

### **23.03.01: USES:**

The following uses shall be permitted in the C-1 Zone:

A. Beauty shops, banks, barbershops, churches, retail business establishments, retail stores, markets/grocery stores, convenience stores, financial service offices, medical laboratories, professional offices, public parking areas, repair shops, tutorial services, adult enrichment centers (with fewer than ten (10) students on the premises at the same time), emergency shelters, subject to the development standards described in subsection I of this section, small restaurants, subject to the development standards described in subsection J of this section, and community enrichment of San Marino High School Graduation celebration, subject to the development standards described in subsection K of this section, but not including and specifically excluding:

Any enterprise or use which produces, causes or emits any dust, gas, smoke, glare, noise, fumes, odors or vibrations or which are or may be detrimental to the safety, welfare, health, peace and morals of the City and its residents.

Auto wrecking establishments.

Automobile painting and body and fender work unless incidental to the operation of a new automobile agency.

Car wash with chain racks.

Cocktail lounges and bars.

Commercial cannabis activity and indoor cannabis cultivation.

Commercial storage or warehouse facilities.

Hospitals.

Manufacturing use of any kind.

Mortuaries.

Motels and hotels.

On site retailers of alcoholic beverages for consumption on the premises. This use shall be suspended for as long as on site retailers of alcoholic beverages, cocktail lounges and bars in this subsection remains in effect. If on site retailers of alcoholic beverages; cocktail lounges and bars in this subsection is declared invalid by a court of competent jurisdiction, then this use shall immediately become effective and on site retailers of beer and wine of subsection C of this section shall be of no further force and effect.

Public dance halls.

Restaurants or any other similar type of food or beverage business the patronage of which consists, in whole or in part, of motorists who are served while remaining in their vehicles.

Secondhand stores.

Self-service fuel pumps (not exceeding 1 fuel pump island).

Self-service laundries.

Smoke shops.

Sports arenas.

The sale or display for sale of any goods, wares or merchandise stored or maintained other than in an enclosed building, except nurseries may display nursery stock (and garden supplies if set back at least

25 feet), and gasoline service stations may display automotive supplies within five feet (5') of the central office or on the pump island.

Trailer coach camps.

Trailer rental or sales establishments.

Wayside stands located on or adjacent to public streets or highways where foods or beverages are sold for outdoor consumption.

Wholesale business establishments involving storage or warehousing.

Any other use not specifically authorized herein.

(Ord. 096-1093, 7-10-1996; amd. Ord. 097-1118, 1-14-1998; Ord. 098-1128, 1-13-1999; Ord. 0-00-1138, 5-10-2000; Ord. 0-10-1234, 7-30-2010; Ord. 0-10-1242, 11-10-2010; Ord. 0-11-1255, 11-9-2011; Ord. 0-14-1284, 12-10-2014; Ord. 0-17-1330, 11-8-2017; Ord. 0-18-1347, 1-9-2019; Ord. O-20-1378, 12-9-2020; Ord. O-21-1384, 11-17-2021)

B. Signs which are accessory to and used in conjunction with a permitted primary use and which conform to the requirements of article 12 of this chapter. (Ord. 096-1093, 7-10-1996)

C. The uses hereinafter set forth are declared to possess characteristics of such unique and special form as to make impractical an advance classification of "permitted" or "prohibited" use in the C-1 Zone. The location, development and operation of each of the following and all matters directly related thereto are therefore declared to be subject to the prerequisite of a conditional use permit, and each such use shall be prohibited until a conditional use permit has first been issued pursuant to the provisions of article 07 of this chapter. No permit shall be issued for, nor be effective to permit, any of the uses included herein if the same is prohibited by other provisions of this Code. None of the uses set forth herein shall be presumed as permitted uses, and the burden of proof shall be upon the applicant to show justification for each such permit.

Any of the prohibited uses set forth in subsection A of this section is held to be invalid or inapplicable for any reason whatsoever, then such use shall immediately and automatically be classified hereunder as a conditional use, subject to the provisions of this subsection C.

Any residential or R-1 use.

A use related to and ancillary to the general instruction provided by a school accredited by public school authorities, which is operated by a legal entity other than the governing body of the school and which is to be located on property owned by the school and which has received the prior approval of the governing body of said school. The conditional use permit required by this subsection C shall be filed by the proposed operating entity.

Adult enrichment centers with more than nine (9) students on the premises at the same time or hosting classes other than between the hours of six o'clock (6:00) P.M. to ten o'clock (10:00) P.M.

Animal boarding.

Antique stores which exclusively sell works of art, pieces of furniture or decorative objects, made at least one hundred (100) years ago.

Commercial advertising.

Commercial recreation facilities.

Government uses.

Gymnasiums and health centers.

Medical or dental clinics.

Motion picture theaters.

New car establishments.

On site retailers of ("alcoholic beverages") beer and wine and a full line of alcohol on premises located at least five hundred feet (500') from all school properties, both public and private and further subject to the following conditions:

1. There shall be no more than one full line of alcohol permit issued for businesses east of San Marino Avenue and one full line of alcohol permit issued for businesses west of San Marino Avenue for the on site sale and consumption of alcoholic beverages for properties in the C-1 Commercial Zone located on Huntington Drive and San Marino Avenue, subject to the conditions described in this use.

2. Establishments that are limited to the on site sale and consumption of beer and wine are permissible on any C-1 zoned property and are subject to the conditions described in this use.

3. The C-1 commercial zone on Mission Street shall be limited to the on site sale and consumption of beer and wine, subject to the conditions described in this use.

4. Businesses that are issued permits for the sale and consumption of alcoholic beverages shall be located at least five hundred feet (500') apart from each other.

5. There shall be no lounge area upon the licensed premises.

6. The sale and consumption of alcoholic beverages shall be an ancillary use to a restaurant that serves complete meals.

7. Pool tables and other types of amusement devices are prohibited from the restaurant and/or bar.

8. Dance floors are also prohibited.

9. There shall be no exterior advertising of any kind or type including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of beer and wine which are clearly visible to the exterior shall not be permitted.

10. The quarterly gross sales of alcoholic beverages shall not exceed thirty percent (30%) of all gross sales of all food products sold for consumption on the premises during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items at the licensed business. Said records shall be totaled no less frequently than on a quarterly basis and shall be made available to the city of San Marino on demand.

11. The premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve complete meals to the public.

12. There shall be no serving and/or sales of alcoholic beverages prior to eleven o'clock (11:00) A.M. or later than twelve o'clock (12:00) midnight on Fridays and Saturdays; all other days, there shall be no serving and/or sales of alcoholic beverages prior to eleven o'clock (11:00) A.M. or later than ten o'clock (10:00) P.M. The serving and/or sales of beer and wine on Mission Street shall be prohibited prior to eleven o'clock (11:00) A.M. or later than ten o'clock (10:00) P.M.

13. The purpose of these restrictions is to ensure that the sale and consumption of alcoholic beverages is ancillary to the use of the premises as a restaurant for the consumption of complete meals and to ensure that the premises does not develop into a lounge, or other facility where the sale and consumption of alcoholic beverages is the primary use.

Public utility or commercial antenna equipment, except offices. (The provisions hereof shall have no application to communication lines, electric transmission or distribution lines, transformers or meters

used directly or indirectly for providing services to the public or any portion thereof by persons, firms or corporations subject to the jurisdiction of and regulation by the public utilities commission of the state of California.)

Real estate offices proposed to be located or expanded in a building which is legal nonconforming by virtue of failing to provide minimum off street parking but which does provide at least one parking space per three hundred fifty (350) square feet of gross floor area. This requirement shall not apply to a change from one real estate office to another real estate office so long as the portion of the building devoted to such use is not expanded and the use is not abandoned for the period of time specified in subsection 23.06.08A of this chapter.

Restaurants, the establishment or expansion of.

Schools.

Self-service fuel pumps (exceeding 1 fuel pump island).

Stock brokerage offices proposed to be located or expanded in a building which is legal nonconforming by virtue of failing to provide minimum off street parking but which does provide at least one parking space per two hundred seventy five (275) square feet of gross floor area. This requirement shall not apply to a change from one stock brokerage office to another stock brokerage office so long as the portion of the building devoted to such use is not expanded and the use is not abandoned for the period of time specified in subsection 23.06.08A of this chapter.

The storing by a business or office of any of its equipment or material in the open.

Used car establishments.

Winetasting establishments. On site retailers of beer and wine that provide for on site tasting through the selling of beer or wine ("wine or beer tasting") subject to the following conditions:

1. There shall be no more than two (2) permits issued for winetasting establishments for properties in the C-1 commercial zone located on Huntington Drive and San Marino Avenue.
2. The floor area dedicated to wine or beer tasting shall not exceed thirty three percent (33%) or one-third (1/3) of all gross floor area of the unit.
3. There shall be no sale or consumption of hard liquor.
4. A winetasting establishment shall be on premises located at least five hundred feet (500') from all school properties, either public or private, measured from the property line of the school and the parcel on which the winetasting establishment is located.
5. The C-1 commercial zone on Mission Street shall comply with the regulations described in on site retailers of ("alcoholic beverages") beer and wine of this subsection C.
6. There shall be no lounge defined as a waiting area with various seating in the licensed premises of a winetasting establishment.
7. Pool tables, video games, pinball machines, and other such amusement devices are prohibited in the winetasting establishment.
8. Live entertainment, amplified music or dance floors are prohibited at the winetasting establishment.
9. There shall be no exterior advertising of any kind or type including advertising directed to the exterior from within, promoting or indicating the availability of beer and wine. Interior advertising of beer and wine which is clearly visible to the exterior shall not be permitted. Advertising the sale of full glasses of beer and wine shall not be permitted.

10. The sale and consumption of beer or wine may be accompanied by servings of appetizers.

11. The premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve appetizers to the public and comply with all applicable laws, regulations and ordinances, including, but not limited to, health laws and regulations.

12. The quarterly gross sales from wine and beer tasting for on site consumption shall not exceed seventy percent (70%). The licensee shall at all times maintain records which reflect separately the gross sales of beer and wine consumed on the premises. Said records shall be totaled no less frequently than on a quarterly basis and shall be made available to the city of San Marino on demand.

13. There shall be no serving and/or sales of beer or wine for on site consumption prior to eleven o'clock (11:00) A.M. or later than twelve o'clock (12:00) midnight on Fridays and Saturdays, except for licensed premises on Mission Street as provided below. On all other days, there shall be no serving and/or sales of beer and wine for on site consumption prior to eleven o'clock (11:00) A.M. or later than ten o'clock (10:00) P.M. The serving and/or sales of beer and wine on Mission Street shall be prohibited on any day prior to eleven o'clock (11:00) A.M. or later than ten o'clock (10:00) P.M. (Ord. 096-1093, 7-10-1996; amd. Ord. 097-1118, 1-14-1998; Ord. 098-1128, 1-13-1999; Ord. 0-00-1138, 5-10-2000; Ord. 0-02-1159, 2-22-2002; Ord. 0-10-1242, 11-10-2010; Ord. 0-11-1255, 11-9-2011)

D. State authorized childcare and convalescent homes which are facilities preempted by the state or authorized by the state in residential areas and shall be classified as a conditional use requiring a conditional use permit pursuant to the provisions of this chapter.

E. No business located within two hundred feet (200') of the R-1 zone shall operate between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. unless a conditional use permit shall first have been applied for, processed and granted.

F. Service stations are permitted, subject to the issuance by the commission of a conditional use permit in compliance with the following provisions:

1. New Stations: Applicants for new stations shall submit plans indicating conformity with the provisions of this subsection F.

2. Existing Nonconforming Service Stations: Service stations in existence prior to January 27, 1955, which have been damaged or partially destroyed or which shall be added to or structurally altered to the extent of more than fifty percent (50%) of current value of the main structure in any one year may not be occupied or used except in conformity with the provisions of this chapter unless a variance is granted.

3. Application: An application shall be submitted according to the requirements established by the commission.

4. Yard And Density Requirements:

a. Lot Area: Each service station shall be located on a lot having an area of not less than fourteen thousand (14,000) square feet.

b. Lot Width: Each service station shall be located on a lot having a width of not less than one hundred twenty feet (120').

c. Setbacks:

(1) Each building shall have a setback of at least ten feet (10') from any property line.

(2) All gasoline pumps, or other facilities for providing automobiles with gasoline, and pump islands upon which they are placed, shall have a setback of at least twenty feet (20') from any property line.

(3) Increased setbacks may be required for any service station if the commission deems the setbacks necessary to provide for the protection of property values, safety, health or welfare.

5. Activities Permitted And Prohibited:

a. Vehicles:

(1) No vehicles shall be parked on service station property other than those vehicles being serviced for customers, vehicles of employees and tow trucks and other service vehicles. Vehicle parking on a day-to-day basis may be permitted hereunder, but in no event, shall vehicles other than employee vehicles, vehicles being serviced or service vehicles be left overnight.

(2) Vehicles being serviced shall not be kept upon the service station property in excess of one hundred twenty (120) hours (5 days), and no campers, motor homes, boats, trailers or parts thereof shall be kept upon the service station property for more than one hundred twenty (120) hours.

(3) All vehicles waiting for service or parked and under the control of any employee shall be parked exclusively on private property.

(4) No inoperable vehicle shall be kept upon a service station property for more than one hundred twenty (120) hours.

(5) Service stations shall maintain adequate circulation routes for emergency vehicles at all times.

b. Automobile Service Stations: Sales and services shall be limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling of motorist needs including, but not limited to, sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; and performance of minor automotive maintenance and repair; and the supplying of other incidental automotive services and products. Major automotive repairs, such as rebuilding engines and transmission work, and painting and body and fender work are prohibited.

c. Location Of Automotive Operations: Automotive repair, washing and lubricating operations shall be conducted within the service station building which shall have suitable ducts for drainage to sewer facilities.

6. Access, Parking And Circulation Requirements:

a. Accessways: No service station shall have more than two (2) accessways to any one street.

(1) Accessways shall be located a minimum of ten feet (10') from adjoining residential property lines.

(2) No accessway shall be allowed to encroach into the curve of a street corner unless the radius of the curb return is greater than thirty feet (30').

b. Traffic Hazards: The commission may modify access requirements if a change in the location and number thereof will reduce the possibilities of traffic hazards.

c. Parking Requirements:

(1) On-site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.

(2) No parking of commercial vehicles except tow trucks and vehicles being serviced, shall be permitted between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

(3) No vehicles may be parked on sidewalks, parkways, driveways or alleys.

(4) No vehicles may be parked on the premises and offered for sale, lease or rent.

7. Signs As Permitted By This Code:

- a. Signs shall not cause any glare or reflection of light on other property or buildings.
- b. No banners shall be permitted.
- c. All signs shall comply with the provisions of article 12 of this chapter.

8. Fire-Resistant Wall: Where a service station adjoins property in a residential zone, a seven foot (7') high solid masonry wall shall be constructed on contiguous property lines, except where:

- a. The wall reaches the established front yard setback of such adjoining residential property, it shall decrease to a height of three feet (3').
- b. The wall reaches the established side yard setback of such adjoining residential property, it shall decrease to a height of six feet (6') and shall not exceed four feet (4') in height when located within two feet (2') of side yard property line.

9. Lighting: All outside lighting shall be so arranged and shielded as to prevent any glare or reflection and any nuisance, inconvenience or hazardous interference of any kind on adjoining streets or property.

10. Landscaping:

- a. Five foot (5') wide planters shall be located and maintained adjacent to every street frontage except for curb cut openings.
- b. A planting area of one hundred fifty (150) square feet in size shall be located and maintained at the intersection of two (2) property lines at a street corner.
- c. Five foot (5') wide planters shall be located and maintained along the walls of the interior property lines from street line to a distance equal to the front building line (for this purpose canopies and other such structural appurtenances shall not be considered the front building line).
- d. A planting area thirty (30) square feet in size shall be located and maintained along the building facades fronting on streets.
- e. All landscaped areas shall have permanent irrigation systems and such areas shall be planted and well maintained.
- f. All planting areas shall be separated from adjacent asphaltic concrete paving or concrete paving by a minimum six inch (6") high curb wall.
- g. All planting shall be a variety that will not achieve a height greater than three feet (3') (except trees) and shall not be thorny or spiked and shall not extend over the sidewalk.

11. Special Use And Facility Requirements:

- a. All utility services to buildings shall be installed below grade.
- b. Entrances of all restrooms shall be screened from view of adjacent properties or street rights of way by solid decorative screening at least six feet (6') high. (Ord. 096-1093, 7-10-1996)
- c. All deliveries made to service stations, which are either adjacent to the R-1 zone or adjacent to an alley separating the R-1 zone from the service station, adjacent to residential zones, shall be between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
- d. Service stations adjacent to an R-1 zoned property shall close between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M., and all business activities, except servicing of vehicles

with gasoline and oil, must be confined to the hours between six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. daily.

e. All outside trash, garbage, refuse and storage areas shall be connected to the main building and shall be enclosed on at least three (3) sides by a five foot (5') structure. Provisions for adequate vehicular access to and from such areas for collection of trash and garbage shall be provided.

f. No sale, lease or rental of items, not clearly incidental to automotive services shall be permitted, except that sales of food, beverages and cigarettes in vending machines, or similar dispensers located in a building shall be permitted.

g. All display of automotive supplies shall be restricted to within five feet (5') of the central business office or on the pump island. (Ord. 096-1093, 7-10-1996; amd. Ord. 0-00-1138, 5-10-2000)

12. Permit Prohibitions: No permit shall be issued for, nor be effective to permit, any use if the same is prohibited by other provisions of this code, nor shall "service station", as used herein, include chain, automatic or coin-operated wash racks, all of which are prohibited.

### 13. Sale Of Alcoholic Beverages:

a. The sale of alcoholic beverages in conjunction with the sale of motor vehicle fuels shall be permitted in C-1 zones only upon the issuance of a conditional use permit.

b. For purposes of this subsection, alcoholic beverage shall include any beverage containing more than three percent (3%) alcohol content by volume.

c. In addition to such conditions as may be imposed pursuant to this subsection F13, the following development standards shall be mandatory conditions of such grant:

(1) No alcoholic beverages shall be displayed within five feet (5') of the cash register or the front door of the building.

(2) No advertisement of alcoholic beverages shall be displayed except within the building which is not visible from the street or adjacent properties.

(3) No self-illuminated signs shall be used for the sale of alcoholic beverages.

(4) No sale of alcoholic beverages shall be made from a drive-in window.

(5) No alcoholic beverages shall be displayed for sale except from an enclosed display area.

(6) Between six o'clock (6:00) P.M. and closing, employees on duty who sell any alcoholic beverage shall be at least twenty one (21) years of age.

d. Sale of any alcoholic beverage to a person below the age of twenty one (21) years shall be grounds for revocation of the conditional use permit. (Ord. 096-1093, 7-10-1996)

G. Auto grooming/detailing services are permitted only in locations where the last legitimate use was a service station, subject to the issuance of a conditional use permit by the planning commission in compliance with the following provisions:

#### 1. Use Requirements:

a. All detailing, washing, steam cleaning and other services, with the exception of hand drying or vacuuming a vehicle, shall occur only within an enclosed building.

b. A grease interceptor or trap shall be installed for all drains which accept the runoff resulting from cleaning.

c. No vehicles waiting to be serviced, being serviced or waiting to be picked up following servicing, may be fully or partially parked on any public right of way.

d. No vehicle shall be stored or parked on the property for a period greater than forty eight (48) hours.

e. No vehicle may be advertised for sale or sold on the premises.

## 2. Design Requirements:

a. Any existing fuel pumps and underground tanks shall be removed and the soil cleaned, if necessary, in compliance with all applicable laws, statutes, and ordinances.

b. Any preexisting pump island and canopy shall be removed, unless the commission deems the structure to be architecturally compatible with the neighboring properties.

c. Only one sign is permitted on the premises. Size and location shall be in accordance with section 23.12.01 of this chapter.

d. Landscaping shall be provided in accordance with subsection F10 of this section for service stations.

e. The usage of temporary canopies, awnings, or carports is prohibited. (Ord. 099-1133, 7-14-1999)

H. Massage therapy establishments are a permitted use when accessory to a beauty shop, health center or medical office and when conducted in accordance with the requirements of chapter XI, article 11 of this code. When conducted as a primary use, massage therapy establishments are permitted, subject to the issuance of a conditional use permit, and a massage establishment permit issued pursuant to chapter XI, article 11 of this code. Massage therapy establishments shall be conducted and operated in accordance with the standards set forth in chapter XI, article 11 of this code. Failure to comply with any provision of chapter XI, article 11 of this code shall be grounds for revocation of the conditional use permit. (Ord. 0-15-1303, 1-13-2016)

I. Emergency shelters shall comply with the following standards, in addition to the development requirements and other requirements that are generally applicable in the C-1 zone:

1. The maximum number of persons to be served on any given night shall not exceed ten (10).

2. A minimum distance of three hundred feet (300') shall be maintained from any other emergency shelter.

3. The maximum stay at the facility shall not exceed ninety (90) days in a three hundred sixty five (365) day period.

4. On site client waiting and intake areas shall be located inside the building.

5. A minimum of one manager, in addition to security personnel, shall be on duty and remain on site during intake hours.

6. Security personnel shall be provided on site at all times.

7. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of this code. Exterior lighting shall be stationary, and shall be directed away from adjacent properties and public rights of way.

8. A minimum of one parking space for every five (5) beds, or one parking space for each bedroom designated for families with children, plus one parking space for each employee/volunteer on duty during the largest shift, shall be maintained.

9. Hours of operation for client intake and discharge shall comply with subsection E of this section. (Ord. 0-14-1284, 12-10-2014)

J. Small restaurants are permitted in the C-1 Zone when the following standards are satisfied:

1. One parking space is provided for each two hundred fifty (250) square feet of gross floor area of the business, if the indoor seating area does not exceed twenty five percent (25%) of the total gross floor area of the business.

2. If the indoor seating area exceeds twenty five percent (25%) of the total gross floor area of the business, the standard parking requirements for Restaurants set forth in Section 23.10.03 are satisfied. (Ord. O-20-1378, 12-9-2020)

K. Community enrichment of San Marino High School Graduation celebration shall comply with the following standards, in addition to the development requirements and other requirements that are generally applicable in the C-1 zone:

1. The use shall be undertaken, organized, and overseen only by a nonprofit organization registered with the State of California Registry of Charitable Trusts.

2. The use shall comply with San Marino City's Noise Ordinance in Article 4 of the San Marino City Code.

3. Construction, assembly and other uses shall only occur between the hours of 8:00 A.M. and 9:00 P.M. Monday through Friday and between the hours of 8:00 A.M. and 5:00 P.M. on Saturdays.

4. No construction, assembly or other use shall occur on federal holidays.

5. Construction, material, equipment, storage, and portable facilities must be screened from view from the public right of way and neighboring properties to the extent practical.

6. Screening material must be installed in a manner that fully screens and secures the staging area and construction site. The screening material must be opaque, free of holes, and tightly secured to the side of the fence facing the street. The screening material shall be maintained in good condition, without advertisement and free of graffiti.

7. Lighting fixtures shall be arranged and/or screened in a manner such that spillover onto adjacent residential properties is minimized.

8. The project shall not reduce required on-site parking spaces or obstruct paths of travel for the property. (Ord. O-21-1384, 11-17-2021)