provisions of this Section, but shall not thereafter be structurally modified or expanded, in compliance with Section 1.70 (Nonconforming Provisions). Any legally nonconforming ABC license in violation of its Conditional Use Permit shall be subject to revocation procedures of Municipal Code Title 17.
- D. Operational standards and guidelines for distancing.** This Section establishes operational standards for defined establishments involved in the sale of alcoholic beverages. A Conditional Use Permit for an ABC license shall generally be required; however, the following uses, when in full compliance with the following standards, shall be exempt from obtaining a Conditional Use Permit.

##### 1. Sit-down restaurants.

- a. Sit-down restaurants, defined as an indoor area which is regularly, and in a bona fide manner, used and kept open for the serving of at least lunch or dinner guests for compensation, and which has suitable kitchen facilities connected to the restaurant containing conveniences for cooking an assortment of foods which may be required for the meals.

- b. The lounge area(s) for the exclusive serving of alcoholic beverages shall not constitute more than 49 percent or 1,000 square feet, whichever is less, of the total aggregate floor area of the sit-down restaurant.
2. **Supermarkets, drug stores, and other suitable retail establishments.**
    - a. Supermarkets, drug stores, and other suitable retail establishments over 5,000 square feet in size and which do not devote more than 10 percent of their floor area to the display, sale, and storage of alcoholic beverages.
    - b. Alcoholic beverages shall not be sold at drive-up window(s).
  3. **Retail stores engaged in the sale of vehicle fuels.**
    - a. Retail stores engaged in the sale of vehicle fuels which contain over 750 square feet in gross indoor/enclosed retail floor area may offer beer and wine, and not distilled spirits, for sale for off-site consumption.
    - b. These stores shall not devote more than 10 percent of their floor area to the display, sale, and storage of alcoholic beverages.
  4. **Places of assembly.** Places of assembly, where admittance is limited to members and guests invited by members, and where the sale of alcoholic beverages is clearly incidental to other activities conducted on the premises.
  5. **Theaters and concert halls which satisfy the following requirements.**
    - a. The establishment has permanently affixed seats which are arranged to provide all spectators with a direct and unobstructed view of the stage upon which live theatrical or musical performances are given.
    - b. The sale of alcoholic beverages is clearly incidental to the performances.
  6. **Florist shops and similar gift establishments.** Florist shops and similar establishments selling floral or edible gifts may offer the sale of a bottle of alcoholic beverage together with a floral arrangement or edible gift.

7. **Mixed-use projects.** Mixed-use projects containing any combination of residential, office/commercial, recreational/commercial, retail/commercial, or research and development/industrial types of land uses, integrally mixed either horizontally in one development project, or vertically in one structure(s).

8. **Other businesses or establishments.**

- a. Except for the above types of establishments in compliance with the required operational standards, other types of commercial establishments could generally be granted a Conditional Use Permit for an ABC license, if they first meet the specified findings as well as the following distance separation guidelines.

No ABC licensed activity shall be located within 250 feet of any other alcoholic beverage on-sale or off-sale establishment, within 500 feet of any day care center, hospital, place of religious assembly, public park, or school, or within 500 feet of any property zoned exclusively for residential purposes. The distance between any structure subject to an ABC license and another structure with an ABC license or any property zoned exclusively for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure subject to the ABC license to the closest property line of another structure with an ABC license or the property line of the property zoned exclusively for residential purposes.

- b. The inability of the review authority to find that the establishment meets the distancing guidelines may be grounds for denial of a Conditional Use Permit for an ABC license.

**3.20.20 Bar / Pub, Nightclub, and Live / Amplified Music**

- A. **Purpose.** This Section provides locational standards for bars, pubs, night clubs, taverns, and entertainment establishments.
- B. **Applicability.** The provisions in this Section shall apply to bars, pubs, night clubs, taverns, and entertainment establishments as allowed in compliance per the zone standards and the following as applicable.

- C. City locational standards.** The following standards shall apply to bars, pubs, night clubs, taverns, and entertainment establishments which all require a Conditional Use Permit in compliance with the zone standards.
1. The bar, pub, night club, tavern, or entertainment establishment shall be located no less than 500 feet from any hospital, place of religious assembly, public park, or school;
  2. The bar, pub, night club, tavern, or entertainment establishment shall be located no less than 500 feet from any residential zone;
  3. The distance between any structure containing a bar, pub, night club, tavern, and entertainment establishment and another structure containing a bar, pub, night club, tavern, and entertainment establishment or any property zoned exclusively for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure containing the bar, pub, night club, tavern, and entertainment establishment to the closest property line of another structure containing a bar, pub, night club, tavern, and entertainment establishment or the property line of the property zoned exclusively for residential purposes; and
  4. A project shall meet all the above specified distance requirements at the time the application is deemed complete. After a project application has been deemed complete, the project will not be subject to any further application of the distance requirements. Any conflicting use (e.g., hospital, place of religious assembly, public park, or school) which commences after the Conditional Use Permit application “deemed complete” date, does so in full recognition of the pending Conditional Use Permit project.
- B. Applicability.** The provisions in this Section shall apply to drive-through and drive-up facilities where allowed by the zone standards and the following as applicable.
- C. Inwardly focused.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible.
- D. Pedestrian walkways.** Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles, but where they do they shall have clear visibility and be emphasized by enhanced paving or markings.
- E. No reduction in off-street parking.** The provision of drive-through and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
- F. Accommodation of waiting vehicles.**
1. Drive-through access aisles shall provide sufficient space before the menu board to accommodate at least five waiting vehicles and a distance of 120 feet or six stacking spaces for each through window.
  2. Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 11-foot width.
  3. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls or pedestrian access.
- G. Menu and preview boards.** Menu and preview boards may only be installed in compliance with all of the following requirements.
1. Approval of a menu and preview board shall be subject to the approval of a Sign Plan or Comprehensive Sign Program before installation of any signs on the subject site. In addition to allowed on-site signs, up to two six-foot high menu boards, having a total aggregate area of 48 square feet shall be allowed.
  2. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.

### 3.20.30 Drive-Through Facilities

- A. Purpose.** This Section provides locational and operational standards for retail trade or service uses providing drive-through and drive-up facilities to ensure that the facilities are designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, pedestrian safety, traffic, and unsightliness.

3. Any proposed carhop and/or walk-up menu boards shall not exceed four square feet in area and shall be located in areas generally defined through the required Conditional Use Permit process.

**H. Noise.** Amplification equipment (e.g., speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Municipal Code regulations relating to noise. Amplified equipment shall not be audible from adjacent residential uses or disturbing to adjacent non-residential uses. Sound attenuation walls or other mitigation measures shall be required as necessary.

**I. Prevention of headlight glare.** Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a minimum height of three feet to prevent headlight glare from impacting adjacent streets, adjoining properties, and parking lots.

**J. Wall required when adjoining residential uses.**

1. A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use.
2. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan and Design Review process.
3. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

**3.20.40 Internet Cafes and Game Arcades**

**A. Purpose.** This Section provides locational, developmental, and operational standards for internet and cyber cafés and game arcades.

**B. Applicability.** The provisions in this Section shall apply to internet and cyber cafés and game arcades where allowed by the zone standards and the following as applicable.

**C. City locational, developmental, and operational standards.** The following standards shall apply to internet and cyber cafés and game arcades.

1. No internet or cyber cafés or game arcade use shall be established or maintained within a 500-foot radius, as measured from the property line, of any park, school, other internet café/arcade, or a public playground.

2. Adult-oriented business activities and/or uses are prohibited, unless specifically approved in compliance with applicable provisions of the SMC.

3. Internet site blocking, for the purposes of restricting adult sites, shall be required.

4. Internet and cyber cafés and game arcades shall provide full-time adult attendants or supervisors, 21 years of age or older, at a ratio of at least one attendant/supervisor for each 10 machines, plus one security guard for each 20 machines or fraction thereof or as otherwise directed by the Director.

5. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:00 a.m. midnight, Friday and Saturday, unless alternative hours are specifically approved through the Conditional Use Permit process. These hours of operation shall be posted in a conspicuous place to the satisfaction of the Director.

6. A person shall not enter, be, or remain in any part of an internet and cyber café or game arcade while in the possession of, consuming, using, or under the influence of any alcoholic beverage or drug.

- a. No licensee or manager shall permit any person in possession of, consuming, using, or under the influence of any alcoholic beverage or drug to enter or remain on the premises.

- b. Signs shall be posted stating this condition to the satisfaction of the Director.

7. Minors shall be accompanied by a parent or legal guardian after 10:00 p.m. and may not enter the facility during those times that the Soledad School District is conducting its regular education program. Patrons who appear under the age of 25 shall present proper identification to verify their age before using the facility. Notice of these prohibitions shall be posted at the entrance to the satisfaction of the Director.

8. Adequate lighting shall be maintained inside the business and parking areas. An interior and exterior lighting plan shall be reviewed and approved by the Director before occupancy.

9. No window(s) shall be obstructed, tinted, or otherwise covered during business hours.

10. Establishments with internet access consisting of 25 percent or more of the gross floor area shall provide a waiting area with seating equal to one seat for every four computer stations.
  - a. No waiting list may be maintained beyond the seating capacity of the waiting area.
  - b. No outside waiting (loitering) or seating area shall be allowed and signs shall be posted stating this prohibition to the satisfaction of the Director.
11. The applicant shall submit and receive an approved plan from the Fire Department.
  - a. The plan shall address all exiting requirements of the Uniform Building and Fire Codes.
  - b. This includes, but is not limited to, aisle locations and dimensions, equipment location, exiting, and panic hardware.
12. A security plan shall be subject to the review and approval of the Director.
13. Security measures may include, but are not limited to additional security guards, background investigations of the business applicants, and surveillance video equipment.
14. To minimize noise issues, all computers shall utilize headphones with no external speakers allowed.

### 3.20.50 Massage Establishments

- A. Purpose.** This Section provides locational standards for massage establishments operated as an independent use, in addition to the standards specified in the Municipal Code.
- B. Applicability.** The provisions in this Section shall apply to massage establishments operated as an independent use as allowed by the zone standards and the following as applicable.
- C. City locational standards.** The following standards shall apply to massage establishments operated as an independent use. These standards are intended to promote operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by large numbers of massage establishments that may act as fronts for prostitution and other illegal activity.

1. **Location requirements.** A massage establishment shall not be located:
  - a. Within 500 feet of a public or private school, park or playground, civic center, cultural site, or religious institution; or
  - b. Within 500 feet of another massage establishment site.
2. **Waiver of location restrictions.** A property owner may apply for a waiver of the location restrictions contained in Subparagraph 1, above. The review authority, after a public hearing, may waive any location restriction, if all of the following findings are first made:
  - a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section will be observed;
  - b. The proposed use will not enlarge or encourage the development of an urban blight area; and
  - c. The proposed use will not adversely affect a religious institution, school, park, or playground.

### 3.20.60 Meeting Facilities

- A. Purpose.** This Section provides locational, developmental, and operational standards for meeting facilities, places of public assembly, and places of religious worship.
- B. Applicability.** The provisions in this Section shall apply to meeting facilities, places of public assembly, and places of religious worship where allowed by the zone standards and the following as applicable.
- C. City locational, developmental, and operational standards.** Except as specified in this Section, the premises on which a meeting facility, place of public assembly, or place of religious worship is located shall comply with the regulations and restrictions applicable to the zone in which it is located.
  1. **Parcel size and location.**
    - a. The minimum parcel size for a meeting facility, place of public assembly, or place of religious worship shall be 10,000 square feet.



- b. A meeting facility, place of public assembly, or place of religious worship use shall have frontage on a site with a minimum of two separate access points to secondary or larger roadways, as identified in Figure 5.8.1.

**2. Overconcentration.**

- a. A meeting facility, place of public assembly, or place of religious worship use shall not be located within 100 feet of another existing meeting facility, place of public assembly, or place of religious worship, disregarding the corporate boundary of the City, unless the applicable review authority grants an exception.
- b. The review authority, in granting an exception, shall first find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed meeting facility, place of public assembly, or place of religious worship use.

**3.20.70 Motor Vehicle Service / Repair Garage**

- A.** Automotive vehicle repair establishments shall comply with the following, as applicable:
  - 1. All repair activities shall be entirely enclosed within a building or freestanding walls at least eight feet in height, subject to the applicable requirements for frontage in Section 2.0.
  - 2. Off-street parking shall be provided so that all vehicles under repair, or awaiting repair, are within a building on the property where the repair activity occurs or behind a wall at least eight feet tall. All walls or fences shall be designed to integrate with the adjoining facade in terms of architectural style, materials, finishes and colors.

**3.20.80 Outdoor Sales / Display of Merchandise**

- A.** Outdoor display of merchandise for sale shall be conducted in a manner that does not create any conditions that are detrimental to the appearance of the premises or surrounding properties or in any other manner is detrimental to the public health, safety, welfare or causes a public nuisance.
- B.** Displayed merchandise shall not be located within five feet of the public street or within parking aisles, required

parking spaces, landscaped areas, or within required fire or handicapped access ways.

- C.** Displayed merchandise within the sidewalk shall not impede the clear accessible path along the adjacent sidewalk and entrance to the business and shall be at least five feet from the adjacent curb.
- D.** Displayed products shall be limited to the primary merchandise sold by the principal business that occupies the building. Merchandise shall not be displayed for sale on an undeveloped or vacant site.
- E.** Any outdoor displays located in the public right-of-way require approval of all improvements and street furniture by the Director and issuance of an Encroachment Permit.
- F.** In multi-tenant buildings, the displayed merchandise from the multiple tenants displaying merchandise shall be limited to the area directly in front of the multi-tenant building displaying the merchandise.
- G.** Displayed merchandise shall be removed each day when the business closes.
- H.** The property owner is responsible for the collection of trash and any debris caused by the display of merchandise in front of the building.

**3.20.90 Outdoor Storage**

- A.** All outdoor storage areas shall be completely screened from both public view and adjacent properties to ensure that outdoor storage does not create any conditions that are detrimental to the appearance of the premises or surrounding properties or in any other manner that is detrimental to the public health, safety, welfare or causes a public nuisance.
- B.** The stored materials shall be limited to those normally associated with the principal use on the site as allowed by the zone standards.
- C.** All walls or fences used for screening purposes shall be at least six feet and up to ten feet in height but only upon the issuance of a Conditional Use Permit. All walls or fences shall be designed to integrate with the adjoining facade in terms of architectural style, materials, finishes and colors.
- D.** Storage materials or equipment shall not exceed the height of the wall or fence enclosing the materials or equipment.

- E. All screening materials shall be installed and finalized prior to the commencement of storage on-site.

### 3.20.100 Secondhand Stores

- A. Purpose.** This Section provides operational standards for retail secondhand stores.
- B. Applicability.** The provisions in this Section shall apply to retail secondhand stores where allowed by the zone standards and the following as applicable.
- C. City standards.** Except as specified in this Section, the premises on which a retail secondhand store is located shall comply with the regulations and restrictions applicable to the zone in which it is located.
1. **Design quality.** A proposed retail secondhand store shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area.
  2. **Store front appearance.** The store front of a retail secondhand store shall not be distinguishable from a store selling new merchandise other than by signs and merchandise displayed.
  3. **Display of merchandise for sale.** All merchandise shall be displayed in a similar manner to that of a store selling new merchandise.
  4. **Completely enclosed structure.** All available merchandise shall be displayed, sold, and stored within a completely enclosed structure.
  5. **Business License required.** A retail secondhand store shall receive and maintain a valid City Business License issued in compliance with Municipal Code Section 4.04.050 (License required).

### 3.20.110 Sidewalk Dining

- A.** As allowed by the zone standards, sidewalk dining may occur within a public sidewalk or open space subject to the following:
1. Furniture such as tables, chairs, umbrellas and portable heaters are allowed to be placed within the sidewalk provided that the furniture is:
    - a. located either adjacent to the building or near the curb;
    - b. clear of required ADA access; and

- c. maintained in a manner that does not become detrimental to the function and appearance of the sidewalk or present potential safety hazards.

2. If alcohol is served, the area where alcohol is to be consumed shall be delineated by decorative stanchions and/or potted plants or other such approved method;
3. The area along the sidewalk shall not be enclosed with any feature taller than four feet except for landscaping which shall not obscure views into the sidewalk dining area;
4. Music is allowed subject to City review and approval to ensure that it does not become detrimental to the function of the sidewalk;
5. The area shall be kept free of debris or other such trash; and
6. Any outdoor seating and/or barriers located in the public right-of-way requires approval of all improvements and street furniture by the Director and issuance of an Encroachment Permit.

### 3.20.120 Antennae Stealth Design

- A.** In compliance with all applicable Federal and State law, all antennae and their supporting structure(s) shall be designed to comply with the following:
1. When either the antennae or supporting structure is within the build-to-layer for the zone, the antennae/supporting structure shall be integrated into the architectural design of the building and shall be consistent in style, size, materials, and finishes with the main building on the site and per the applicable frontage requirements; and
  2. When the antennae and supporting structure are not within the build-to-layer for the zone, the antennae/supporting shall be integrated into the architectural design of the subject facade, to the satisfaction of the City.

### 3.20.130 Temporary Uses

- A.** Temporary uses are short term activities that might not meet the normal development or land use standards of the applicable zone, but may otherwise be acceptable because of their temporary, non-permanent, or seasonal



nature. Such temporary land uses are allowed subject to the requirements in this subsection, as applicable. Two types of temporary land use activities are allowed: exempt and temporary.

**B. Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit (refer to the SMC for Temporary Use Permit requirements and procedures). Land use activities that do not fall within the categories defined below shall comply with subsection C2 (Allowed Temporary Uses), below.

**1. Construction Yards – On-Site**

- a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel.
- b. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

**2. Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the City Council.

**3. Special Event Permits.** A Special Event Permit shall be obtained from the before conducting athletic events, parades, and public assemblies, occurring on or within the public rights-of-way or other publicly owned property, in compliance with the SMC.

**C. Allowed Temporary Uses.** The following activities also require a Temporary Use Permit (refer to the SMC for Temporary Use Permit requirements and procedures).

**1. Contractors' construction yards – off-site.** The temporary use of a site for an off-site contractor's construction/storage yard(s). The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

**2. Events.**

- a. **Entertainment events.** Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, and other

similar events as determined by the Director for a period not to exceed 10 days twice per year, separated by at least 30 days between uses. These events shall be conducted at least 200 feet away from any residence.

**b. Farmer's Markets.** Temporary or seasonal sales of agricultural products such as vegetables, fruits and other related items are allowed per a Temporary Use Permit as identified in the zone standards with the following:

- i. Agricultural products shall comprise at least 75 percent of the retail space available.
- ii. The exhibition and sale of other agricultural products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, shall not exceed 25 percent of the retail space available.
- iii. The sale of alcoholic products is limited to wine only, by the bottle, not to be consumed on-site, and is subject to securing a Conditional Use Permit for the sale of alcohol.
- iv. The sale of second-hand, or used merchandise, is prohibited.
- v. The area where the farmer's market is to operate is subject to the review and approval of the City to ensure that appropriate access and circulation are provided.
- vi. The farmer's market may consist of as many individual sales booths as can appropriately fit on the site at the discretion of the City. Each booth is to be temporary and to be installed and removed within the same 24-hour period that it is to be used. The size and quality of booths are subject to City review and approval.
- vii. Musical entertainment may be provided subject to City review and approval.

**c. Outdoor sales displays / events.** Outdoor sales are allowed throughout the year when conducted by a retail business holding a valid City Business License and when conducted in compliance with Section 3.20.80. For purposes of this subsection an outdoor sales display shall be no longer than three consecutive days in duration.

- d. **Seasonal sales events.** Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid City Business License not to exceed 40 days for pumpkin and tree sales. All other seasonal sales shall not exceed four events per year with a maximum of five days for each event.
  - e. **Storage of structures or equipment.** Temporary storage structures within residential areas, not to exceed 30 days.
- D. Conditions of Approval.** In approving a temporary use, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 2.10.20.
- E. Requirements and conditions from other City departments.** Other City departments (e.g., Building, Engineering, Fire, and Police) may also recommend conditions of approval for a temporary use.
- F. Appropriate conditions.** These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. **Fixed period of time.** Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;
  2. **Operating hours and days.** Regulation of operating hours and days, including limitation of the duration of the temporary use;
  3. **Temporary pedestrian and vehicular circulation.** Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
  4. **Regulation of nuisance factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
  5. **Regulation of temporary structures.** Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  6. **Sanitary and medical facilities.** Provision for sanitary and medical facilities, as appropriate;
  7. **Waste collection, recycling, and/or disposal.** Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
  8. **Police/security and safety measures.** Provision for police/security and safety measures, as appropriate;
  9. **Signs.** Regulation of signs;
  10. **Performance bond or other security.** Submission of a performance bond or other security measures and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director, in compliance with subsection G (Condition of Site Following Temporary Use);
  11. **Compliance with applicable provisions.** A requirement that the approval of the requested temporary use is contingent upon compliance with applicable provisions of the SMC and the successful approval of any/all required permits from any other department or governing agency; and
  12. **Other conditions.** Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly and efficient manner, and in full compliance with the purpose of this Section.
- G. Condition of Site Following Temporary Use.** Each site occupied by an allowed temporary use activity shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with the Downtown Code.

