

## **Chapter 18.16 Affordable Housing Programs**

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(No changes to Chapter 18.200, Affordable Housing Programs, are proposed at this time.)

## **Chapter 18.17 Affordable Housing Incentives**

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(No changes to Chapter 18.204, Affordable Housing Incentives, are proposed at this time.)

## Chapter 18.18 Landscaping

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### Sections:

- 18.18.010 Purpose
- 18.18.020 Applicability
- 18.18.030 Landscape Design Principles
- 18.18.040 Landscape Plans
- 18.18.050 Areas to be Landscaped
- 18.18.060 General Landscaping Standards
- 18.18.070 Trees
- 18.18.080 Water Efficient Landscaping and Irrigation.
- 18.18.090 Irrigation Specifications.
- 18.18.100 Installation and Completion
- 18.18.110 Maintenance
- 18.18.120 Liability Limitations

### 18.18.010 Purpose

The specific purposes of the landscaping regulations are to:

- A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- B. Aid in energy conservation by providing shade from the sun and shelter from the wind;
- C. Soften the appearance of parking lots and other development through landscaping;
- D. Encourage conservation of water resources through the use of native and drought-tolerant plants, and water-conserving irrigation practices;
- E. Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening;
- F. Provide areas for residential gardening and raising of food crops;
- G. To preserve, maintain and provide for reforestation of trees for the health and welfare of the City in order to preserve the scenic beauty; provide habitat; maintain and increase property values; prevent erosion of topsoil; protect against flood hazards and the risk of landslides; counteract the pollutants in the air; maintain the climatic balance; promote healthy streams and riparian corridors; enhance the urban forest; minimize the urban heat island effect; provide shade, store carbon and decrease wind velocities; and promote the general welfare and prosperity of the City;

- H. Establish regulations for the preservation and removal of protected trees within the City in order to retain as many trees as possible consistent with the purpose hereof and the reasonable economic enjoyment of private property; and
- I. To enhance walkability by encouraging shaded sidewalks and accessible passageways.

### **18.18.020 Applicability**

The standards of this section apply to all new development and additions except as follows:

- A. Single Unit Dwellings, Second Dwelling Units, Duplexes and additions less than 10 percent of the floor area of the main building are exempt from the standards of this chapter, except that Section 18.18.070, Trees, and 18.18.110, Maintenance, shall apply.
- B. Landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboretums open to the public, or ecological restoration projects that do not require a permanent irrigation system.

### **18.18.030 Landscape Design Principles**

The following design principles are to be used by decision-makers in evaluating whether landscape plans conform to the requirements of this section:

- A. **Natural Landscapes.** Landscape designs should incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to reestablish natural landscape patterns and plantings.
- B. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials should be arranged in a manner as to provide the following qualities and characteristics:
  - 1. **Texture.** Landscape designs should provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, should be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

2. **Color.** Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.
  3. **Form.** Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements should be considered so that the final design presents a coherent whole.
- C. **Buffering and Screening.** The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent lots, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time. When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.
- D. **Responsive to Local Context and Character.** Landscape designs should build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species should be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material should be reflective of the surrounding area's character.
- E. **Use of Native and Drought Resistant Plants.** Landscape designs should feature native and/or related plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the San Francisco peninsula region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design. In the same manner, landscape designs should utilize drought tolerant plant materials to the maximum extent feasible. The use of drought-tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.
- F. **Continuity and Connection.** Landscaping should be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials should blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant

material and spacing should be utilized. Exceptions should be made when seeking to create a transition between uses or zoning districts.

- G. **Enhancing Architecture.** Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements should be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping should be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and window boxes should incorporate artistic elements and be compatible with a building's architectural character.

#### **18.18.040 Landscape Plans**

A landscape plan shall be submitted with the permit application for all projects for which landscaping is required.

- A. **Information Required.** Landscape plans shall be drawn to scale and shall include the following:
1. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together on the landscape plan. The plant factor, established in the California Department of Water Resources study, Water Use Classification of Landscape Species, shall be identified for all landscaped areas on a site. All water features shall be identified as high water use, and temporarily irrigated areas shall be identified as low water use.
  2. Location of any existing trees over six inches in diameter, as measured at 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
  3. Measures to prepare the soil for planting based on soil texture, infiltration rate, pH, total soluble salts, sodium, and percent organic matter.
  4. A grading plan that indicates existing and proposed contours, height of graded slopes, drainage patterns, pad elevations, finish grade, and stormwater retention improvements.
  5. An irrigation plan that indicates the location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices.
  6. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

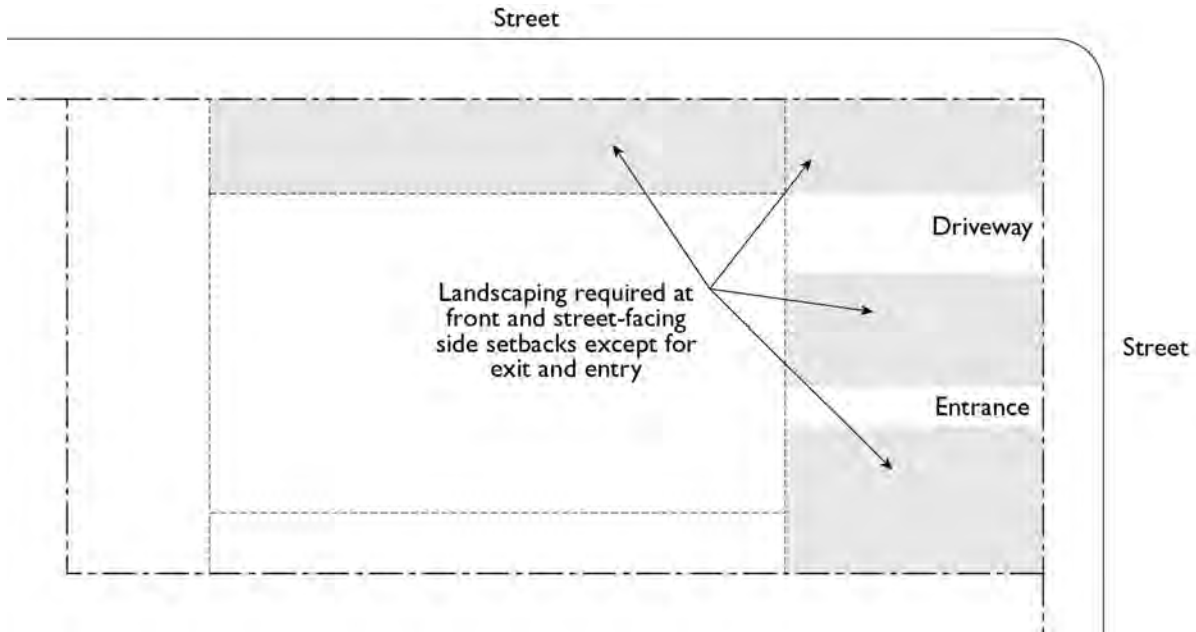
- B. **Alternative Landscape Plan.** An applicant may demonstrate that the intent of the landscape requirements of this section can be achieved through an Alternative Landscape Plan. The Alternative Landscape Plan shall be prepared in accord with the principles and design criteria set forth in this section and shall clearly describe the modifications being requested from the provision of this section and how they reflect one or more of the evaluation criteria listed below.
1. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use.
  2. Preservation or incorporation of existing native vegetation.
  3. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
  4. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design. This may include reduced ground-level planting along the front setback if canopy shade trees along sidewalks are provided.
  5. Use of additional shade trees to create a greater canopy effect.
  6. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.
- C. **Preparation by Qualified Person.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than five units shall be prepared by a California Registered Landscape Architect.

#### **18.18.050 Areas to be Landscaped**

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

**FIGURE 18.18.050-A: REQUIRED SETBACKS**



B. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the following standards.

1. **Required Landscape Buffers.** Table 18.18.050-B(1), Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the buffer yard. Adjoining uses are not required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations as shown in Table 18.18.050-B (2), Buffer Yard Requirements. “-” means that a buffer yard is not required unless required by another section of this Ordinance.

**TABLE 18.18.050-B(1): REQUIRED LANDSCAPE BUFFERS**

Use	Adjoining Use					
	Park or Open Space	Single-unit Residential	Multi-unit Residential	Mixed Use	General Commercial	Industrial
Multi-unit Residential	Type 1	Type 1	-	-	-	-
Mixed Use	Type 2	Type 2	Type 2	-	-	-
Commercial	Type 2	Type 2	Type 2	-	-	Type 1
Industrial	Type 2	Type 2	Type 2	Type 2	Type 2	-

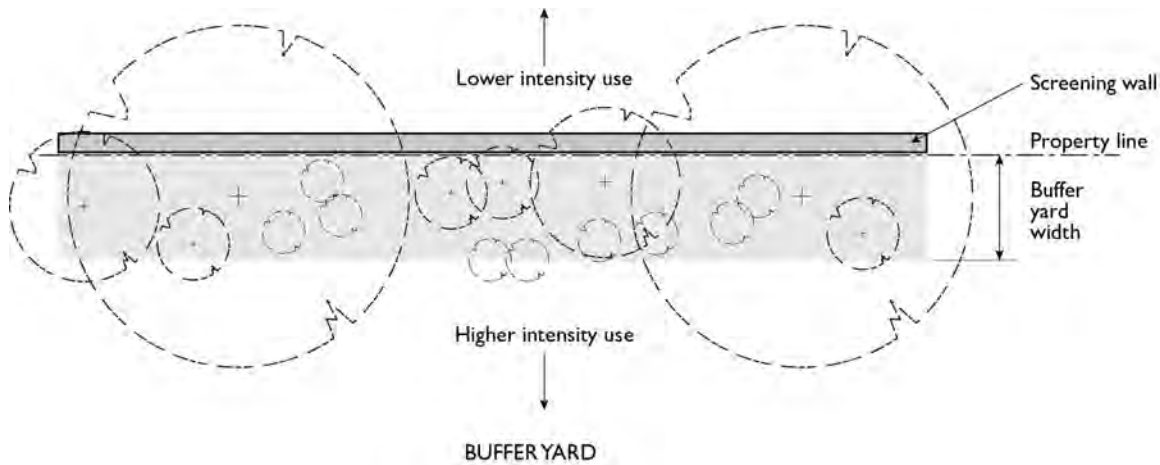
2. **Buffer-yard Types.** Table 18.18.050-B(2), Buffer Yard Requirements, describes the minimum width, plant materials, and wall requirements for each

type of buffer yard. The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Trees shall be planted at least 40 feet on center. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Director.

**TABLE 18.18.050-B(2): BUFFER YARD REQUIREMENTS**

Buffer Yard Type	Minimum Width (ft)	Trees		Shrubs	
		Canopy (mature height of 40 ft or more)	Understory (mature height of less than 40 ft)	Large (mature spread of 2 ft or more)	Small (mature spread of less than 2 ft)
Type 1	5	2	2	4	8
Type 2	10	2	3	6	8

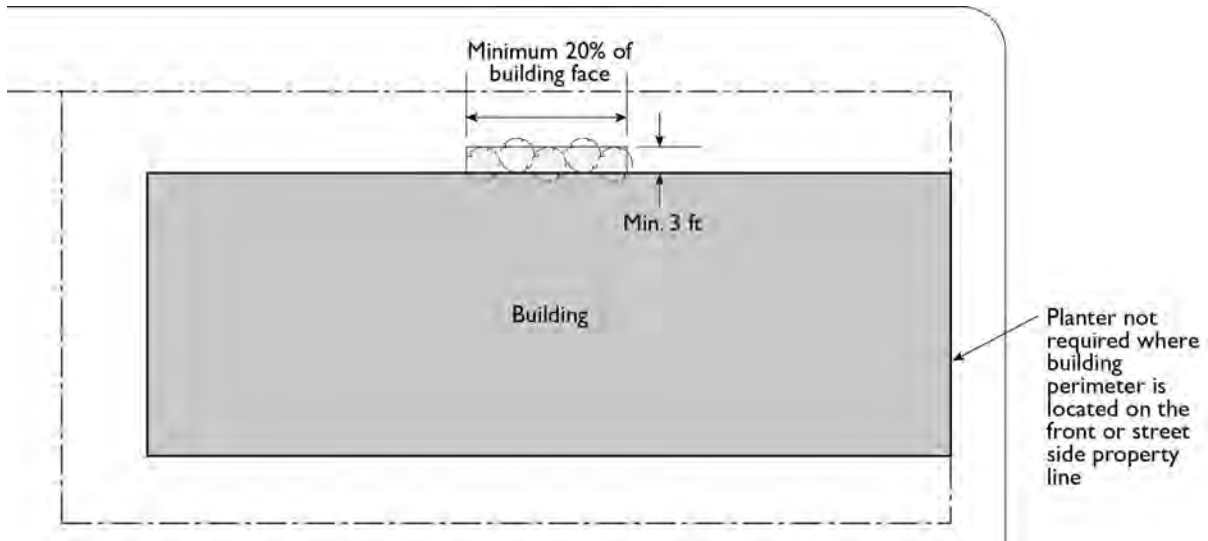
**FIGURE 18.18.050-B(2): BUFFER YARD REQUIREMENTS**



3. **Width Reduction for Adjacent Landscaped Buffer.** If an equivalent landscape buffer exists on the adjacent lot, the width of the required buffer may be reduced 50 percent provided that the abutting property owners have provided a written agreement restricting the use of the adjacent landscape buffer.

C. **Building Perimeters.** The portions of a building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply where a building is located on the front or street side property line.

### FIGURE 18.18.050-C: BUILDING PERIMETERS



- D. **Parking Areas.** Parking areas as required by Chapter 18.20, Parking and Loading.
- E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state.

### 18.18.060 General Landscaping Standards

#### A. Materials.

1. **General.** Landscaping may consist of a combination of groundcovers, shrubs, vines, and trees. Landscaping may also include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 10 percent of the area required to be landscaped. Plant materials shall be selected from among those species and varieties known to thrive in the San Carlos climate and where applicable, selected from an approved list maintained by the City. Recirculating water shall be used for decorative water features. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
2. **Ground Cover Materials.** Ground cover shall be of live plant material. Groundcover may include grasses. Non-plant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area requirements required by this section, except with approval of an Alternative Landscape Plan under Section 18.18.040(B).

3. ***Turf Allowance/Drought-Tolerant Materials.*** The maximum amount of lawn in required landscape areas shall be 25 percent, except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than 25 percent is prohibited. The use of drought-tolerant plant materials is preferred to conserve the City's water resources.
  4. ***Mulch.*** A minimum two inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes.
  5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
    - a. ***Ground Covers.*** Ground cover plants other than grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 12 inches on center.
    - b. ***Shrubs.*** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
    - c. ***Trees.*** A minimum of 15 percent of the trees planted shall be 24 inch-box or greater in size. All other trees shall be a minimum of 15 gallons in size with a one-inch diameter at 48 inches from grade. Newly planted trees shall be supported with stakes or guy wires.
- B. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
- C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting.
- D. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 18.15.130, Visibility at Intersections and Driveways.

**18.18.070 Trees****A. Trees.** Trees shall be provided as follows:

1. ***RS Districts:*** one tree for every 1,000 square feet of lot coverage for residential development; one tree for every 2,000 square feet of lot coverage for non-residential development;
2. ***RM and Mixed-Use Districts:*** one tree for every 2,000 square feet of lot coverage;
3. ***Commercial Districts:*** one tree for every 2,000 square feet of lot coverage;
4. ***Industrial Districts:*** one tree for every 5,000 square feet of lot coverage;
5. If the lot size or other site conditions make planting of the required trees impractical to comply with, the applicant may request that the trees be planted off-site at twice the ratio. Documentation that such trees have been planted shall be submitted to the Planning Department.
6. If the required number and size of trees already exists on the site, the applicant shall not be required to plant new trees on-site. Instead, the existing trees shall be shown on the site and landscape plans submitted to the Planning Department, and those trees shall be maintained in compliance with the standards of this chapter.
7. Street oriented trees are preferable to meet the requirements for a minimum of one of the required trees.

**B. Protected Trees.** The following requirements apply to protected trees:

1. No protected tree shall be removed, pruned, or otherwise materially altered without a permit except as provided in this section. Trimming of a protected tree is allowed without such a permit.
2. Chemicals or other construction materials shall not be stored within the drip line of protected trees.
3. Drains shall be provided as required by the Director whenever soil fill is placed around protected trees.
4. Signs, wires or similar devices shall not be attached to protected trees.
5. If the proposed development, including any site work for the development, will encroach upon the drip line of a protected tree, special measures shall be utilized, as approved by the Review Authority, to allow the roots to obtain oxygen, water, and nutrients as needed. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter, if

authorized at all by the Review Authority, shall be minimized and subject to such conditions as may be imposed by the Review Authority. No significant change in existing ground level shall be made within the drip line of a protected tree. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

6. Underground trenching for utilities shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many units as possible. Trenching within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
7. No concrete or asphalt paving shall be placed over the root zones of oaks.
8. No compaction of the soil within the root zone of protected trees shall occur.

#### C. **Tree Removal Permit**

1. **Application.** Application and fees for tree removal permits shall be submitted in accordance with the provisions set forth in Chapter 18.27, Common Procedures. The application shall state, among other things, the number and location of the tree(s) to be removed or pruned by type and the reason for removal or pruning of each. The application shall also include a photograph with correct botanical identification of the subject tree(s). When removal or pruning of a protected tree is proposed as part of or in conjunction with new development the application shall also include:
  - a. A site plan showing the location of buildings, structures and proposed site disturbances;
  - b. The location of all protected trees on the site; and
  - c. The protected trees on the site that would be removed or pruned.
2. **Review.** In reviewing applications for removal or pruning of protected trees, the Director shall give priority to those based on hazard or danger of disease. The Director may refer any application to another department, committee, board or commission of the City for a report and recommendation, and may require the applicant to provide an arborist's report.
3. **Notice of Issuance.** The property owner shall post a notice of issuance of any permit for a tree removal at the subject property for 24 hours before a significant tree is removed and a minimum of one week before a heritage tree is removed. The City will furnish the owner with a copy of the notice of issuance.

4. **Required Findings.** The determination of the Director in granting or denying the permit shall be based upon making one or more of the following findings. If a permit is denied or conditions attached, the Director shall provide the applicant with a written statement of the reasons for such denial or conditions based upon the findings listed below.
  - a. The tree:
    - i. Is diseased;
    - ii. Could adversely affect the general health and safety;
    - iii. Could cause substantial damage;
    - iv. Is a public or private nuisance;
    - v. Is in danger of falling;
    - vi. Substantially detracts from the value of the property;
    - vii. Interferes with utility services;
    - viii. Acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; or
    - ix. Is a substantial fire hazard.
  - b. The required action is necessary to:
    - i. Utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; or
    - ii. Allow reasonable economic or other enjoyment of the property.
5. **Conditions.** In granting a Tree Removal Permit, the Director may attach reasonable conditions to insure compliance with the content and purpose of this chapter, such as, but not limited to, the following.
  - a. Replacement of trees removed with plantings acceptable to the Director. The replacement tree shall be a minimum size 24 inch-box specimen tree of a species, size and location approved by the Director.
  - b. Special construction to allow irrigation and aeration of roots and preservation of the protected tree.
  - c. Tree wells or other tree protection techniques.

6. **Emergencies.** If an emergency develops regarding a protected tree removal which requires immediate response for the safety of life or property, action may be taken by obtaining oral permission of the Director, notwithstanding other provisions contained in this chapter. Such emergencies shall be exempt from protected tree permit application procedures; however, replacement shall occur as provided in this chapter.
  7. **Expiration.** If no action on an approved Tree Removal Permit is taken within a period of one year from the date of approval, the permit shall be considered void.
  8. **Appeals.** Tree Removal Permit decisions are subject to the appeal provisions of Section 18.27.150, Appeals.
- D. **Violation.** In addition to the provisions of Chapter 18.39, Enforcement and Abatement Procedures, and Chapter 1.20, Penalties, of the Municipal Code, any person who removes or causes to be removed any protected tree in violation of this chapter shall be required to:
1. Apply for and obtain a Tree Removal Permit and pay a double application fee.
  2. Be responsible for property restoration which shall include:
    - a. Replacing the tree or trees removed with a tree or trees of reasonably equivalent value and largest size feasible to the tree(s) removed;
    - b. The number, size and location of replacement trees shall be determined by the Director after receipt of a report and recommendation by a licensed arborist;
    - c. Paying the fees of the licensed arborist, including any fees for the valuation under paragraph 3 below.
  3. Pay a civil penalty to the City, with the funds placed in the City's Tree Planting Fund, in the amount of two thousand five hundred dollars or the actual monetary value of the tree(s), as determined by a licensed arborist, whichever is less. The arborist shall use the then-current issue of "A Guide to Plant Appraisal" published by the International Society of Arboriculture.

#### **18.18.080 Water Efficient Landscaping and Irrigation.**

Landscaping shall be designed and plantings selected so that water use is minimized. The estimated total water use (ETWU) of the proposed landscaping on a site shall not exceed the maximum applied water allowance (MAWA). Calculating MAWA and ETWU is described in subsections A and B below. Variables used in the calculations are defined in subsection C.

- A. **Calculating Maximum Applied Water Allowance (MAWA).** MAWA shall be calculated as follows:

$$\text{MAWA} = (26.54)[(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

- B. **Calculating Estimated Total Water Use (ETWU).** ETWU shall be calculated as follows:

$$\text{ETWU} = (26.54)[(\text{PFA})/\text{IE} + (\text{SLA})]$$

C. **Variables Used in Water Efficiency Calculations.**

1. **Landscaped Area (LA).** Total landscaped area, expressed in square feet, including all areas dedicated to planting, turf, and water features. The landscape area does not include footprints of building or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). Landscaped area (LA) includes special landscaped areas (SLA).
2. **Special Landscaped Areas (SLA).** Area of landscape, expressed in square feet, dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
3. **Plant Factor Adjustment (PFA).** The sum of the products of the area in each planting type multiplied by the plant factor established in the California Department of Water Resources study, Water Use Classification of Landscape Species, for that planting type.
4. **Irrigation Efficiency (IE).** Amount of water beneficially used divided by the amount of water applied. IE value is 0.71 unless verification is provided that greater irrigation efficiency can be expected due to irrigation system design and maintenance.

### 18.18.090 Irrigation Specifications.

An irrigation system shall be installed that consists of low-volume sprinkler heads, dry emitters, and bubbler emitters with automatic controllers. Each system shall be designed to provide adequate coverage to all plant material. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.71 IV value for irrigation efficiency.

- A. Irrigation systems and decorative water features shall be designed to allow for the current and future use of recycled water and shall use recycled water unless a written exemption has been granted by the City, stating that recycled water meeting

all public health codes and standards is not available and will not be available for the foreseeable future.

- B. Soil types and infiltration rate shall be considered when designing irrigation systems.
- C. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.
- D. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.
- E. Overhead irrigation is prohibited within 24 inches of any non-permeable surface. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it.
- F. The irrigation plans shall include the following to provide better water efficiency for all landscaped areas:
  - 1. **Equipment.**
    - a. Drip and bubbler systems shall be used in areas where watering needs do not exceed one and one-half gallons per minute per device.
    - b. Slopes greater than 25 percent shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour unless it is demonstrated that no runoff or erosion will occur.
  - 2. **Water Meters.** Separate landscape water meters shall be installed for all projects except for single family homes or any project with a landscaped area of less than 5,000 square feet.
  - 3. **Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Automatic controllers shall be digital, and should have multiple programs, multiple cycles, and sensor input capabilities.
  - 4. **Valves.** Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area.
    - a. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.
    - b. Manual shut-off valves are required as close as possible to the point of connection of the water supply.

5. ***Sprinkler Heads.*** Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
6. ***Rain or Moisture-Sensor Devices.*** Soil moisture sensors and rain or moisture-sensing override devices are required.

#### **18.18.100 Installation and Completion**

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the project.
- C. **Exception—Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.
- D. **Certification of Substantial Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of substantial completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies.

#### **18.18.110 Maintenance**

- A. **Responsibility.** The City is responsible for trimming and maintaining public trees and landscaping, and private property owners are responsible for trimming and maintaining private trees and landscaping.
- B. **General.** All planting and other landscape elements shall be maintained in good growing condition. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

- C. **Public Safety.** Property owners of lots fronting on any portion of a street shall maintain private trees and landscaping in such condition that the trees or landscaping will not interfere with the public safety and convenience in the use of the streets or sidewalks. Such owners shall also maintain such trees so that there is an eight-foot pedestrian clearance from the top of the sidewalk or pathway, and a 13-foot vehicular clearance from the top of the curb or top of the pavement.
1. The Public Works Director may inspect any and all trees, shrubs and landscaping which overhang or project into a street or sidewalk to determine whether any of them same create an obstruction or a hazard to the public.
  2. Upon determining that an obstruction or hazard exists, the Public Works Director shall give written notice to the owner, in person or by mailing a notice to his last known address, as the same appears on the last equalized assessment roll of the County, to remove or abate the obstruction or the hazard within two weeks from the date of the notice.
  3. If a property owner fails or refuses to abate a nuisance, the City may abate the condition and the City's cost of such abatement shall be reimbursed to the City by the property owner.
- D. **Visibility.** Any shrubs, trees, or other foliage which, in the opinion of the Sheriff's Captain, obscures safe sight distance from driveways and corners shall be trimmed by the property owner to a condition satisfactory to the Sheriff's Captain.
- E. **Trees.** Trees shall be maintained to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing such damage to the extent that its life would be impaired shall be replaced with another tree.

### 18.18.120 Liability Limitations

Nothing contained in this chapter shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep trees, protected trees, shrubs, hedges, and other landscaping upon such private property, or under his control, or upon streets in front of or contiguous to such private property, in a safe condition.

## **Chapter 18.19 Nonconforming Uses, Structures, and Lots**

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### **Sections:**

- 18.19.010 Purpose
- 18.19.020 Applicability
- 18.19.030 Establishment of Lawful Nonconforming Uses, Structures and Lots
- 18.19.040 Continuation and Maintenance of Nonconforming Structures
- 18.19.050 Additions and Enlargements to Nonconforming Structures
- 18.19.060 Expansion of Nonconforming Uses
- 18.19.070 Changes and Substitutions of Nonconforming Uses
- 18.19.080 Repair and Replacement of Damaged or Destroyed Nonconforming Buildings
- 18.19.090 Abandonment of Nonconforming Uses
- 18.19.100 Abatement

### **18.19.010 Purpose**

This chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Ordinance in a manner that does not conflict with the General Plan. To that end, the chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

### **18.19.020 Applicability**

The provisions of this chapter apply to structures, land, and uses that have become nonconforming by adoption of this Ordinance as well as structures, land, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

- A. Nonconforming structures and uses include:
  - 1. Those made nonconforming by the addition of a standard or requirement previously not required for such use or structure; and
  - 2. Uses and structures reclassified from permitted to being subject to a discretionary permit.
- B. Nothing contained in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building or structure for which a Building Permit has properly been issued, in accordance with the provision of ordinances then in effect and upon which actual construction has been started prior

to the effective date of this Ordinance, provided that in all such cases, actual construction shall be diligently carried on until completion of the building or structure.

### **18.19.030 Establishment of Lawful Nonconforming Uses, Structures and Lots**

Any lawfully established use, structure, or lot that is in existence on the effective date of this Ordinance or any subsequent amendment but does not comply with all of the standards and requirements of this Ordinance shall be considered nonconforming. Nonconforming uses and structures may only be continued subject to the requirements of this chapter.

- A. **Nonconformities, Generally.** A non-conformity may result from any inconsistency with the requirements of this Ordinance including, but not limited to, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved Use Permit or other required authorization. A use or structure shall not be deemed nonconforming solely because it does not conform with the parking and loading space dimension standards, landscape planting area, or screening regulations of the district in which it is located or does not conform to the standards for the following building features: garage door location; garage door width; cornices, eaves, and other ornamental features that exceed maximum projections into required yards; or bay windows, balconies, and terraces above the second floor that exceed maximum projections into required yards. Also see Section 18.20.030(B), Nonconforming Parking or Loading.
- B. **Nonconforming Lots.** Any lot that is smaller than the minimum lot size required by this Ordinance or does not meet any of the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is described in the official records on file in the office of the San Mateo County Recorder as a lot of record under one ownership. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other modification or exception is approved as provided for in this Ordinance.
- C. **Airport Hazards.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

### **18.19.040 Continuation and Maintenance of Nonconforming Structures**

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

- A. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Ordinance or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this chapter. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this chapter.
- B. **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs and non-structural interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure.
- C. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of building walls, columns, beams, or girders repairs may be permitted only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property, and when the cost of such work does not exceed 50 percent of the appraised value of the nonconforming structure.
- D. **Metal Structures.** Metal structures that do not conform to the Building and Fire Code shall be improved so as to comply with the Building and Fire Code standards, or removed. Prior to the issuance of a Building Permit or zoning clearance for an alteration, change in occupancy, change in ownership or repair of damage by fire or disaster to a nonconforming metal structure, the property owner shall enter into an agreement with the City providing that the structure shall be improved or altered to comply with the City Building and Fire Codes, or shall be removed within 15 years of the agreement date. This provision shall be imposed:
1. When a change in occupancy (as defined by the Uniform Building Code) is proposed for more than 50 percent of the gross floor area of the building;
  2. When the building or property ownership changes; or
  3. When the building is damaged by fire or other disaster to an extent of more than 50 percent of its appraised value.

### 18.19.050 Additions and Enlargements to Nonconforming Structures

Nonconforming structures may be enlarged or extended in compliance with all applicable laws subject to the following provisions:

- A. **Additions Generally.** Additions to and/or enlargements of nonconforming structures are allowed, and no Use Permit is required, if the addition or enlargement complies with all applicable laws and requirements of the Code and if the existing use of the property is conforming.
- B. **Residential Additions.** Additions or enlargements may be made to a building that is designed for and used as a residence without requiring any additional parking space or changes to an existing driveway provided that such alterations or enlargements neither trigger the need for additional parking pursuant to Chapter 18.20, Parking and Loading, nor occupy the only portion of a lot that can be used for required parking or access to parking.
- C. **Second Dwelling Units.** Notwithstanding the requirements of subsection B above, a second unit in compliance with Section 18.23.210, Second Dwelling Units, may be developed on a lot that contains a single-unit dwelling that is nonconforming with respect to development standards. If the single-unit dwelling is nonconforming because it does not meet parking standards, a second unit may only be established when parking is provided to meet the applicable requirements of Chapter 18.20, Parking and Loading, for the primary dwelling unit.
- D. **Effect of Nonconforming Setbacks.** For the purpose of additions in any residential district, continuation of a nonconforming setback shall not be considered an increase in the discrepancy, provided that:
  - 1. Within the nonconforming area, a minimum of 50 percent of the exterior wall and 50 percent of the roof remains and is not removed as part of the scope of work for the addition;
  - 2. In no case shall any existing setback of less than three feet be considered legal for purposes of this chapter; and
  - 3. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.
- E. **Effect of Excessive Lot Coverage.** Additions to or enlargements of nonconforming structures that exceed the maximum allowable lot coverage require approval of a variance pursuant to the provisions of Chapter 18.32, Variances, if the addition or enlargement would increase the lot coverage.

### 18.19.060 Expansion of Nonconforming Uses

No lawful nonconforming use may be expanded without the approval of a Use Permit, subject to the following requirements.

- A. **Within a Conforming Structure.** A nonconforming use occupying a portion of a structure that conforms to this Ordinance may expand the portion that it occupies with Zoning Administrator approval of a Minor Use Permit in accord with Chapter 18.30, Use Permits.
- B. **Expansion within a Structure that Does Not Conform to this Ordinance.** A nonconforming use in a structure that does not conform to the requirements of this Ordinance but does conform to the requirements of the Building Code may expand its occupancy and building floor area subject to Zoning Administrator approval of a Minor Use Permit in accord with Chapter 18.30, Use Permits, provided, however, that the expansion meets the requirements this Ordinance.
- C. **Expansion within a Structure That Does Not Conform to the Building Code.** Any nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

### 18.19.070 Changes and Substitutions of Nonconforming Uses

No lawful nonconforming use shall be changed to a different use type or subclassification without the approval of a Use Permit unless the new use is permitted by right in the zoning district. This requirement does not apply to a change of ownership, tenancy, or management where the new use is of the same use type and use classification, if applicable, as the previous use, as defined in Chapter 18.40, Use Classifications, and the use is not expanded or intensified.

- A. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use.
- B. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining a Minor Use Permit pursuant to the requirements in Chapter 18.30, Use Permits.
- C. **Substitutions.** The Zoning Administrator may allow substitution of a nonconforming use with another nonconforming use, subject to approval of a Minor Use Permit. In addition to any other findings required by this Ordinance, the Administrator must finding that:
  - 1. The existing nonconforming use was legally established;

2. The proposed new use would not preclude or interfere with implementation of the General Plan or any applicable adopted specific, area, or community plan;
3. The proposed new use will be no less compatible with the purposes of the district and surrounding uses that comply with the requirements of this Ordinance than the nonconforming use it replaces;
4. The proposed new use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent lots, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects; and
5. The proposed new use will comply with all applicable standards of the district and citywide standards, there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards, or the impacts of the new use will be mitigated.

#### **18.19.080 Repair and Replacement of Damaged or Destroyed Nonconforming Buildings**

A lawful nonconforming building or structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction does not exceed 50 percent of the appraised value of the building or structure replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be made by a professional appraiser selected by the City, whose fee shall be paid by the building owner.
- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the building or structure, as determined pursuant to subsection A above, the land and building shall be subject to all of the requirements of this Ordinance, except as provided below.
  1. **Non-Residential Structures.** The Planning Commission may approve a Conditional Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed. In such cases any expansion or change to the previous use must conform to the requirements of this chapter.

2. **Residential Structures.** Any nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed subject to a Zoning Clearance in the case of single-unit dwellings or a Conditional Use Permit approval in the case of other residential uses, unless the Zoning Administrator finds that:
  - a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; or
  - b. The existing nonconforming use of the building or structure can be more appropriately moved to a zoning district which the use is permitted, or that there no longer exists a district in which the existing nonconforming use is permitted.
3. Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all applicable Building Code requirements, and Building Permit must be obtained within two years after the date of the damage or destruction.

#### **18.19.090 Abandonment of Nonconforming Uses**

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months, except as provided for in this section.

- A. **Abandonment.** The six-month period shall commence when the use ceases and any one of the following occurs:
  1. The site is vacated;
  2. The business license lapses;
  3. Utilities are terminated; or
  4. The lease is terminated.
- B. **Reestablishment.** The nonconforming use of a legally established structure may be reestablished if the Planning Commission approves a Conditional Use Permit after making all the following findings in addition to any other required findings. As a condition of approving the resumption of such nonconforming use, the Commission may impose a time limit on its duration if necessary in order to make the required findings.

1. The structure cannot be used for any conforming use because of its original design or because of lawful structural changes made for a previous nonconforming use;
2. The structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50 percent of the replacement cost of the structure, as determined by the Building Official, within any five year period; and
3. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

### **18.19.100 Abatement**

The provisions of this chapter shall not apply to a use or structure that is or becomes a public nuisance. In the event that a legal nonconforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to the Municipal Code and Section 18.39.020, Enforcement.

## **Chapter 18.20     Parking and Loading**

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### **Sections:**

- 18.20.010 Purpose
- 18.20.020 Applicability
- 18.20.030 General Provisions
- 18.20.040 Required Parking Spaces
- 18.20.050 Parking Reductions.
- 18.20.060 Parking In-Lieu Fee
- 18.20.070 Location of Required Parking
- 18.20.080 Bicycle Parking
- 18.20.090 On-Site Loading
- 18.20.100 Parking Area Design and Development Standards

### **18.20.010     Purpose**

The specific purposes of the on-site parking and loading regulations are to:

- A.     Ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses;
- B.     Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- C.     Insure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;
- D.     Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses;
- E.     Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand; and
- F.     Reduce urban run-off and heat island effect.

### **18.20.020     Applicability**

The requirements of this chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this section.

- A. **New Buildings and Land Uses.** On-site parking shall be provided at the time any main building or structure is erected or any new land use is established.
- B. **Reconstruction, Expansion and Change in Use of Existing Non-Residential Buildings.** When a change in use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site. The existing parking shall be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant. Additional parking spaces are not required for the reconstruction of an existing building when there is no increase in floor area.
- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires on-site parking to serve the new dwelling units. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units.
- D. **When Constructed.** On-site parking facilities required by this chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

#### 18.20.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- B. **Nonconforming Parking or Loading.**
  - 1. An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of on-site parking and/or loading facilities required by this chapter, provided that facilities used for on-site parking and/or loading as of the date of adoption of this Ordinance are not reduced in number to less than what this chapter requires.
  - 2. If an existing garage or carport legally constructed with a Building Permit is less than 16 feet wide, it is considered physically unsuitable for two cars.

- C. **Accessibility.** Parking must be accessible for its intended purpose during all business hours.
- D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will always be present when the lot is in operation.
- E. **Unbundling Parking from Residential Uses.** The following rules shall apply to the sale or rental of parking spaces accessory to new multifamily residential uses of 10 units or more unless waived by the Director as infeasible:
1. All off-street spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
  2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to owners or renters of two bedroom units, and then to owners and renters of other units. Spaces shall be offered to tenants first. Non-tenants may lease with a provision for 30 days to terminate the lease.
  3. Renters or buyers of on-site inclusionary affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.
- F. **Residential Garage Conversion.** The conversion of single-unit residential garages into living space is allowed only if:
1. The residence was constructed prior to 1954 (the 1954 Zoning Code was the first City zoning code to require one parking space for single-unit dwellings);
  2. One off-street parking space will be provided; and
  3. The garage dimensions are no more than 10 feet wide by 30 feet deep.

**18.20.040 Required Parking Spaces**

A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of on-site parking spaces stated in paragraphs 1, 2, and 3 below.

1. **Mixed-Use Districts.** The required numbers of on-site parking spaces are stated in Table 18.20.040-A(1), Required On-Site Parking Spaces, Mixed-Use Districts. The parking requirement for any use not listed in Table 18.20.040-A(1) shall be the same as required for the land use in other districts as stated in Table 18.20.040-A(3), Required On-Site Parking Spaces, Other Districts.

**TABLE 18.20.040-A(1): REQUIRED ON-SITE PARKING SPACES, MIXED-USE DISTRICTS**

Land Use	Required Parking Spaces	
<b>Residential</b>		
Studio and one-bedroom units	1 space per unit	One covered space shall be provided for each unit.
Two or more bedrooms	1.5 spaces per unit	One additional guest parking space shall be provided for every 4 units for projects greater than 10 units.
<b>Non-Residential</b>		
Office	1 space per 450 square feet	
Retail	1 space per 400 square feet	
Restaurant	1 space per 250 square feet	

2. **Industrial Arts Districts.** Each land use in the IA district shall provide one parking space per 2,000 square feet of industrial use area plus one parking space per 300 square feet of office or customer area.
3. **Other Districts.** Each land use in all districts except for Mixed-Use and Industrial Arts Districts shall be provided at least the number of on-site parking spaces stated in Table 18.20.040-A(3), Required On-Site Parking Spaces, Other Districts. The parking requirement for any use not listed in Table 18.20.040-A(3) shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

**TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS**

<b>Land Use Classification</b>	<b>Required Parking Spaces</b>	
<b>Residential Use Classifications</b>		
Single-Unit Residential	2 spaces per dwelling unit.	Must be within a garage or carport.
Second Dwelling Unit	1 space for each. See Section 18.23.210, Second Dwelling Units.	
Affordable Housing Developments (Moderate Income and Below)		
<i>Studio</i>	0.75 spaces per unit.	One additional guest parking space shall be provided for every 4 units, and overall, the number of covered spaces provided shall equal or exceed the number of units. Residential developments with one or more on-site below market rate units shall be allowed limited reductions in the parking requirements pursuant to Chapter 18.17, Affordable Housing Incentives.
<i>One- or two-bedroom</i>	1 space per unit.	
<i>Three or more bedrooms</i>	2 spaces per unit.	
Multi-unit Residential		
<i>Studio</i>	1 space per unit.	One covered space shall be provided for each unit.
<i>One- or two-bedroom</i>	1.5 spaces per unit.	One additional guest parking space shall be provided for every 2 units.
<i>Three or more bedrooms</i>	2 spaces per unit.	
Small Family Day Care	None in addition to what is required for the residential use.	
Large Family Day Care	1 per employee plus an area for loading and unloading children, on or off-site. (Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements).	
Elderly and Long Term Care	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Group Residential	1 per bed plus 1 for every 10 beds.	
Residential Care, Limited	None in addition to what is required for the residential use.	
Residential Care, General and Senior	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Single Room Occupancy	0.5 spaces per unit.	
<b>Public and Semi-Public Use Classifications</b>		
Colleges and Trade Schools, Public or Private	1 per 3 members of the school population (including students, faculty, and staff) based on maximum enrollment.	
Community Assembly	1 for each 4 permanent seats in main assembly area, or 1 for every 30 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided.	
Cultural Institutions	For theaters and auditoriums: 1 for each 4 permanent seats in main assembly area, or 1 for every 30 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries, Libraries and Museums: 1 for every 1,000 sq. ft. of floor area. Other establishments: as determined by the Director.	
Day Care Center	1 per employee plus additional parking as provided in the Pick-up/Drop-off Plan required pursuant to Section 18.23.090, Day Care	
Emergency Shelter	1 per 200 sq. ft. of floor area.	
Government Offices	1 per 300 sq. ft. of floor area.	
Hospitals and Clinics	1.75 per bed	
Instructional Services	1 per 200 sq. ft. of public or instruction area	

**TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS**

<b>Land Use Classification</b>	<b>Required Parking Spaces</b>
Schools, Public or Private	Elementary and Middle Schools: 1 per classroom, plus 1 per 250 sq. ft. of office area. High Schools: 7 per classroom.
Social Service Facilities	1 per 200 sq. ft. of floor area.
<b>Commercial Use Classifications</b>	
Animal Care, Sales and Services	
<i>Grooming and Pet Stores</i>	1 per 300 sq. ft. of floor area.
<i>Kennels</i>	1 per employee plus an area for loading and unloading animals on-site.
<i>Veterinary Services</i>	1 per 250 sq. ft. of floor area.
Artists' Studios	1 per 1,000 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
<i>Automobile Rentals</i>	1 per 250 sq. ft. of office area in addition to spaces for all vehicles for rent.
<i>Automobile/Vehicle Sales and Leasing</i>	1 per 3,000 sq. ft. of lot area. Any accessory auto repair: 2 per service bay.
<i>Automobile/Vehicle Repair, Major or Minor</i>	1 space plus 4 per service bay. 1 per 250 sq. ft. of any retail or office on site.
<i>Automobile/Vehicle Washing</i>	1 per 250 sq. ft. of any indoor sales, office, or lounge areas.
<i>Service Station</i>	4 per service bay, if service bays are included on site. 1 per 250 sq. ft. of any retail or office on site.
Banks and Financial Institutions	1 per 300 sq. ft. of floor area.
Business Services	1 per 300 sq. ft. of floor area.
Commercial Recreation	Establishments with seating: 1 for each 4 fixed seats, or 1 for every 30 sq. ft. of seating area where temporary or moveable seats are provided. Athletic Clubs: 1 per 150 sq. ft. of floor area. Bowling alleys: 2 per lane. Game Courts (e.g. tennis): 2 per court. Swimming pools: 1 per 200 square feet of pool area plus 1 per 500 feet of area related to the pool. Other Commercial Entertainment and Recreation uses: as determined by the Director.
Eating and Drinking Establishments	
<i>Bars/Night Clubs/Lounges</i>	1 per 75 sq. ft. of public area.
<i>Full Service</i>	1 per 75 sq. ft. of customer seating area; no parking is required for outdoor seating when seats provided equal to 50 percent or less of total indoor seating.
<i>Convenience/fast food</i>	1 per 100 sq. ft. of floor area.
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area.
Funeral Parlors and Mortuaries	1 for each 4 permanent seats in assembly areas, plus 1 per 250 sq. ft. of office area or 1 for every 30 sq. ft. of assembly area where temporary or moveable seats are provided.
Lodging	
<i>Bed and Breakfast</i>	1 per room for rent in addition to parking required for residential use.
<i>Hotels and Motels</i>	1 per each sleeping unit, plus 2 spaces adjacent to registration office. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use.

**TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS**

<b>Land Use Classification</b>	<b>Required Parking Spaces</b>
Maintenance and Repair Services	1 per 600 sq. ft. of floor area, plus one space for each fleet vehicle.
Nurseries and Garden Centers	1 per 500 sq. ft. of floor area; 1 per 1,000 sq. ft. of outdoor display area.
Offices	
Business and Professional	1 per 300 sq. ft. of floor area up to 100,000 sq ft. 1 per 350 sq. ft over 100,000 sq. ft.
Medical and Dental	1 per 275 sq. ft. of floor area.
<i>Walk-In Clientele</i>	1 per 300 sq. ft. of floor area.
<i>Parking, Public or Private</i>	1 per attendant station (in addition to the spaces that are available on the site).
Personal Services	1 per 300 sq. ft. of floor area.
Retail Sales	
<i>Building Materials and Services</i>	1 per 500 sq. ft. of floor area; 1 per 1,000 sq. ft. of outdoor display area.
<i>All other Retail Sales subclassifications</i>	1 per 300 sq. ft. of floor area. 1 per 750 sq. ft. of floor area for appliance and furniture stores.
<b>Employment Use Classifications</b>	
Construction and Materials Yards	1 per 2,500 square feet up to 10,000 square feet. 1 per 5,000 square feet over 10,000 square feet.
Custom Manufacturing	1 per 2,000 sq. ft. of floor area, plus one per 300 sq. ft. of office.
Industry, General	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office.
Industry, Limited	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office.
Recycling Facility	
<i>Collection Facility</i>	See Section 18.23.190, Recycling Facilities.
<i>Intermediate Processing Facility</i>	1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.
Research and Development	1 per 600 sq. ft. of manufacturing and assembly; 1 per 300 sq. ft. of office; 1 per 1,500 sq. ft. of warehousing; and 1 per 800 sq. ft. of laboratory.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.
Warehousing and Storage	
<i>Chemical, Mineral, and Explosives Storage</i>	1 per 2 employees or 1 per 300 sq. ft. of office area, whichever is greater.
<i>Indoor Warehousing and Storage and Outdoor Storage</i>	1 per 2,000 square feet of area up to 10,000 square feet, 1 per 5,000 square feet over 10,000 square feet, plus 1 per 300 square feet of office.
<i>Personal Storage</i>	1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
Wholesaling and Distribution	1 per 2,000 sq. ft. of use area up to 10,000 sq. ft., 1 per 5,000 sq. ft. over 10,000 square feet, plus 1 per 300 sq. ft. of office.
<b>Transportation, Communication, and Utilities Use Classifications</b>	
Light Fleet-Based Services	1 per 300 sq. ft. of office floor area, plus one space for each fleet vehicle.
Utilities, Major	1 for each employee on the largest shift plus 1 for each vehicle used in connection with the use. Minimum of 2.
Utilities, Minor	None.

- B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:
1. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if one-half (0.5) or greater, shall be considered one additional space; if the fraction is less than one-half (0.5), it shall result in no additional spaces.
  2. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
  3. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
  4. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom.
  5. **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students or clients at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
  6. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 18.20.050, Parking Reductions.
- D. **Exceptions.**
1. **Small Commercial Uses Exempt.** In the Mixed-Use and Commercial Districts, the following commercial uses are not required to provide on-site parking when they contain less than 1,500 square feet of floor area: Retail Sales, Personal Services, Eating and Drinking Establishments, Food and Beverage Retail Sales, Offices–Walk-in Clientele, and Banks and Financial Institutions. However, when more than four such establishments are located on a single lot, their floor areas shall be aggregated with all other establishments located on the lot in order to determine required parking.

2. ***Industrial Arts District.***

- a. On-street parking along a lot's corresponding frontage lines shall be counted toward the parking requirement.
- b. Where a use with a legal nonconforming parking deficiency is replaced, the new use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous use.

**18.20.050 Parking Reductions.**

The number of on-site parking spaces required by Section 18.20.040, Required Parking Spaces, may be reduced as follows.

- A. **Transportation Demand Management Programs.** The number of required parking spaces for any project subject to Chapter 18.25, Transportation Demand Management, shall be reduced by 20 percent of the normally required number of spaces.
- B. **Transit Accessibility.** For any land use except residential single-unit and duplex development, if any portion of the lot is located within  $\frac{1}{4}$  mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. and 7:00 p.m., the number of required parking spaces may be reduced by 20 percent of the normally required number of spaces. This parking reduction does not apply in the Mixed-Use or the Industrial Arts Districts because parking requirements for these districts already reflect transit accessibility.
- C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- D. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 40 percent with Planning Commission approval of a Conditional Use Permit approval, if the Commission finds that:
  1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  2. The proposed shared parking provided will be adequate to serve each use;
  3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and

4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Off-Site Parking Facilities.
- E. **Restaurant Parking.** The total number of required parking spaces for restaurants with more than 2,500 square feet of floor area located within the area bounded by the south side of Holly Street, the west side of El Camino Real, the north side of Brittan Avenue and the east side of Walnut Street, as shown on Figure 18.20.050-E, may be reduced with Planning Commission approval of a Conditional Use Permit, subject to the following criteria:
1. The restaurant is open for operation during the evenings until at least 9:00 p.m., a minimum of five days per week including one weekend evening; and
  2. Employees are required to park in permit parking areas of public parking plazas, when such permits are available.

### FIGURE 18.20.050-E: RESTAURANT PARKING REDUCTION AREA



- F. **Other Parking Reductions.** Required parking for any use may be reduced through Planning Commission approval of a Conditional Use Permit.
1. **Criteria for Approval.** The Commission may only approve a Conditional Use Permit for reduced parking if it finds that:
    - a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation

demand management program—exist that will reduce parking demand at the site;

- b. The use will adequately be served by the proposed on-site parking; and
  - c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, the Director may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces.

#### **18.20.060 Parking In-Lieu Fee**

If a parking assessment district has been established, a fee may be paid to the City in lieu of providing required parking within the district.

- A. **In-lieu Fee Amount.** The amount of the in-lieu fee shall be calculated and paid as set forth in a resolution of the City Council.
- B. **Use of Funds.** In-lieu fees shall be used for programs to reduce parking impacts including, but not limited to, the costs of any of the following:
  - 1. Off-street parking facilities, including acquisition, development, and maintenance of parking facilities located in the parking assessment district;
  - 2. Mass transit equipment, including stock and attendant facilities serving the area in which the buildings for which the payments are made are located;
  - 3. Transit or paratransit passes, coupons, and tickets to be made available at a discount to employees and customers and to promote and support incentives for employee ride-sharing and transit use; or
  - 4. Transportation system management projects.

#### **18.20.070 Location of Required Parking**

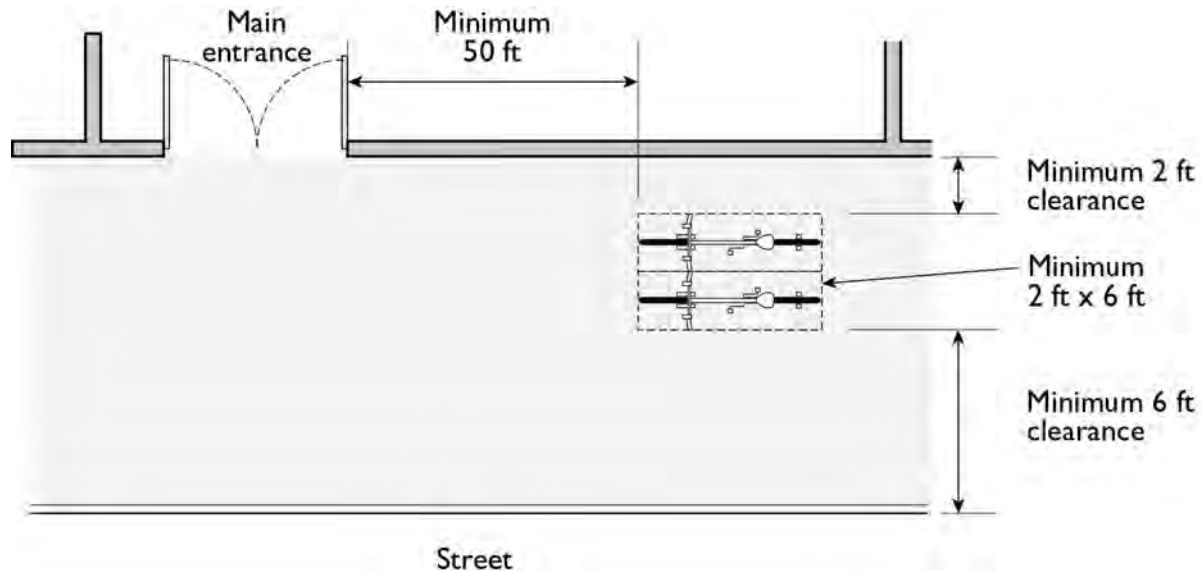
- A. **Residential Uses.**
  - 1. ***Single-Unit Dwellings, Duplexes, and Second Units.*** Required parking for a Single-Unit Dwelling, Duplex, or Second Unit shall be located on the same lot as the dwelling(s) served. Parking shall not be located within required setbacks except for Second Units.

2. **Other Residential Uses.** Required parking for residential uses other than Single-Unit Dwellings, Duplexes, and Second Units shall be on the same lot as the dwelling or use they serve or in an off-site facility as provided in Subsection C. Parking shall not be located within a required front or street-facing side yard.
- B. **Nonresidential Uses.** Required parking spaces serving non-residential uses shall be located on the same lot as the use they serve, or in an off-site parking facility as provided in Subsection C. If located in an off-site parking facility, a parking agreement shall be filed as provided in Subsection C.
- C. **Off-Site Parking Facilities.** Parking facilities for uses other than Single-Unit Dwellings, Duplexes, and Second Units may be provided off-site with Director approval of a Minor Use Permit provided the following conditions are met.
1. **Location.**
    - a. *Residential Uses.* Any off-site parking facility must be located within 100 feet, along a pedestrian route, of the unit or use served.
    - b. *Non-residential Uses.* Any off-site parking facility must be located within 400 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.
  2. **Parking Agreement.** A written agreement between the landowner(s) and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
    - a. A guarantee among the landowner(s) for access to and use of the parking facility; and
    - b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

#### 18.20.080 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided in order to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time.
1. **Parking Spaces Required.** For the following uses, the number of short-term bicycle parking spaces shall be at least 10 percent of the number of required automobile parking spaces, with a minimum of four parking spaces provided per establishment.

- a. Multi-unit Residential, Group Residential, and Single Room Occupancy with five or more units.
  - b. All uses in the Public and Semi-Public Land Use Classification except Cemeteries and Community Gardens.
  - c. All uses in the Commercial Land Use Classification, except Animal Care, Sales, and Services and Artist's Studios.
2. **Location.** Short-term bicycle parking must be located outside of the public right of way and pedestrian walkways and within 50 feet of a main entrance to the building it serves.
- a. *Commercial Centers.* In a Commercial Center, bicycle parking must be located within 50 feet of an entrance to each anchor store. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.
  - b. *Mixed-Use Districts.* Bicycle parking in Mixed-Use Districts may be located in the public right-of-way within an encroachment permit, provided an unobstructed sidewalk clearance of six feet is maintained for pedestrians at all times.
3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

**FIGURE 18.20.080-A: SHORT-TERM BICYCLE PARKING**

- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
1. **Parking Spaces Required.**
    - a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for multi-unit residential and group residential projects.
    - b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 20 vehicle spaces.
    - c. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.
  2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves. In parking garages, long-term bicycle parking must be located near an entrance to the facility.
  3. **Covered Spaces.** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. **Security.** Long-term bicycle parking must be in:
  - a. An enclosed bicycle locker;
  - b. A fenced, covered, locked or guarded bicycle storage area;
  - c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas; or
  - d. Other secure area approved by the Director.
  
5. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

**18.20.090 On-Site Loading**

- A. **Loading Spaces Required.** Every new building, and every building enlarged by more than 5,000 square feet of gross floor area that is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as follows.

<b>TABLE 18.20.090-A: REQUIRED LOADING SPACES</b>	
<b>Gross Floor Area (sq. ft.)</b>	<b>Required Loading Spaces</b>
0 – 6,999	0
7,000 – 30,000	1
30,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

1. **Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
  
2. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.

3. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
- B. **Location.** All required loading berths shall be located on the same site as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.
- C. **Minimum Size.** Each on-site loading space required by this chapter shall not be less than 10 feet wide, 25 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.
- D. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.
- E. **Surfacing.** All open on-site loading berths shall be improved with a compacted base, not less than five inches thick, surfaced with not less than three inches of plant-mix asphalt, concrete, or comparable material approved by the City Engineer.

### 18.20.100 Parking Area Design and Development Standards

All parking areas except those used exclusively for stacked parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked parking are subject only to Subsections I through R. Stacked parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this section.

- A. **Handicapped Parking.** Each lot or parking structure where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled persons as near as practical to a primary entrance.
- B. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following.

1. No more than two vehicles shall be placed one behind the other.
  2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
  3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
  4. Tandem parking to meet required parking for multi-unit development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
  5. Tandem parking shall not be used to meet the guest parking requirement.
- C. **Carpool and Vanpool Parking.** At least 10 percent of the required parking spaces for offices and all uses within the Industrial Use Classification shall be designated and reserved for carpools or vanpools. These spaces shall be located closest to the main entrance of the project (exclusive of spaces designated for handicapped).
- D. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas shall be provided throughout the parking lots. No temporary storage of shopping carts is allowed on walkways outside of buildings.
- E. **Parking Access**
1. **Shared Access.** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Recorders Office, in a form satisfactory to the City Attorney.
  2. **Forward Entry.** Parking areas of four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
  3. **Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 20 feet in depth.
  4. **Driveway Width.**
    - a. The minimum width of a driveway serving one to two residences shall be no less than eight feet total width, with a minimum clearance of 10 feet. Maximum width is twenty feet.

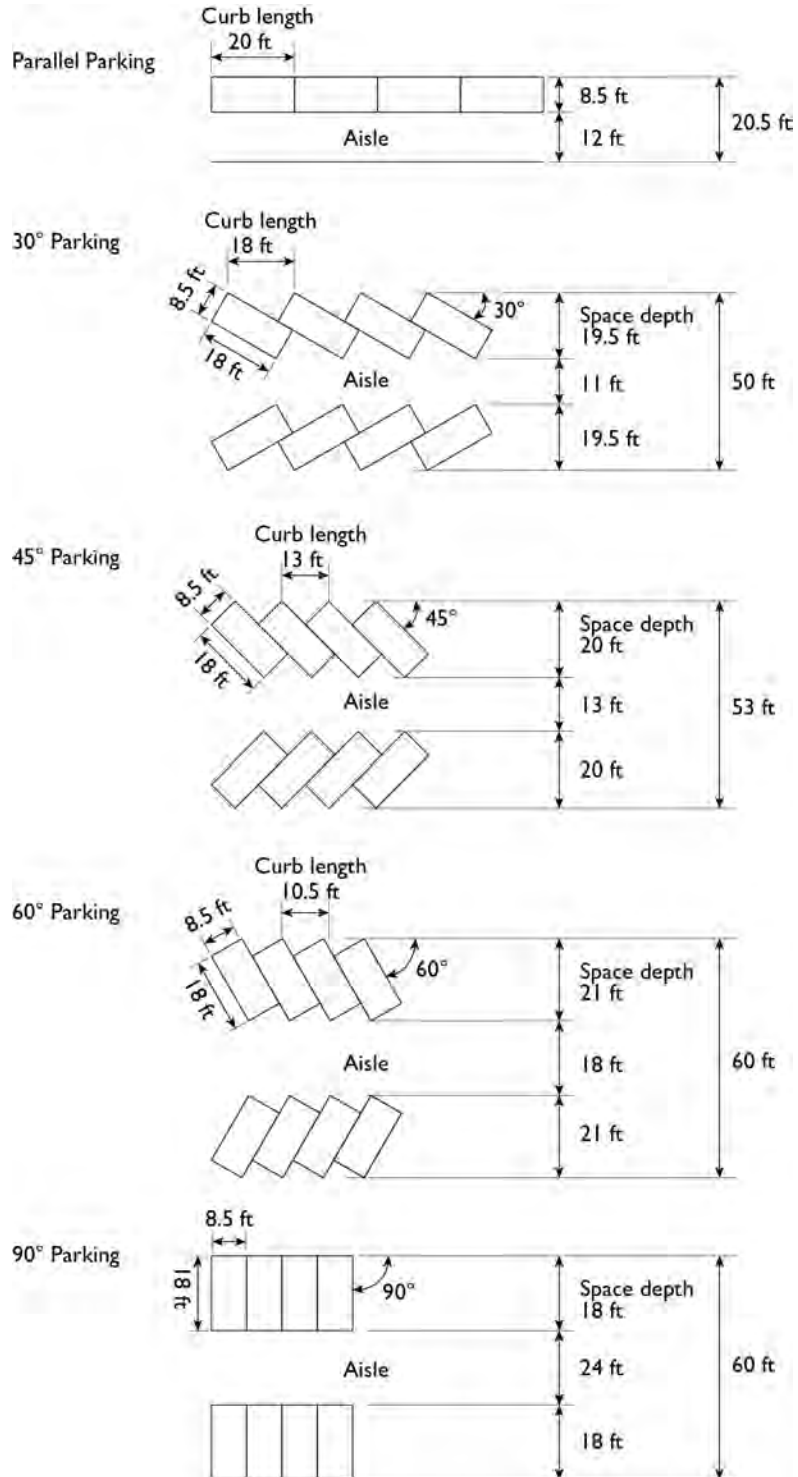
- b. The minimum width of a driveway serving three to seven residential unit is: (1) eight feet for a one-way driveway, or (2) 14 feet for a two-way driveway
- c. The minimum width of a driveway serving seven or more residential or commercial uses is: (1) 10 feet for a one-way driveway , or (2) 20 feet for a two-way driveway.
- d. The maximum driveway width is 20 feet for a one-way driveway and 33 feet for a two-way driveway.

F. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

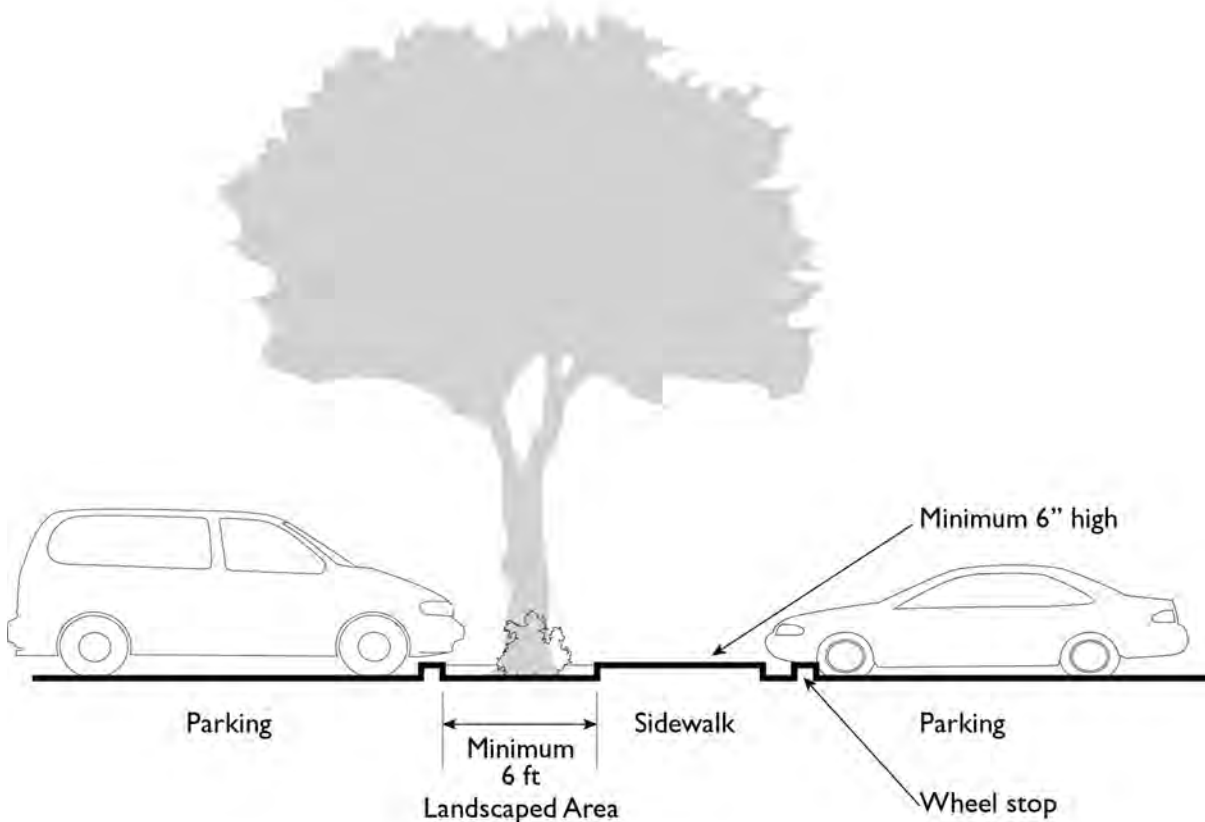
- 1. **Standard Parking Spaces and Drive Aisles.** The minimum basic dimension for standard parking spaces is 8.5 feet by 18 feet, with a minimum vertical clearance of seven feet. Table 18.20.100-F(1) provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces. The required aisle width may be modified if the City Engineer finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

<b>TABLE 18.20.100-F(1): STANDARD PARKING SPACE AND AISLE DIMENSIONS</b>					
<b>Angle of Parking</b>	<b>Stall Width (ft)</b>	<b>Curb Length Per Stall (ft)</b>	<b>Stall Depth (ft)</b>	<b>Aisle Width (ft)</b>	
Parallel	8.5	20	8.5	12	
30°	8.5	18	19.5	11	
45°	8.5	13	20	13	
60°	8.5	10.5	21	18	
90°	8.5	8.5	18	24	

**FIGURE 18.20.100-F(1): STANDARD PARKING SPACES**



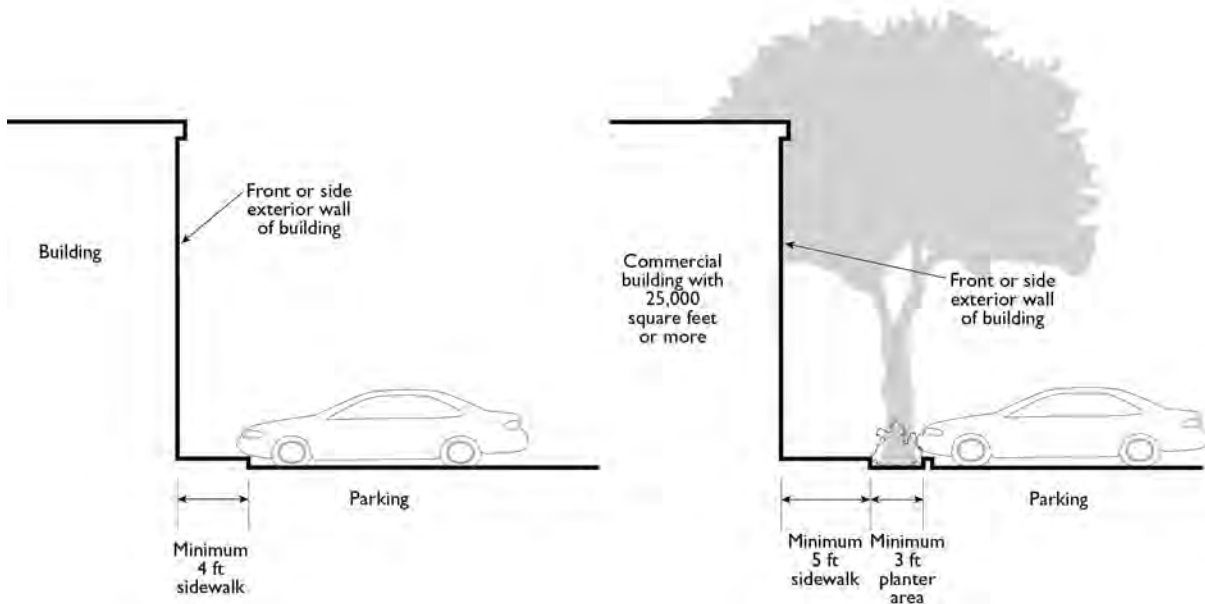
2. **Parking Spaces Abutting Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet in the vicinity of where a vehicle door may be located shall be increased to accommodate access to the vehicle through the door.
  3. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.
    - a. A single car garage or carport: 10 feet in width by 20 feet in length.
    - b. A two-car garage or carport: 20 feet in width by 20 feet in length.
    - c. A garage or carport containing three or more spaces: Nine feet in width by 19 feet in length per space.
    - d. The vertical clearance for garage or carport parking spaces shall not be less than seven feet.
    - e. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.
- G. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
- H. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with 10 or more unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

**FIGURE 18.20.100-H: WHEEL STOPS**

- I. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit and subject to the approval of the City Engineer. No unpaved area shall be used for parking.
  1. **Cross-grades.** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.
  2. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
  3. **Permeable Paving.** Permeable paving shall be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.

4. **Turf Grids/Grassy Pavers.** Turf grids/grassy pavers shall be installed in areas of low traffic or infrequent use wherever feasible.
- J. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
  - K. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.
    1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
    2. Trees shall be selected from a list maintained by the Planning Division.
  - L. **Lighting.** Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 footcandles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
    1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
    2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 18.21, Performance Standards.
  - M. **Separation From On-Site Buildings.** Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of four feet in width. Commercial buildings with 25,000 square feet or more of gross floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width. These requirements do not apply to parking areas containing five or fewer spaces.

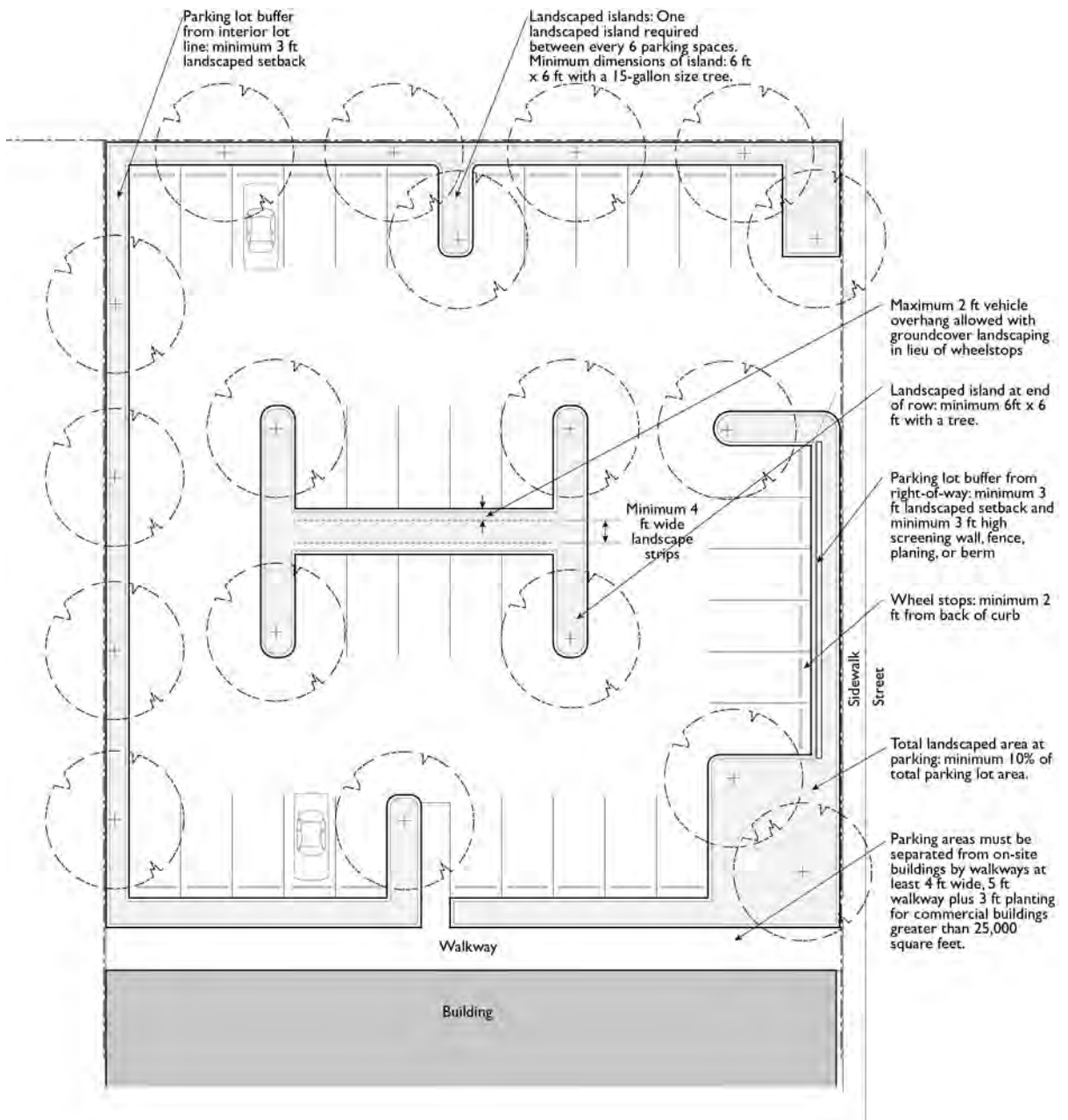
## FIGURE 18.20.100-M: SEPARATION FROM ON-SITE BUILDINGS



- N. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Chapter 18.18, Landscaping, as well as the standards of this subsection for all uses except Single-Unit Dwellings and Duplexes.
1. **Landscape Area Required.** A minimum of 10 percent of any parking lot area shall be landscaped.
  2. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.
  3. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
    - a. Landscaped planting strips at least four feet wide between rows of parking stalls;
    - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
    - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
    - d. On-site landscaping at the parking lot perimeter.

4. **Required Landscaped Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and between every six consecutive parking stalls.
5. **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the base district standards applicable to a site.
6. **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot for the length of the parking area.
7. **Landscaped Buffer for Parking Garages.** A parking garage that does not incorporate ground-floor nonresidential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least ten feet wide between the parking garage and public street.
8. **Parking Garage Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 24 inches around the entire perimeter of the top floor.
9. **Trees.**
  - a. *Number Required.* One for each five parking spaces.
  - b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.
  - c. *Species.* Tree species shall be selected from a list maintained by the Planning Division.
  - d. *Size.* All trees shall be a minimum 15-gallon size with a one-inch diameter at 48 inches above natural grade.
  - e. *Minimum Planter Size.* Any planting area for a tree must have a minimum interior horizontal dimension of five feet. Additional space may be required for some tree species.

**FIGURE 18.20.100-N: PARKING LOT LANDSCAPING**

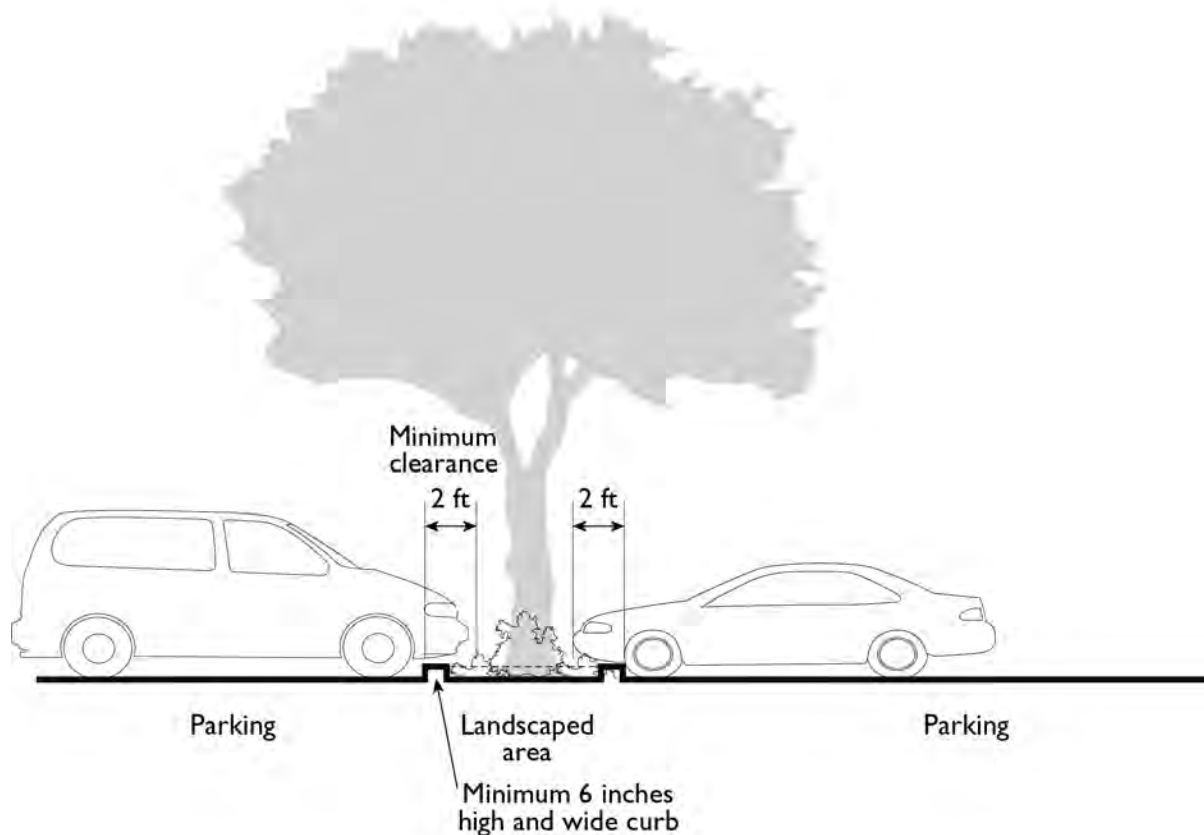


10. **Protection of Vegetation.**

- a. **Clearance from Vehicles.** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

- b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

### FIGURE 18.20.100-N(10): PROTECTION OF VEGETATION



11. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.
- O. **Screening.** Parking areas shall be screened from view from public streets and adjacent lots in a more restrictive district, according to the following standards.
1. **Height.** Screening of parking lots from adjacent public streets shall be three feet in height. Screening of parking lots along interior lot lines that abut residential districts shall be six feet in height, except within the required front setback of the applicable zoning district, where screening shall be three feet in height.

2. **Materials.** Screening may consist of one or any combination of the methods listed below.
  - a. *Walls.* Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
  - b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
  - c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.
  - d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

**P. Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
2. Off-street parking areas of four or more spaces shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.
3. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
4. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
  - a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main

building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

- b. *Materials and Width.* Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
- c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
- d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

Q. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this section are warranted in order to achieve to environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

R. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

## **Chapter 18.21 Performance Standards**

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### **Sections:**

- 18.21.010 Purpose
- 18.21.020 Applicability
- 18.21.030 General Standard
- 18.21.040 Location of Measurement for Determining Compliance
- 18.21.050 Noise
- 18.21.060 Vibration
- 18.21.070 Odors
- 18.21.080 Heat and Humidity
- 18.21.090 Air Contaminants
- 18.21.100 Liquid or Solid Waste
- 18.21.110 Fire and Explosive Hazards
- 18.21.120 Hazardous and Extremely Hazardous Materials
- 18.21.130 Electromagnetic Interference
- 18.21.140 Radioactivity

### **18.21.010 Purpose**

The purposes of this chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions;
- C. Protect industry from arbitrary exclusion from areas of the City; and
- D. Protect and sustain the natural environment by promoting conservation of energy and natural resources, improving waste stream management, and reducing emission of greenhouse gases.

### **18.21.020 Applicability**

The minimum requirements in this section apply to all land uses in all zoning districts, unless otherwise specified.

### 18.21.030 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

### 18.21.040 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### 18.21.050 Noise

- A. **Noise Limits.** No use or activity shall create noise levels that exceed the following standards. The maximum allowable noise levels specified in Table 18.21.050-A, Noise Limits, do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

<b>TABLE 18.21.050-A: NOISE LIMITS</b>					
<b>Land Use Receiving the Noise</b>	<b>Noise-Level Descriptor</b>	<b>Exterior Noise Level Standard in Any Hour (dBA)</b>		<b>Interior Noise-Level Standard In Any Hour (dBA)</b>	
		<b>Daytime (7am-10pm)</b>	<b>Nighttime (10pm-7am)</b>	<b>Daytime (7am-10pm)</b>	<b>Nighttime (10pm-7am)</b>
Residential	L <sub>50</sub>	55	45	40	30
	L <sub>max</sub>	70	60	55	45
Medical, convalescent	L <sub>50</sub>	55	45	45	35
	L <sub>max</sub>	70	60	55	45
Theatre, auditorium	L <sub>50</sub>	-	-	35	35
	L <sub>max</sub>	-	-	50	50
Church, meeting hall	L <sub>50</sub>	55	-	40	40
	L <sub>max</sub>	-	-	55	55
School, library, museum	L <sub>50</sub>	55	-	40	-
	L <sub>max</sub>	-	-	55	-

1. **Adjustments to Noise Limits.** The maximum allowable noise levels of Table 18.21.050-A, Noise Limits, shall be adjusted according to the following provisions. No more than one increase in the maximum permissible noise level shall be applied to the noise generated on each property.
  - a. *Ambient Noise.*
    - i. If the measured ambient noise level exceeds that permissible, the allowable noise standard shall be increased to reflect the ambient noise levels.

- ii. If the ambient noise level at a noise-sensitive use is 10 dBA or more below the standard, the allowable noise standard shall be decreased by five decibels.
- b. *Duration.* The maximum allowable noise level (L<sub>50</sub>) shall be increased as follows to account for the effects of duration:
  - i. Noise that is produced for no more than a cumulative period of 15 minutes in any hour may exceed the noise limit by five decibels; and
  - ii. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limits by 10 decibels;
  - iii. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the noise limits by 15 decibels.
- c. *Character of Sound.* If a noise contains a steady audible tone or is a repetitive noise (such as hammering or riveting) or contains music or speech conveying informational content, the maximum allowable noise levels shall be reduced by five decibels.
- d. *Prohibited Noise.* Noise for a cumulative period of 30 minutes or more in any hour which exceeds the noise standard for the receiving land use.

B. **Noise Exposure – Land Use Requirements and Limitations.** Table 18.21.050-B, Noise Exposure–Land Requirements and Limitations, describes the requirements and limitations of various land uses within the listed Day/Night Average Sound Level (Ldn) ranges.

**TABLE 18.21.050-B: NOISE EXPOSURE–LAND USE REQUIREMENTS AND LIMITATIONS**

<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Residential (1) and other Noise Sensitive Uses (e.g. schools, hospitals, and churches)	Less than 60	Satisfactory
	60 to 75	Acoustic study and noise attenuation measures required
	Over 75	Acoustic study and noise attenuation measures required
Auditoriums, Concert Halls, Amphitheaters	Less than 70	Acoustic study and noise attenuation measures required
	Over 70	Not allowed
Commercial and Industrial	Less than 70	Satisfactory
	70 to 80	Acoustic study and noise attenuation measures required
	Over 80	Airport-related development only; noise attenuation measures required

**TABLE 18.21.050-B: NOISE EXPOSURE-LAND USE REQUIREMENTS AND LIMITATIONS**

<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Outdoor sports and recreation, parks	Less than 65	Satisfactory
	65 to 80	Acoustic study and noise attenuation measures required; avoid uses involving concentrations of people or animals
	Over 80	Limited to open space; avoid uses involving concentrations of people or animals

**Notes:**

- I. New residential development in noise impacted areas are subject to the following noise levels:
  - a. For new single-unit residential development, maintain a standard of 60 Ldn for exterior noise in private use areas.
  - b. For new multi-unit residential development maintain a standard of 65 Ldn in community outdoor recreation areas. Noise standards are not applied to private decks and balconies and shall be considered on a case-by-case basis in the MU-DC District.
  - c. Where new residential units (single and multi-family) would be exposed to intermittent noise levels generated during train operations, maximum railroad noise levels inside homes shall not exceed 45 dBA in bedrooms or 55 dBA in other occupied spaces. These single event limits are only applicable where there are normally four or more train operations per day.

- C. **Acoustic Study.** The Director may require an acoustic study for any proposed project that could cause any of the following:
1. Locate new residential uses within the 55 CNEL impact area of the San Carlos Airport;
  2. Cause noise levels to exceed the limits in Section 18.21.050-A;
  3. Create a noise exposure that would require an acoustic study and noise attenuation measures listed in Table 18.21.050-B, Noise Exposure-Land Use Requirements and Limitations; or
  4. Cause the Ldn at noise-sensitive uses to increase three dBA or more.
- D. **Establishing Ambient Noise.** When the Director has determined that there could be cause to make adjustments to the standards, an acoustical study shall be performed to establish ambient noise levels. In order to determine if adjustments to the standards should be made either upwards or downwards, a minimum 24-hour duration noise measurement shall be conducted. The noise measurements shall collect data utilizing noise metrics that are consistent with the noise limits presented in Table 18.21.050-A (e.g.,  $L_{\max}$  0 minutes),  $L_{02}$  (1 minute),  $L_{08}$  (5 minutes),  $L_{25}$  (15 minutes) and  $L_{50}$  (30 minutes). An arithmetic average of these ambient noise levels during the three quietest hours shall be made to demonstrate that the ambient noise levels are regularly 10 or more decibels below the respective noise standards. Similarly, an arithmetic average of ambient noise levels during the three loudest hours should be made to demonstrate that ambient noise levels regularly exceed the noise standards.

- E. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of paragraph (C) may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
1. New noise-sensitive uses (e.g., schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 dBA.
  2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
  3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.

#### **18.21.060 Vibration**

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

#### **18.21.070 Odors**

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the site (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

#### **18.21.080 Heat and Humidity**

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

**18.21.090 Air Contaminants**

- A. **General Standards.** Uses, activities, and processes shall not operate in a manner that emit excessive dust, fumes, smoke, or particulate matter, excluding standards set under State and Federal law.
- B. **Compliance.** Sources of air pollution shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Bay Area Air Quality Management District (BAAQMD).
- C. **BAAQMD Permit.** Operators of activities, processes, or uses that require “approval to operate” from the BAAQMD shall file a copy of the permit with the Planning Department within 30 days of permit approval.

**18.21.100 Liquid or Solid Waste**

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division).
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

**18.21.110 Fire and Explosive Hazards**

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

**18.21.120 Hazardous and Extremely Hazardous Materials**

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health

Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

#### **18.21.130 Electromagnetic Interference**

No use, activity or process shall cause electromagnetic interference with normal radio and television reception in any Residential district, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

#### **18.21.140 Radioactivity**

No radiation of any kind shall be emitted that is dangerous to humans.

## **Chapter 18.22 Signs**

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(No changes to Chapter 18.150, Signs, are proposed at this time.)

## **Chapter 18.23 Standards for Specific Uses and Activities**

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### **Sections:**

- 18.23.010 Purpose
- 18.23.020 Applicability
- 18.23.030 Accessory Uses
- 18.23.040 Adult-Oriented Businesses
- 18.23.050 Automobile/Vehicle Sales and Services
- 18.23.060 Bars/Nightclubs/Lounges and Commercial Entertainment and Recreation
- 18.23.070 Bed and Breakfast Lodging
- 18.23.080 Community Assembly Facilities
- 18.23.090 Day Care
- 18.23.100 Drive-In and Drive-Through Facilities
- 18.23.110 Emergency Shelters
- 18.23.120 Home Occupations
- 18.23.130 Large-Format Retail
- 18.23.140 Outdoor Dining
- 18.23.150 Outdoor Retail Sales
- 18.23.160 Outdoor Storage
- 18.23.170 Personal Services
- 18.23.180 Personal Storage
- 18.23.190 Recycling Facilities
- 18.23.200 Residential Care Facilities
- 18.23.210 Second Dwelling Units
- 18.23.220 Single Room Occupancy Hotels
- 18.23.230 Social Service Facilities
- 18.23.240 Temporary Uses
- 18.23.250 Transitional and Supportive Housing

### **18.23.010 Purpose**

The purpose of this chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

### **18.23.020 Applicability**

Each land use and activity covered by this chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this

ordinance requires in the district where the use or activity is proposed and all other applicable provisions of this ordinance.

- A. The uses that are subject to the standards in this chapter shall be located only where allowed by base district or overlay district use regulations.
- B. The uses that are subject to the standards in this chapter are allowed only when authorized by the planning permit required by base district regulations, such as a Conditional Use Permit, except where this chapter establishes a different planning permit requirement for a specific use.

### **18.23.030 Accessory Uses**

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zoning district. These regulations are found in the use regulations tables in Article II, Base and Overlay Districts, and may be subject to specific standards found in this chapter or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter 18.15, General Site Regulations.

### **18.23.040 Adult-Oriented Businesses**

Adult-Oriented Businesses shall be located, developed, and operated in compliance with the following standards:

- A. **Permits and Licenses.** Adult-Oriented Businesses shall be subject to the following:
  - 1. An Adult-Oriented Business must, prior to commencement or continuation of such business, apply for and receive from the Planning Commission or the City Council, upon appeal, a Conditional Use Permit. Reasonable conditions may be imposed, such as limitation on hours of operation, exterior lighting, display materials, and other similar conditions, as may be necessary to protect the public health, safety and welfare.
  - 2. An Adult-Oriented Business shall be subject to and in conformance with the provisions of Chapter 8.44 et seq of the San Carlos Municipal Code.
  - 3. Subsequent to receipt of an approved Conditional Use Permit, but prior to establishment of the Adult-Oriented Business, the applicant shall apply for and receive a valid adult entertainment license, as provided for in Title 5 of the San Carlos Municipal Code.

B. **Location.** Adult-oriented businesses shall be located only in the area shown in Figure 18.23.040-B, Adult-Oriented Business Area, in compliance with the following minimum distances:

1. From any Residential District of the City of San Carlos or of any other city: 1,000 feet.
2. From any educational, religious and/or cultural institution or public park: 1,000 feet.
3. From another Adult-Oriented Business: 1,000 feet.

**FIGURE 18.23.040-B: ADULT-ORIENTED BUSINESS AREA**



C. **Hours of Operation.** Hours of operation of the business shall be limited to the time period between 10:00 a.m. and midnight daily or as established through the Conditional Use Permit.

**18.23.050 Automobile/Vehicle Sales and Services**

Automobile/Vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

**A. Landscaping and Screening.**

1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a residential use or district.
2. At least 10 percent of the site must be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 18.18, Landscaping.
3. A landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
4. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
5. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.

**B. Application Review and Findings for Approval.** The decision-making authority shall only approve a Use Permit for a automobile/vehicle sales and service facility only if it finds that:

1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
5. The washing facility will not have an adverse impact on water supply and quality.

**C. Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display,

- location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.
- D. **Automobile/Vehicle Sales and Leasing.** Automobile/vehicle sales and leasing establishments are subject to the following standards.
1. **Accessory Uses.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle dealers that offer maintenance and servicing of the type of vehicles sold on site.
  2. **Temporary Signs.** Temporary signs for grand opening events or special sales are subject to Section 18.22.090, Temporary Signage.
- E. **Automobile/Vehicle Service and Repair, Major and Minor.** Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.
  2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
  3. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 18.15.090, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.
  4. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.
- F. **Automobile/Vehicle Washing.** Automobile/vehicle washing facilities are subject to the following standards.
1. **Washing Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a residential use or residential district. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

2. **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.
- G. **Service Stations.** Service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.
1. **Pump Islands.** Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
  2. **Abandonment.** Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

#### **18.23.060 Bars/Nightclubs/Lounges and Commercial Entertainment and Recreation**

Bars/nightclubs/lounges and commercial entertainment and recreation establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Security.** On-site security shall be provided at a rate to be determined by the Sheriff's Captain, and shall generally be provided at the rate of one security guard for each 100 patrons on the property for bar or entertainment uses. Adequate security lighting shall be provided in all parking areas, entrances, and exits as well as building security systems. An agreement with the Sheriff's Captain or designated law enforcement authority may be required as a condition of approval for the provision of sworn officers at special events and for traffic control as needed.
- B. **Sewer Capacity.** Based on the size and type of facility proposed, a sewer capacity fee shall be calculated, pursuant to Municipal Code requirements, for the additional sewer usage. The sewer capacity fee shall be paid in its entirety at the time of Building Permit issuance. Construction of a new sewer line may be required to handle the additional capacity.

#### **18.23.070 Bed and Breakfast Lodging**

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Type of Residence.** Bed and breakfast establishments must be located, developed and operated within a single-unit dwelling.

- B. **Number of Rooms.** No more than two rooms may be rented. Additional rooms may be rented only with approval of a Minor Use Permit.
- C. **Appearance.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its original single-unit character.
- D. **Limitation on Services Provided.** Meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.

### 18.23.080 Community Assembly Facilities

Community assembly facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Community assembly facilities shall be located on a corner lot, not at mid-block, unless the site area is greater than 20,000 square feet.
- B. **Access.** Community assembly facilities shall take primary access from a public street with a minimum of 50 feet in width and improved with curbs, gutters, sidewalks and street lights.
- C. **Buffer.** A minimum 20-foot perimeter buffer shall be included adjacent to any residential use or district. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities.
- D. **Outdoor Recreation.** Outdoor recreation areas shall be at least 50 feet from any residential use or district.
- E. **Parking Area Screening.** Parking areas adjacent to any residential use or district shall be screened with a three-foot high wall.
- F. **Outdoor Lighting.** Outdoor lighting shall not exceed an intensity of one foot candle of light throughout the facility.

### 18.23.090 Day Care

Day care centers and large family daycare homes shall be located, developed and operated in compliance with the following standards:

- A. **License.** The operator shall secure and maintain a license from the State of California Department of Social Services.
- B. **Screening.** A periphery wall, constructed of wood or masonry, shall be provided to screen and secure outdoor play areas and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.

- C. **Outdoor Space.** Child day care centers and large family day care shall provide a minimum of 75 square feet of outdoor space for each child over two years old. The outdoor area shall not be located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school or other public open area within 500 feet of the day care.
- D. **Hours of Operation.** Hours of operation shall only be within the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. Additional hours may be allowed subject to approval of a Minor Use Permit.
- E. **Noise.** Outdoor activities shall not occur before 8:00 a.m. or after 5:30 p.m. when the site is located within or adjacent to a residential district.
- F. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:
1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
  2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

### 18.23.100 Drive-In and Drive-Through Facilities

Drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

- A. **Where Allowed.** Drive-in and drive-through facilities are allowed, subject to approval of a Conditional Use Permit, in the GCI District.
- B. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas.
1. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
  2. Each drive-in and drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.

3. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.
- C. **Drive-In and Drive-Through Queue Area.** Each drive-through aisle shall provide a sufficient queue for four cars, of at least 80 feet, and the queue area shall not interfere with public rights-of-ways or streets, or with on- or off-site circulation and parking. Exceptions to the queue size may be granted based on an interior traffic circulation study prepared for review by the Planning Commission.
  - D. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
  - E. **Menu Boards.** Menu boards shall not exceed 20 square feet in area, with a maximum height of six feet, and shall face away from public rights-of-ways unless located at least 35 feet from the street and adequately screened from view. All outdoor speakers shall be directed away from any residential district or residential use.
  - F. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

### 18.23.110 Emergency Shelters

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

- A. **Number of Residents.** The number of adult residents, not including staff, who may be housed on a lot that is smaller than one acre shall not exceed the number of persons that may be accommodated in any hospital, elderly and long-term care facility, residential, transient occupancy, or similar facility allowed in the same district.
- B. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- C. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

- D. **Minimum Hours of Operation.** At least eight hours every day between 7:00 a.m. and 7:00 p.m.
- E. **Supervision.** On-site supervision must be provided at all times.
- F. **Toilets.** At least one toilet must be provided for every 15 shelter beds.
- G. **Management Plan.** The operator of the shelter must submit a management plan for approval by the Director. The Plan must address issues identified by the Director, including transportation, client supervision, security, client services, staffing, and good neighbor issues.

### 18.23.120 Home Occupations

- A. **Purpose.** The purpose of this section is to:
  - 1. Permit home occupations as an accessory use in a dwelling unit;
  - 2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
  - 3. Allow for “telecommuting” and reduced vehicle use;
  - 4. Ensure that home occupations are compatible with, and do not have a adverse effect on, adjacent and nearby residential properties and uses;
  - 5. Ensure that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use; and
  - 6. Preserve the livability of residential areas and the general welfare of the community.
- B. **Applicability.** This chapter applies to all residential units and properties in the City regardless of their zoning designation. It does not apply to family day care homes, which are regulated separately in Section 18.23.090, Day Care.
- C. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance is required for each home occupation, pursuant to the provisions of Chapter 18.28, Zoning Clearance. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance must be obtained for each new home occupation.

- D. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the following standards:
1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
  2. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is attached to, and reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
  3. **Structural Modification Limitation.** No dwelling shall be altered to create an entrance to a space devoted to a home occupation that is not from within the building, or to create features not customary in dwellings.
  4. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit floor area.
  5. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation.
  6. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to two students at one time.
  7. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication.
  8. **Storage.** There shall be no storage of materials, supplies, and/or equipment in an accessory building, or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off-site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of less than one ton carrying capacity.
  9. **Equipment.** Home occupations shall not be permitted which involve mechanical or electrical equipment which is not customarily incidental to domestic use. Facsimile machines, copy machines, computers, and other similar business equipment are permitted. Small power tools and similar equipment/machinery not exceeding one horsepower are also permitted.

10. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
  11. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-family detached residence.
  12. **Traffic and Parking Generation.** Home occupations shall not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
  13. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on-site shall not be permitted. No attachments of equipment or machinery used for business purposes shall be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of attachments of equipment and machinery are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.
- E. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.
1. Adult-oriented business;
  2. Ambulance services;
  3. Automotive/vehicle repair, painting, body/fender work, upholstery, detailing, washing, including motorcycles, trucks, trailers and boats;
  4. Automotive/vehicle sales with any on-site storage or sale of vehicles
  5. Barber, beauty and nail salons;
  6. Animal boarding, care, training, breeding, raising or grooming, or veterinary services, conducted on the premises;

7. Carpentry and cabinet-making businesses;
8. Commercial food preparation, food handling, processing or packing other than specialized minor cooking or baking;
9. Firearms manufacture, sales, or repair;
10. Furniture refinishing or upholstery;
11. Gymnastic facilities;
12. Medical and dental offices, clinics, and laboratories, or any type of physical therapy or psychotherapy, or massage therapy;
13. Mini storage;
14. Mortuaries;
15. Instructional services for more than two students at one time.
16. Printshops.
17. Recording studio (electronic composition, recording, and re-mixing conducted with headphones and using no amplification, live instruments or live performance excepted);
18. Repair, fix-it or plumbing shops;
19. Restaurant;
20. Retail sales;
21. Towing service;
22. Welding, metal working, and machining businesses.
23. Yoga/spa retreat center.

F. **Denial and Revocation of Home Occupation Zoning Clearances.** A home occupation approval may be revoked or modified by the Zoning Administrator subsequent to an administrative hearing for violation of any standard of this section. In the event of the revocation of any home occupation approval, or of objection to the limitations placed thereon, appeal may be made in accordance with Section 18.27.150, Appeals.

### 18.23.130 Large-Format Retail

Large format retail establishments shall be designed, located, and operated to meet all of the standards and requirements applicable to Commercial Centers that contain 25,000 square feet of floor area or more and to comply with the following standards:

- A. **Surety Bond.** As a condition of approval for a large format retail establishment, the applicant shall be required to post a cash or surety bond in a form and amount acceptable to the City Manager to cover the cost of complete building demolition and maintenance of the vacant building site if the primary building is ever vacated or abandoned, and remains vacant or abandoned for a period of more than 12 consecutive months following primary business closure.
- B. **Vacated Facility.** If the facility is vacated, the owner or operator, within 12 months, shall submit, to the Planning Commission, a plan contemplating the removal or reuse of the facility. If the owner or operator is unable to provide a plan that is acceptable to the Planning Commission, the City may utilize the surety bond to take whatever action is permitted by law to assure appropriate demolition, redevelopment, or reuse of the facility.

### 18.23.140 Outdoor Dining

Eating and drinking establishments with outdoor dining areas shall be located, developed, and operated in compliance with the following standards:

- A. **Application Information.** Applicant shall submit a site plan and description of the proposed outdoor dining area. The plan shall be drawn to scale showing the location of buildings and structures and in the case of dining in the public right-of-way, the location of street furnishings and trees, curb and on-street parking, adjacent to the proposed outdoor dining. The plan shall show locations, number and the arrangement of planters, fencing, umbrellas, sun screens, tables, chairs, and other portable or affixed appurtenances proposed. Colors and commercial grade materials shall be specified. An electrical plan, when applicable, shall include any lighting and electrical connection proposed including specification of fixtures, type and location. In addition to any other application materials required, an application for an outdoor dining area shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor will be sold or consumed in the area to be covered by the permit.
- B. **Hours of Operation.** Hours of operation shall be limited to the hours of operation of the associated Eating and Drinking Establishment and shall be open for a minimum of two service periods per day, except when the establishment is open for only one service per day.
- C. **Permits and Licenses.** The applicant shall obtain a City of San Carlos Zoning Clearance/Minor Architectural Review approval and an annual Business Registration.

The applicant shall also obtain approval from the San Mateo County Health Department. In the case of outdoor dining in the public right-of-way, an annual City of San Carlos encroachment permit is required pursuant to Chapter 12.36 of the San Carlos Municipal Code. As applicable, a current and valid liquor license issued by the California Department of Alcoholic Beverages Control is also required.

**D. Outdoor Dining Area in the Public Right-of-Way.**

1. ***Encroachment Permit Required.*** An encroachment permit approved by the City Engineer is required for any outdoor dining area located in the public right-of-way. No part of an outdoor dining area shall be permanently attached to the building, public right-of-way or sidewalk.
2. ***Minimum Clearance.*** A minimum of six feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, parking meters, traffic signs, trees and all similar obstacles shall constitute obstructions within the sidewalk area.
  - a. ***Adjacent to Street.*** Where the outdoor dining area is located adjacent to a street, an 18-inch clearance shall be maintained from the face of the curb to the outdoor dining area unless there is parking parallel to the street, in which case a two-foot clearance is required.
  - b. ***No Obstructions.*** Minimum width of access opening shall be 44 inches. No outdoor dining area shall obstruct any points of building ingress and/or egress.
  - c. ***Corner Lots.*** On a corner lot, the outdoor dining area shall not be located within the area bound by the extensions of the corner building walls between the building and the curb.
  - d. ***Vertical Clearance.*** Vertical clearance of seven feet shall be maintained.
3. ***Design.***
  - a. ***No Permanent Attachments.*** Roofs, awnings or umbrellas may be used in conjunction with an outdoor eating area, although permanent shelters over an outdoor eating area are prohibited. Awnings shall be adequately secured, retractable, and shall comply with the Building Code.
  - b. ***Barriers.*** The outdoor dining area may be delineated by an edge perpendicular to the sidewalk, but is not required, by the use of barriers such as planter boxes or wrought iron fencing.

- c. *Design.* The design of all improvements and furniture shall be of a quality to sustain weather and wear, and shall be of commercial grade materials.
  - i. Furniture shall be of durable materials such as wrought iron, wood, steel, or cast aluminum. Tables shall be a size suitable for seating of two to four patrons. Plastic chairs and table and vinyl or plastic tablecloths are not permitted.
  - ii. Planter boxes shall be of quality materials such as finished wood, precast concrete, terra cotta, or other pottery.
  - iii. Umbrellas and awnings shall be solid color canvas. Sun screens shall be a durable fabric and retractable. No generic advertising or signage is permitted.

4. **Operation.**

- a. *Noise Limits.* No entertainment or use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound is permitted in the outdoor dining area.
- b. *No Outdoor Cooking or Open Flames.* No electrical appliances, heating or cooking of food or open flames shall be allowed in the outdoor dining area. Use of portable heating devices may be permitted with approval from the Fire Marshal.
- c. *No Storage.* No structure or enclosure to accommodate the serving or clean-up stations, storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor dining area on the public sidewalk or right-of-way.
- d. *Parking.* Outdoor dining areas are exempt from the parking requirements of Chapter 18.20, Parking and Loading.
- e. *No Overnight Use.* All umbrellas, tables, chairs and other portable appurtenances shall be removed from the outdoor dining area at the end of each business day. No storage in the public right-of-way shall be permitted.

5. **Maintenance.**

- a. The permittee and the property owner shall maintain the outdoor dining area and the adjoining street, curb, gutter and sidewalk in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.

- b. Activities involving the outdoor dining area shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
- c. If necessary, the permittee or the property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration and in accordance with prevailing storm water and water quality regulations.
- d. Furniture and appurtenances shall be kept clean and in good condition. Umbrellas shall be kept secure in windy conditions, and fire-treated.

### **18.23.150 Outdoor Retail Sales**

Outdoor retail sales shall be located, developed, and operated in compliance with the standards of this section.

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 18.23.240, Temporary Uses, and Chapter 18.31, Temporary Use Permits. An encroachment permit is required for any temporary outdoor display and sales within the public right of way; reasonable conditions of approval of such permits may be imposed to ensure unobstructed pedestrian movement in a minimum clear zone and to maintain clean sidewalks.
- B. **Downtown Outdoor Display and Sales.** Outdoor display and sale of merchandise in downtown districts shall comply with this Section and Title 12 of the San Carlos Municipal Code. Outdoor display and sale of merchandise is permitted on private property in the MU-DC, MU-D, MU-N and the MU-SB. Outdoor display and sale of merchandise is permitted on public property and in the right-of-way in the MU-DC, MU-D with frontage on Laurel Street and San Carlos Avenue, MU-N with frontage on Holly Street, MU-N south of Arroyo Avenue and the MU-SB with frontage on Laurel Street. The display area shall not encroach in a public right-of-way, street, alley, sidewalk or other public property without first obtaining an Encroachment Permit.
  1. **General Requirements.**
    - a. *Application Information.* Applicant shall submit a site plan and description of the proposed outdoor display and sales area. The plan shall be drawn to scale showing the location of buildings and structures. In cases where outdoor sales are proposed for location in the public right-of-way, the site plan shall include the location of street furnishings and trees, adjacent to the proposed outdoor display and sales area. The plan shall show locations, number and the arrangement of portable appurtenances proposed. Colors and commercial grade materials shall be specified. In addition to any other application materials required, an application for an outdoor display

and sales area shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays.

- b. *Hours of Operation.* Hours of outdoor display and sales shall be limited to the hours of operation of the associated commercial establishment.
- c. *Permits and Licenses.* The applicant shall obtain a City of San Carlos Zoning Clearance/Minor Architectural Review approval and an annual Business Registration. In the case of outdoor display and sales in the public right-of-way, an annual City of San Carlos encroachment permit is required.

2. ***Outdoor Retail Sales Standards.***

- a. *Design.*
  - i. The design of all improvements, sales racks and furniture shall be of a quality to sustain weather and wear, and shall be of commercial grade materials. Vinyl or plastic tablecloths are not permitted.
  - ii. The merchandise in the outdoor display and sales area including but not limited to the display racks, tables and stands shall not exceed a height of six feet and in no case be lower than two feet.
  - iii. Display and sales area fixtures and appurtenances shall be stable and secure in all wind and weather conditions. Umbrellas and awnings shall be solid color canvas. Sun screens shall be a fabric and retractable. No generic advertising or signage is permitted.
  - iv. The display and sales area shall not exceed 25 percent of the width of the frontage of the associated business storefront.
- b. *Operation.*
  - i. Outdoor display and sales conducted by a business shall be located in front of the associated business storefront.
  - ii. All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale. All sale transactions shall be conducted indoors.
  - iii. Outdoor display and sales areas are exempt from the parking requirements of Chapter 18.20, Parking and Loading.

- iv. All display and sale merchandise, furniture and fixtures and other portable appurtenances shall be removed from outdoors at the end of each business day. No outside storage shall be permitted.
- c. *Maintenance.*
  - i. The permittee and the property owner shall maintain the outdoor display and sales area and the adjoining street, curb, gutter and sidewalk in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.
  - ii. Activities involving the outdoor display and sales area shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
  - iii. If necessary, the permittee or the property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration and in accordance with prevailing storm water and water quality regulations.
  - iv. Furniture, fixtures and appurtenances shall be kept clean and in good condition.
- 3. ***Outdoor Retail Sales in the Public Right-of-Way.***
  - a. *Encroachment Permit Required.* An encroachment permit approved by the City Engineer is required for any outdoor display and sales located in the public right-of-way. No part of an outdoor display and sales area shall be permanently attached to the building, public right-of-way or sidewalk.
  - b. *Minimum Clearance.* A minimum of six feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, parking meters, traffic signs, trees and all similar obstacles shall constitute obstructions within the sidewalk area.
    - i. Where the outdoor display and sales area is located adjacent to a street, an 18-inch clearance shall be maintained from the face of the curb to the outdoor retail sales area unless there is parking parallel to the street, in which case a two-foot clearance is required.
    - ii. Minimum width of access opening shall be 44 inches. No outdoor display and sales area shall obstruct any points of building ingress and/or egress.

- iii. On a corner lot, the outdoor display and sales area shall not be located within the area bound by the extensions of the corner building walls between the building and the curb.
  - iv. Vertical clearance of seven feet shall be maintained.
- C. **On-going Outdoor Display/Sales.** The on-going outdoor display of merchandise—except for Automobile/Vehicle Sales and Leasing, which is subject to Section 18.23.050, Automobile/Vehicle Sales and Services—requires approval of a Conditional Use Permit in accordance with Chapter 18.30, Use Permits, and shall comply with the following minimum standards:
1. **Location.** Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.
  2. **Screening.** All outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales shall be screened from adjacent public rights-of-way and residential districts by decorative solid walls, solid fences, or landscaped berms.
  3. **Location of Merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

### 18.23.160 Outdoor Storage

Outdoor storage shall be located, developed and operated in compliance with the following standards.

- A. **Applicability.** Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid Building Permit. All storage in the public right-of-way shall be subject to an Encroachment Permit.

- B. **Permitted Locations.** The table below states the districts where outdoor storage is permitted and prohibited.

**TABLE 18.23.160-B: OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION**

<i>Base Districts</i>	<i>Permissibility of Open Storage</i>
Residential, Mixed-Use, and NR Districts	Not permitted (All storage must be within an enclosed building).
IA, IP, and Public and Semi-Public Districts	Permitted as an accessory use outside of required yards, parking and circulation areas, and required landscaped areas subject to the standards of this section.
GCI, IL and IH Districts	Permitted as a principal use outside of required yards, parking and circulation areas, and required landscaped areas subject to the standards of this section.

- C. **Surfacing.** Outdoor storage areas shall be surfaced with a minimum thickness of two inches of Type A asphalt concrete over 95 percent relative compaction native soil, or a minimum thickness of six inches of Class B concrete. Such surfacing shall be permanently maintained free of structural defects. The Director allow outdoor storage of non-hazardous materials on other surfacing only if the following findings can be made:

1. The proposed surfacing is appropriate to the type of product stored.
2. The proposed surfacing will conform to all applicable federal and State air and water quality standards.

**18.23.170 Personal Services**

Personal service establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified in a Zoning Clearance, Conditional Use Permit or other permit.
- B. **Location.** As specified in the Base District regulations, with additional provisions specified in this section.
- C. **MU-DC District.** Personal Services are permitted within the 600, 700 and 800 blocks of Laurel Street and the 1100 and 1200 blocks (south side only) of San Carlos Avenue, in accordance with the following criteria:
  1. Existing Personal Services uses may continue to occupy their current location but shall not expand greater than 25 percent of their floor area as it existed on August 22, 1994.

2. New Personal Services uses may move into a location that was previously a Personal Services use provided:
  - a. That location has not been vacant for more than six months; and
  - b. The new business type is the same as the previous business type, i.e., beauty salon for beauty salon, shoe repair for shoe repair, etc.
3. New Personal Services may move into a location that was previously retail, restaurant, personal services, or a space that was vacant for more than six months provided no other personal service use of any type exists within a three-hundred-foot radius of the proposed use.

D. **Massage Establishments.** Regulation of the operation of massage establishments is provided for in Title 5 of the San Carlos Municipal Code in the interest of public health, safety and welfare by providing minimum sanitation and health standards for such establishments and by ensuring that persons offering services therein possess the minimum qualifications necessary to operate such businesses and to perform such services.

1. ***Permits and Licenses.***

- a. A Massage Establishment shall be subject to and in conformance with the provisions of Chapter 5.40 et seq of the San Carlos Municipal Code.
- b. Prior to establishment of the Massage Establishment, the applicant shall apply for and receive an annual Business Registration as set forth in Chapter 5.04 of the San Carlos Municipal Code.

E. **Medical Marijuana Collective.**

1. ***Permits and Licenses.***

- a. A Medical Marijuana Collective must, prior to commencement of such business, apply for and receive from the Planning Commission or the City Council, upon appeal, a Conditional Use Permit. Registration restrictions and operating restrictions pursuant to Sections 8.09.040 and 8.09.050 of the San Carlos Municipal Code shall be imposed as conditions of the Conditional Use Permit.
- b. A Medical Marijuana Collective shall be subject to and in conformance with the provisions of Chapter 8.09 et seq of the San Carlos Municipal Code.
- c. Prior to establishment of the Medical Marijuana Collective, the applicant shall apply for registration pursuant to Section 8.09.040 and

apply for and receive an annual Business Registration as set forth in Chapter 5.04 of the San Carlos Municipal Code.

2. **Location.** Medical Marijuana Collectives may not be operated or located in or within 1,000 feet of a Residential District, school, park, recreation center, youth center or playground.
- F. **Tattoo or Body Modification Parlor.** The following standards regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.
1. **Location.** Tattoo and body modification parlors shall be located a minimum of 500 feet from any other such establishment, any public park and any school for students in any grade from kindergarten through 12th grade.
  2. **Registration Required.** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the San Mateo County Department of Health.
  3. **No Persons Under 18.** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age.

### 18.23.180 Personal Storage

Personal storage facilities shall be located, developed and operated in compliance with the following standards.

- A. **Business Activity.** All personal storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.
- C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.
- E. **Circulation.** Driveway aisles shall be a minimum of 20 feet wide.

- F. **Exterior Wall Treatments and Design.** Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- G. **Screening.** Where exterior wall are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- H. **Fencing.** A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.

### 18.23.190 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Reverse Vending Machines.**
1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
  2. **Location.** Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.
  3. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
  4. **Signs.** The maximum sign area on a machine is four square feet, exclusive of operating instructions.
  5. **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
  6. **Trash Receptacle.** Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

**B. Recycling Collection Facilities.**

1. **Size.** Recycling collection facilities shall not exceed a building site footprint of 350 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.
3. **Location.** Facilities shall not be located within 50 feet of a residential district.
4. **Setback.** Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.
5. **Containers.** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.
6. **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
7. **Signs.** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.
8. **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.
9. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

**C. Recycling Processing Facility.**

1. **Location.** Facilities shall not abut a Residential District.
2. **Screening.** The facility must be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
3. **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

### 18.23.200 Residential Care Facilities

Residential care facilities shall be located, developed and operated in compliance with the following standards:

- A. **Location.** Minimum distance from other residential care facilities shall be 300 feet.
- B. **Screening and Landscaping.** A minimum six foot high solid wall or fence shall be provided for purposes of screening and securing outdoor recreational areas. Chain metal fencing and barbed wire are prohibited. All other provisions of Chapter 18.18, Landscaping, shall apply.
- C. **Licensing.** Residential care facilities shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.
- D. **No Drug or Alcohol Use.** Residents and staff shall sign an agreement affirming that use of drugs or alcohol on the premises is prohibited and acknowledging that drug or alcohol use will result in termination or eviction.

### 18.23.210 Second Dwelling Units

- A. **Purpose.** The purpose of this section is to:
  1. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with California Government Code Section 65852.2; and
  2. Maintain the single-family character of neighborhoods in the City.
- B. **Standards.**
  1. **Location.** Second units may be established on any lot in any district where a primary single unit dwelling has been previously established or is proposed to be established in conjunction with construction of a second unit and there is no other second dwelling unit within a 400 feet measured from nearest edge of the lot line of each respective or proposed second dwelling unit. The Director may grant a waiver to the 400-foot separation requirement if he finds that there are no substantial parking, privacy, noise, health and safety or visual impacts to neighbors associated with the location and siting of the detached Second Dwelling Unit. The Director shall hold a public hearing before allowing a waiver with notice to neighbors at least 20 days prior to the hearing and as provided for in Chapter 18.27, Common Procedures.

2. **Number of Units.** Only one second unit is permitted per primary single-family dwelling on the same lot.
3. **Type of Unit.** The second unit shall provide separate, independent living quarters for one household. The second unit may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this section. An existing single-family dwelling may be converted into two dwelling units.
4. **Maximum Floor Area – Detached Units.** The gross floor area of a detached second unit shall not exceed 640 square feet.
5. **Development Standards.** Second units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the following development standards, other requirements of the zoning ordinance, and other applicable City codes.
  - a. **Height.** The maximum height of a Second Dwelling Unit is 15 feet; 28 feet if located over a detached garage
  - b. **Setbacks.** In addition to all other requirements of the zoning district, any detached Second Dwelling Units shall be located a minimum of five feet from all side and rear lot lines.
    - i. The Director may grant a waiver to this setback requirement for Second Units constructed prior to January 1, 2003 if the length of the building does not exceed 25 feet or one-third of the unobstructed distance along a lot line or the structure has been determined to be legally nonconforming and if he finds that there are no substantial privacy, noise, health and safety or visual impacts to neighbors associated with the location and siting of the detached Second Dwelling Unit.
    - ii. In no event shall any detached Second Dwelling Unit be located closer than three feet from any property line.
    - iii. The Director shall hold a public hearing before allowing a waiver with notice to neighbors at least 20 days prior to the hearing and as provided for in Chapter 18.27, Common Procedures.
  - c. **Openings.** Openings, including but not limited to windows and doors, for detached Second Dwelling Units that are located 10 feet or less from an interior side or rear lot line are prohibited on walls facing such lot lines.

- i. The Director may grant a waiver, pursuant to the provision of Chapter 18.33, Waivers, to allow openings for detached Second Dwelling Units that are located 10 feet or less from a side or rear lot line on walls facing lot lines if he/she finds that there are no substantial privacy, noise, health and safety or visual impacts to neighbors associated with the location and siting of the detached Second Dwelling Unit.
  - ii. The Director shall hold a public hearing before allowing a waiver with notice to neighbors at least 20 days prior to the hearing and as provided for in Chapter 18.27, Common Procedures.
6. **Architectural Compatibility.** The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit shall be substantially the same as and visually compatible with the primary dwelling.
7. **Parking.** One independently usable on-site parking space shall be provided for the Second Dwelling Unit, which shall be provided in addition to the required parking for the primary single-unit dwelling. This space shall comply with all development standards set forth in Chapter 18.20, Parking and Loading.
  - a. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.
  - b. Required parking for the primary single-family dwelling may not be removed for the creation of a Second Dwelling Unit (e.g., garage conversions), or allocated to meet the parking requirement for the Second Dwelling Unit, unless replacement parking is provided in accord with this Ordinance.
8. **Code Compliance.** The second unit shall comply with all provisions of the Municipal Code in effect at the time of approval of the Building Permit for the second unit.
9. **Emergency Access.** A Second Dwelling Unit may be permitted only on a lot with access from a roadway that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1.
10. **Owner Occupancy.** Either the primary dwelling unit or the Second Dwelling Unit shall be owner-occupied. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property. The restrictive covenant shall confirm that either the primary dwelling unit or the

Second Dwelling Unit shall be owner-occupied and prohibit rental of both units at the same time. It shall further provide that the Second Dwelling Unit shall not be sold, or title thereto transferred separate and apart from the rest of the property.

- C. **Amnesty (Pre-Existing Units).** Record owners of Second Dwelling Units constructed prior to January 1, 2003, who wish to legalize such units without penalty, may obtain a certificate of legalization from the Building Official by complying with the following requirements. For purposes of this section, the time of construction for amnesty units shall mean the date the structure was initially used as a Second Dwelling Unit. A structure not used as a Second Dwelling Unit prior to January 1, 2003, and converted to a Second Dwelling Unit on or after that date shall be considered a new Second Dwelling Unit and shall be required to meet current requirements of the Building Code and all standards of Subsection C of this section.
1. Provide evidence to the satisfaction of the Building Official that the Second Dwelling Unit was constructed prior to January 1, 2003.
  2. Provide plans and documentation demonstrating compliance with Subsection 18.23.210(B), Standards.
  3. Provide the Building Official a property inspection report for the Second Dwelling Unit from a licensed contractor, or property inspector, which report shall be subject to Building Department verification and correction of any code violations noted. The Building Official may authorize a City Inspector to provide the inspection report at his/her discretion.
  4. Correct any health and safety defects in construction and comply with any codes in effect at the time of original construction of the Second Dwelling Unit to the satisfaction of the Building Official.
  5. Pay all required fees.

#### **18.23.220 Single Room Occupancy Hotels**

Single room occupancy (SRO) hotels shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.
- C. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.

- D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit shall have a separate closet.
- H. **Common Area.** Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.
- J. **Facility management.** An SRO Facility with 10 or more units shall provide full-time on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.
- K. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan must include the following:
1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
  2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
  3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
  4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
  5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

### 18.23.230 Social Service Facilities

All Social Service Facilities shall be located, developed, and operated in compliance with the following standards:

- A. Adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers;
- B. Sufficient patron seating facilities for dining, whether indoor or outdoor;
- C. Effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas;
- D. A plan of operation, including but not limited to, patron access requirements, hours of operation, control of congregate activity, security measures, litter control, and noise attenuation; and
- E. Evidence of compliance with all Building and Fire Safety regulations and any other measures necessary and appropriate to ensure compatibility of the proposed use or uses with the surrounding area.

### 18.23.240 Temporary Uses

This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses Not Requiring a Temporary Use Permit.** The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as Building Permits, may be required.
  - 1. **Garage Sales.** Garage sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
    - a. A nonprofit organization or association of persons may conduct a garage sale at the residence of one or more of its members pursuant to all of the requirements of this section. One such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the three sales per year limitation set forth in subparagraph 1(b) below.
    - b. No more than three garage sales shall be conducted on a site in any calendar year; however, a fourth sale shall be permitted if satisfactory proof of a bona fide change in ownership of real property is first presented to the Director.

- c. No single sale event shall be conducted for longer than three consecutive days.
  - d. Garage sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
  - e. Garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m.
  - f. Property offered for sale at a garage sale may be displayed only within the perimeters of the residence, the driveway, or the rear yard of the property on which the garage sale is being conducted.
  - g. A maximum of four off-site directional signs, not to exceed 18 inches by 24 inches, shall be permitted. Signs may be displayed only during the hours the garage sale is actively being conducted and shall be removed at the completion of the sale. No signs shall be placed on utility poles or in the public right-of-way.
  - h. The conduct of general retail sales or commercial activities in residential zones, except as is otherwise expressly authorized under this Ordinance, shall be prohibited.
2. ***Non-Profit Fund Raising.*** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.
  3. ***Temporary Construction Office Trailers.*** On-site temporary construction offices during the period of construction. Screening may be required by the Director.
- B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter 18.31, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
1. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:
    - a. ***Time Period.*** Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.

- b. *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.
2. ***Special Events and Sales.*** Other short term special events, outdoor sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
  - a. *Location.* Events are limited to non-residential districts.
  - b. *Number of Events.* No more than four events at one site shall be allowed within any 12-month period.
  - c. *Signs.* Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four square feet in area, subject to Chapter 18.22, Signs.
  - d. *Existing Parking.* The available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by Chapter 18.20, Parking and Loading.
  - e. *Recreational Special Events.* Short term recreational special events shall be part of an existing Commercial Recreation or Personal Service use located on the same site.
  - f. *Carnivals, Fairs, and Festival Events.* Carnivals, fairs, and festival events are also subject to the following standards:
    - i. Location. Carnivals, fairs, and festival events are limited to areas within commercial or employment districts, or on land owned by a school.
    - ii. Time Limit. When located adjacent to a residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
3. ***Temporary Outdoor Sales.*** Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—are also subject to the following standards:
  - a. Temporary outdoor sales shall be part of an existing business on the same site.
  - b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.

- c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- C. **Temporary Uses Requiring a Minor Use Permit.** Other special events, outdoor sales, and displays that exceed three consecutive days but not more than one month, may be allowed with the approval of a Minor Use Permit so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts.

### **18.23.250 Transitional and Supportive Housing**

Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.

## **Chapter 18.24 Telecommunications Facilities**

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(No changes to Chapter 18.118, Wireless Telecommunication Facilities, are proposed at this time.)

## **Chapter 18.25      Transportation Demand Management**

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### **Sections:**

- 18.25.010 Purpose
- 18.25.020 Applicability
- 18.25.030 Performance Requirements
- 18.25.040 Trip Reduction Measures
- 18.25.050 Submittal Requirements
- 18.25.060 Required Findings
- 18.25.070 Modifications and Changed Plans
- 18.25.080 Monitoring

### **18.25.010      Purpose**

The specific purposes of this chapter are to:

- A. Reduce the amount of traffic generated by new development and the expansion of existing development;
- B. Promote the more efficient utilization of existing transportation facilities and ensure that new developments are designed in ways to maximize the potential for alternative transportation usage; and
- C. Establish an ongoing monitoring and enforcement program to ensure that the City's desired alternative mode use percentages are achieved.

### **18.25.020      Applicability**

The requirements of this chapter apply to:

- A. New multi-unit development of 10 units or more;
- B. New non-residential development of 10,000 square feet or more;
- C. Additions to non-residential buildings that are 10,000 square feet or more in size that expand existing gross floor area by 10 percent or more; and
- D. Establishment of a new use, change of use, or change in operational characteristics in a building that is 10,000 square feet or more in size that results in an average daily trip increase of more than 10 percent of the current use, based on the most recent Institute of Traffic Engineers (ITE) trip generation rates.

### **18.25.030 Performance Requirements**

All projects subject to the requirements of this chapter shall incorporate measures to meet vehicle trip generation rates that are 20 percent lower than the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) trip generation manual.

### **18.25.040 Trip Reduction Measures**

All projects subject to the requirements of this chapter shall implement any combination of the following measures to achieve the required minimum vehicle trip generation reduction. Guidelines listing the number of trips that are reduced per trip reduction measure are available from the City/County Association of Governments of San Mateo County.

- A. **Passenger Loading Zones.** Passenger loading zones for carpool and vanpool drop-off located near the main building entrance.
- B. **Direct Route to Transit.** A well-lighted path or sidewalk utilizing the most direct route to the nearest transit or shuttle stop from the building.
- C. **Pedestrian Connections.** Safe, convenient pedestrian connections provided from the project to surrounding public streets and, if applicable, trails. Under this requirement, lighting, landscaping and building orientation are designed to enhance pedestrian safety.
- D. **Bicycle Connections.** If a site is abutting a bicycle path, lane or route, provision of a bicycle connection close to an entrance to the building on the site.
- E. **Land Dedication for Transit/Bus Shelter.** Where appropriate, land dedicated for transit or a bus shelter provided based on the proximity to a transit route.
- F. **Long-Term Bicycle Parking.** Covered and secure long-term bicycle parking located within 75 feet of a main entrance. Long-term bicycle parking must be in at least one of the following facilities:
  - 1. An enclosed bicycle locker;
  - 2. A fenced, covered, locked or guarded bicycle storage area; or
  - 3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.
- G. **Short-Term Bicycle Parking.** Secure short-term bicycle parking located within 50 feet of a main entrance to the building.

- H. **Free Preferential Carpool and Vanpool Parking.** Ten percent of vehicle spaces reserved for carpools or vanpools, with a minimum of one space required. The preferential parking spaces shall be provided free of charge.
- I. **Showers/Clothes Lockers.** Shower and clothes locker facilities free of charge.
- J. **Transportation Management Association (TMA).** Participation in or requirement for tenant to participate in a local TMA, the Peninsula Congestion Relief Alliance (Alliance) or a similar organization approved by the Director, that provides ongoing support for alternative commute programs.
- K. **Paid Parking at Prevalent Market Rates.** Parking provided at a cost equal to the prevalent market rate, as determined by the City based on a survey of paid parking in the City and adjacent communities.
- L. **Alternative Commute Subsidies/Parking Cash Out.** Provide employees with a subsidy, determined by the applicant and subject to review by the Director, if they use transit or commute by other alternative modes.
- M. **Carpool and Vanpool Ride-matching Services.** Matching of potential carpools and vanpools by administering a carpool/vanpool matching program.
- N. **Guaranteed Ride Home.** Guaranteed rides home in emergency situations for carpool, vanpool and transit riders. Rides shall be provided either by a transportation service provider (taxi or rental car) or an informal policy using company vehicles/and or designated employees.
- O. **Shuttle Program.** Provision of a shuttle program or participation in an existing shuttle program approved by the Director and subject to any fees for the existing program.
- P. **Information Boards/Kiosks.** Display of the following information in a prominent location, maintained by a designated TDM contact: transit routes and schedules; carpooling and vanpooling information; bicycle lanes, routes and paths and facility information; and alternative commute subsidy information.
- Q. **Promotional Programs.** Promotion and organization of events for the following programs: new tenant and employee orientation packets on transportation alternatives; flyers, posters, brochures, and emails on commute alternatives; transportation fairs; Spare the Air (June - October); Rideshare Week (October); trip planning assistance-routes and maps.
- R. **Compressed Work Week.** Allow employees or require tenants to allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite.

- S. **Flextime.** Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.
- T. **On-site Amenities.** One or more of the following amenities provided on-site: ATM, day care, cafeteria, limited food service establishment, dry cleaners, exercise facilities, convenience retail, post office, on-site transit pass sales.
- U. **Telecommuting.** Provide or require tenants to provide opportunities and the ability for employees to work off-site.
- V. **Other Measures.** Additional measures not listed in this chapter, such as childcare facilities or an in-lieu fee that would be negotiated in a development agreement with the City.

#### **18.25.050 Submittal Requirements**

All projects subject to the requirements of this chapter shall submit a transportation demand management plan in conjunction with the development application. These plans must demonstrate that, upon implementation, they will achieve the required alternative mode use and shall include the following.

- A. **Checklist.** A completed checklist of the trip reduction measures chosen by the applicant pursuant to Section 18.25.040, Trip Reduction Measures.
- B. **Trip Generation.** Estimated daily trip generation for the proposed use based on the ITE trip generation rates.
- C. **Implementation Plan.** A description of how the applicable minimum alternative mode use will be achieved and maintained over the life of the project, including, but not limited to, the transportation demand management goals targeted for the various measures.
- D. **Designated TDM Contact.** Designation of an employee or resident as the official contact for the transportation demand management program. The City shall be provided with a current name and phone number of the designated TDM contact who administers carpool and vanpool ride-matching services and promotional programs, updates information on the information boards/kiosks, and is the official contact for the administration of the annual survey and triennial report.

- E. **Site Plan.** A site plan that designates transportation demand management design elements including:
1. **External:** preferential parking areas, paid parking areas, bicycle connections, bicycle parking, location of onsite amenities, passenger loading areas, land dedicated for transit facilities and bus shelters, direct route to transit, and pedestrian connections.
  2. **Internal:** showers/lockers, information boards/kiosks, ATM, dry cleaners, day care, convenience retail, post office, cafeteria, limited food service establishment, exercise facilities, onsite transit pass sales.

#### **18.25.060 Required Findings**

Prior to approval of a permit for a project subject to the requirements of this chapter, the Review Authority shall make both of the following findings:

- A. The proposed trip reduction measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation; and
- B. The proposed performance guarantees will ensure that the target alternative mode use established for the project by this chapter will be achieved and maintained.

#### **18.25.070 Modifications and Changed Plans**

- A. **Minor Modifications.** The Director may approve minor modifications to an approved transportation demand management plan that are consistent with the original findings and conditions approved by the Review Authority and would result in the same target minimum alternative mode use.
- B. **Changed Plans.** A change in an approved project that would result in the addition of 10 percent of the building area or a 10 percent increase in the number of average daily trips shall be treated as a new application.

#### **18.25.080 Monitoring**

A report, documenting the TDM activities undertaken and their results, shall be submitted to the Director annually at the responsibility of the applicant. A five-year review shall evaluate the overall effectiveness of all of the TDM activities and may suggest new or modified activities or substitute activities to meet the program's objectives, per the Director's review and approval. The Director may impose reasonable changes to assure the program's objectives will be met.

# Article IV: Administration and Permits

## Chapter 18.26 Planning Authorities

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### Sections:

- 18.26.010 Purpose
- 18.26.020 City Council
- 18.26.030 Planning Commission
- 18.26.040 Residential Design Review Committee
- 18.26.050 Community Development Director
- 18.26.060 Zoning Administrator
- 18.26.070 Summary of Review Authorities for Decisions and Appeals

### **18.26.010 Purpose**

The purpose of this chapter is to identify the bodies, officials, and administrators with designated responsibilities under various chapters of the Zoning Ordinance. Subsequent chapters of Article IV provide detailed information on procedures, applications, and permits, including zoning and General Plan text and map amendments, establishment of fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

### **18.26.020 City Council**

The powers and duties of the City Council under this Ordinance include, but are not limited to the following:

- A. Consider and adopt, reject or modify amendments to the General Plan map and text pursuant to the provisions of Chapter 18.34, Amendments to General Plan, and of the Government Code, following a public hearing and recommended action by the Planning Commission.
- B. Consider and adopt amendments to the Zoning Map and to the text of this Ordinance pursuant to the provisions of Chapter 18.35, Amendments to Zoning Ordinance and Map, and the Government Code, following a public hearing and recommended action by the Planning Commission.
- C. Adopt guidelines for design review pursuant to Chapter 18.29, Design Review.

- D. Hear and decide proposals to revoke permits, pursuant to Section 18.27.140, Revocation of Permits, following a public hearing and recommended action by the Planning Commission.
- E. Hear and decide applications for development agreements, pursuant to Chapter 18.37, Development Agreements.
- F. Hear and decide appeals from decisions of the Planning Commission on Use Permits, Variances, and any other permits that can be appealed, pursuant to Section 18.27.150, Appeals.
- G. Hear and decide appeals on environmental determinations by the Director or the Planning Commission, pursuant to Section 18.27.050, Environmental Review.
- H. Appoint and remove members of the Planning Commission as provided for in Title 2, Administration and Personnel, of the Municipal Code.
- I. Appoint and remove a citizen volunteer and a design professional as members of the Residential Design Review Committee.
- J. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Ordinance.

### **18.26.030 Planning Commission**

The Planning Commission is established and organized pursuant to Chapter 2.24, Commissions of the Municipal Code and the requirements of the Government Code. The powers and duties of the Planning Commission under this Ordinance include, but are not limited to the following:

- A. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Chapter 18.34, Amendments to General Plan.
- B. Annually review progress towards implementation of the General Plan and recommend to the City Council changes needed due to new legislation, development trends and changing economic, social and environmental conditions.
- C. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of this Ordinance, pursuant to Chapter 18.35, Amendments to Zoning Ordinance and Map.
- D. Approve, conditionally approve, modify or deny Conditional Use Permits and Variances, pursuant to Chapter 18.30, Use Permits, and Chapter 18.32, Variances.
- E. Hear and decide on modifications to approved Conditional Use Permits and Variances, pursuant to Section 18.27.130, Modification of Approved Plans.

- F. Conduct hearings and make recommendations to the City Council on applications for preliminary development plans, pursuant to Chapter 18.36, Planned Development.
- G. Conduct hearings and make recommendations to the City Council on proposed revocations of permits, pursuant to Section 18.27.140, Revocation of Permits.
- H. Hear and decide appeals from decisions of the Community Development Director or the Zoning Administrator on decisions, determinations, or interpretations made in the enforcement of this Ordinance and any other decisions that are subject to appeal, pursuant to Section 18.27.150, Appeals.
- I. Hear and decide appeals of decisions by the Residential Design Review Committee, pursuant to Section 18.27.150, Appeals.
- J. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the City of San Carlos's adopted environmental review guidelines pursuant to the State law and the procedures in Section 18.27.050, Environmental Review.
- K. Prepare and recommend to the City Council for adoption guidelines for conducting design review, pursuant to Chapter 18.29, Design Review.
- L. Conduct design review on any approvals it grants that are subject to design review pursuant to Chapter 18.29, Design Review.
- M. Appoint and remove one member of the Planning Commission as a member of the Residential Design Review Committee.
- N. Such other duties and powers as assigned or directed by the City Council.

#### **18.26.040 Residential Design Review Committee**

The Residential Design Review Committee is established to conduct design review of proposed residential development pursuant to Chapter 18.29, Design Review. It is organized and has the powers and responsibilities as follows:

- A. **Membership, Terms of Office, and Officers.** The Residential Design Review Committee shall consist of three members: (1) a Planning Commissioner, appointed by the Planning Commission; (2) a citizen volunteer, appointed by the City Council; and (3) an architect or design professional appointed by the City Council. No member shall serve a consecutive term longer than six years.
- B. **Powers and Responsibilities.** The Residential Design Review Committee shall conduct residential design review in accord with Chapter 18.29, Design Review and any adopted design review guidelines.

**18.26.050 Community Development Director**

The following powers and duties of the Community Development Director (the "Director") under this Ordinance include, but are not limited to the following.

- A. Maintain and administer the Zoning Ordinance, including processing of applications, abatements and other enforcement actions.
- B. Interpret the Zoning Ordinance to members of the public and to other City Departments.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures must be as approved by a resolution of the City Council following review and recommendation of the Planning Commission. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure and recordkeeping).
- D. Issue administrative regulations for the submission and review of applications subject to the requirements of this Ordinance and Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
- E. Review applications for permits and licenses for conformance with this Ordinance and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.
- F. Review applications for discretionary permits and approvals under this Ordinance for conformance with applicable submission requirements and time limits.
- G. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under the California Environmental Quality Act and the City's environmental review requirements and notify the applicant if any additional information is necessary to conduct the review.
- H. Process and make recommendations to the City Council on all applications, amendments, appeals and other matters upon which the Council has the authority and the duty to act under this Ordinance.
- I. Process and make recommendations to the Planning Commission on all applications, appeals and other matters upon which the Commission has the authority and the duty to act under this Ordinance.
- J. Conduct design review pursuant to Chapter 18.29, Design Review.
- K. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.

- L. Approve, conditionally approve, modify or deny requests for tree removal, pursuant to Section 18.18.070(C), Tree Removal Permits.
- M. Approve, conditionally approve, modify or deny requests for waivers to dimensional requirements, pursuant to Chapter 18.33, Waivers.
- N. Negotiate the components and provisions of development agreements for recommendation to the City Council.
- O. Serve as Staff of the Planning Commission and Residential Design Review Committee.
- P. Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.
- Q. Delegate administrative functions as he/she so deems to members of the Planning Division.
- R. Appoint a Zoning Administrator pursuant to Section 18.26.060, Zoning Administrator.
- S. Other duties and powers as may be assigned by the City Council or established by legislation.

#### **18.26.060 Zoning Administrator**

The Zoning Administrator is a City staff member appointed by the Director with the following powers and duties.

- A. Hear and decide applications for Minor Use Permits, modifications to conditions of approved Minor Use Permits, and time extensions of Use Permits, pursuant to Chapter 18.30, Use Permits.
- B. Approve, conditionally approve, modify or deny applications for Temporary Use Permits, pursuant to Chapter 18.31, Temporary Use Permits.
- C. Hear and decide requests for minor modifications to approved permits, pursuant to Section 18.27.130, Modification of Approved Plans.
- D. Refer items to the Planning Commission where, in his opinion, the public interest would be better served by a Planning Commission public hearing and action.
- E. Other duties and powers as may be assigned by the Director.

**18.26.070 Summary of Review Authorities for Decisions and Appeals**

<b>TABLE 18.26.070: REVIEW AUTHORITY</b>				
<b>Application or Action</b>	<b>Found in Chapter</b>	<b>Advisory Body</b>	<b>Decision Maker</b>	<b>Appeal Body</b>
<b>Type One: Ministerial Actions</b>				
Zoning Clearance	18.28	N/A	Director	Planning Commission
Interpretations	18.27	N/A	Director	Planning Commission
Minor Changes to an Approved Permit	18.27	N/A	Zoning Administrator	Planning Commission
<b>Type Two: Discretionary Quasi-Judicial Actions</b>				
Tree Removal	18.18	N/A	Director	Planning Commission
Waiver from Dimensional Standards	18.33	N/A	Director	Planning Commission
Permit Modifications, Major	18.27	Zoning Administrator	Review Authority of Original Permit	City Council
Permit Revocation	18.27	Planning Commission	City Council	Superior Court
Temporary Use Permits	18.31	N/A	Zoning Administrator	Planning Commission
Design Review	18.29	N/A	Director, Residential Design Review Committee, or Planning Commission	Planning Commission or City Council
Minor Use Permits	18.30	N/A	Zoning Administrator	Planning Commission
Conditional Use Permits	18.30	Director	Planning Commission	City Council
Variances	18.32	Director	Planning Commission	City Council
<b>Type Three: Discretionary Legislative Actions</b>				
General Plan Text and Map Amendments	18.34	Planning Commission	City Council	Superior Court
Zoning Ordinance and Map Amendments	18.35	Planning Commission	City Council	Superior Court
Planned Development Districts	18.36	Planning Commission	City Council	Superior Court
Development Agreements	18.37	Director	City Council	Superior Court
Pre-zoning	18.38	Planning Commission	City Council	Superior Court

## Chapter 18.27 Common Procedures

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### Sections:

- 18.27.010 Purpose
- 18.27.020 Application Forms and Fees
- 18.27.030 Pre-Application Review
- 18.27.040 Review of Applications
- 18.27.050 Environmental Review
- 18.27.060 Public Notice
- 18.27.070 Conduct of Public Hearings
- 18.27.080 Timing and Notice of Action and Findings Required
- 18.27.090 Ex Parte Communications
- 18.27.100 Scope of Approvals
- 18.27.110 Effective Dates
- 18.27.120 Expiration and Extension
- 18.27.130 Modification of Approved Plans
- 18.27.140 Revocation of Permits
- 18.27.150 Appeals
- 18.27.160 Interpretations and Determinations

### 18.27.010 Purpose

This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Ordinance, unless superseded by specific requirement of this Ordinance or State law.

### 18.27.020 Application Forms and Fees

- A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the Director, of the right to use and possess the property as applied for, shall accompany the application.
- B. **Application Forms and Materials.**
  - 1. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance.
  - 2. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the

proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.

3. **Availability of Materials.** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

#### C. **Application Fees.**

1. **Schedule of Fees.** The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items.
2. **Payment of Fees.** No application shall be accepted as complete and processed without payment of a fee unless a fee waiver has been approved.
3. **Multiple Applications.** The City's processing fees are cumulative. For example, if an application for Design Review also includes a Conditional Use Permit, both fees shall be charged.
4. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Municipal Code.
5. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the San Carlos Municipal Code or by policy of the City Council.

#### 18.27.030 **Pre-Application Review**

Pre-application review is a review process that is intended to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large or complex projects and projects that are potentially controversial.

- A. **Exemption from Permit Streamlining Act.** Pre-application review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 18.27.040, Review of Applications.
- B. **Review Procedure.** The Planning Division shall conduct pre-application review. The Director may consult with or request review by any City agency or official with interest in the application.

- C. **Recommendations are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

#### **18.27.040 Review of Applications**

- A. **Review Process.** The Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee.
- B. **Incomplete Application.** If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.
1. **Zoning Ordinance Violations.** An application shall not be found complete if conditions exist on the site in violation of this Ordinance or any permit or other approval granted in compliance with this Ordinance, unless the proposed project includes the correction of the violations.
  2. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section 18.27.150, Appeals, except there shall be a final written determination on the appeal not later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.
  3. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the Director, which must be no sooner than 30 days. The Director may grant one extension of up to 90 days.
  4. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.
- C. **Complete Application.** When an application is determined to be complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time.
- D. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Ordinance.

### 18.27.050 Environmental Review

As part of the review to determine whether an application for a development project is complete, the Director shall conduct a preliminary assessment of potential environmental issues. The purpose of this review is to help the City decide if the project is subject to environmental review and, if so, which issues may require analysis. An application subject to environmental review pursuant to the California Environmental Quality Act (CEQA) shall not be considered complete until the applicant has submitted all studies and other documentation the Director has deemed necessary to make an environmental determination together with all required fees. Environmental review shall be conducted pursuant to the State CEQA Guidelines unless otherwise stated in this section.

- A. **Review for Exemption.** If the Director determines that the application is subject to review under CEQA, within 30 days after determining that the application is complete, he shall determine if the project is exempt from environmental review pursuant to State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.
1. If the Director has determined that a project is exempt from environmental review under CEQA, such determination shall be announced in any required public notice. The notice shall include a citation to the State Guidelines section or statute under which it is found to be exempt.
  2. Following approval of a project that is exempt from CEQA review, the Director or the applicant may file a Notice of Exemption with the San Mateo County Clerk. The applicant for a private project shall be responsible for any fees required to file such notice.
  3. A determination of exemption by any decision-making authority other than the City Council may be appealed to the City Council in the same manner provided for other appeals in Section 18.27.150, Appeals.
- B. **Environmental Review Application.** If the proposed project is not exempt from environmental review, the applicant shall submit an application for environmental review accompanied by the required fee. After receiving an environmental review application, the Director shall determine whether to require preparation of an Environmental Impact Report (EIR) or Negative Declaration or Mitigated Negative Declaration. In order to make this determination, the Director shall prepare, with his/her own staff or by contract with a consultant chosen by the City, an Initial Study at the applicant's expense. If the Director and project applicant agree that an EIR is necessary, an Initial Study is not required.
- C. **Preparation of Initial Study.** The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project's potential impacts. Following completion of the Initial Study, the Director shall notify the

applicant in writing of changes to the project that Staff has deemed necessary to reduce or avoid the significant effects identified in the Initial Study. Within 30 days following the date of the letter, the applicant shall provide written notification to the Director indicating that the proposed modifications are acceptable or shall propose alternative measures that will achieve the same result. If the applicant does not agree to revise the project, an EIR shall be prepared.

- D. **Determination of Environmental Significance.** Based on the Initial Study, the Director will make one of the following findings:
1. The project will have “No Significant Impacts” on the environment, and a Negative Declaration will be prepared;
  2. The project has been modified to mitigate potential environmental impacts to a level of insignificance and a Mitigated Negative Declaration will be prepared; or
  3. The proposed project will have, or may have, significant impact(s) and an EIR will be required.
- E. **Public Notice of Environmental Determination.** If the Director has determined that the proposed project will not have a significant effect on the environment, the Director, at the applicant’s expense, shall prepare a Negative Declaration for public review. If the applicant has agreed to incorporate mitigation measures in order to reduce environmental impacts to a point of insignificance, the Director shall prepare a Mitigated Negative Declaration for public review. The Director shall provide public notice of the proposed environmental determination for a period of at least 20 days at the same time and in the same manner required for the underlying permit in accordance with Chapter 18.27, Common Procedures.
- F. **Preparation of a Draft EIR.** If it is determined that an EIR is required, the Director shall prepare, distribute, and post a Notice of Intent to Prepare an EIR. The purpose of this notice is to inform interested parties that an EIR is being prepared, and to seek guidance about significant environmental issues and mitigation measures that should be explored. The applicant or any aggrieved party who believes that a Negative Declaration, rather than an EIR, should be prepared for the proposed project may appeal to the City Council within 10 days after the notice has been posted. The City Council’s decision shall be final. The City will prepare the Draft EIR with its own staff or by contract with a consultant chosen by the City. The applicant shall pay the cost of preparing an EIR and reasonable costs for administering the work of outside consultants.
- G. **Public Review of Draft EIR.** Following completion of a Draft EIR, the Director shall prepare and post a Notice of Completion initiating a minimum 30-day public review period or 45 days if the project is subject to review by a State Agency. The Director shall mail a notice of the availability of a Draft EIR to those requesting such notice in writing, to local and regional agencies, and interested Federal agencies. The City

shall make copies of the Draft EIR available for public review at the Planning Division office during regular office hours and at the San Carlos Public Library.

- H. **Final EIR.** After the public review period has expired, the City or its consultant will prepare a Final EIR for certification by the decision-making bodies responsible for action on the project. The Final EIR will consist of the Draft EIR, all of the comments received, a list of persons, organizations and public agencies commenting on the Draft EIR, and a response from the City on significant environmental issues raised in the Draft EIR and comments.
- I. **Responsibility for Action on Environmental Document.** Any City official or body responsible for taking action on a project for which a Negative or Mitigated Negative Declaration, or EIR has been prepared shall use the environmental assessment to make its decision on the development proposal. If the project is approved, the decision-maker shall impose conditions to mitigate any adverse environmental impacts. The decision-maker responsible for action on an application for a development permit shall approve the Negative Declaration or Mitigated Negative Declaration or certify the Final EIR prior to the time the project is considered for approval. The decision-maker may decline to approve or certify the environmental document and request further review or analysis if, in its judgment, approval of the Negative Declaration or Mitigated Negative Declaration or certification of the Final EIR would not comply with the requirements of CEQA and applicable State and local environmental review requirements. Approval of a Negative Declaration or Mitigated Negative Declaration or certification of a Final EIR shall be deemed to be a finding that the document has been prepared in compliance with CEQA and State and local CEQA guidelines and not an approval of a project.
- J. **Mitigation Monitoring and Reporting Program.** The City shall approve a mitigation monitoring and reporting program (MMRP) for all projects that it approves with a Mitigated Negative Declaration or a Final EIR. The purpose of the MMRP is to ensure that the project applicant complies with all of the provisions or changes identified as mitigation measures during implementation of the project.
1. **Submittal and Approval.** The MMRP shall be prepared and considered as part of a Mitigated Negative Declaration or EIR.
  2. **Enforcement.** Failure to comply with the conditions and requirements of an approved MMRP shall be considered a violation of the conditions of approval of a project, subject to enforcement under this Ordinance.
  3. **Amendment of Mitigation Program Not Permitted Following Adoption.** Unless specifically authorized or required by the conditions of project approval, neither CEQA nor this Ordinance authorize the City to modify or add mitigation measures if the MMRP shows that the mitigation measures have not achieved the desired result.

- K. **Appeals.** Notwithstanding other provisions of this Ordinance, the applicant or any aggrieved person may appeal the following environmental determinations directly to City Council in the manner described in Section 18.27.150, Appeals, unless the City Council is the approving authority for the project:
1. Determination that a project is or is not subject to environmental review.
  2. Determination that a project is exempt from environmental review.
  3. Approval of a Negative Declaration or Mitigated Negative Declaration.
  4. Certification of a Final EIR.

### **18.27.060 Public Notice**

Unless otherwise specified, whenever the provisions of this Ordinance require public notice, the City shall provide notice in compliance with State law as follows.

- A. **Mailed Notice.** At least 10 days before the date of the public hearing or 15 days before the date of action when no public hearing is required, the Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:
1. The applicant, the owner, and any occupant of the subject property;
  2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director in order to provide adequate public notification;
  3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
  4. Any person or group who has filed a written request for notice regarding the specific application.
- B. **Posted Notice.** Notices shall be posted at three public places within the City of San Carlos. In addition, the applicant shall erect a temporary sign or post a poster, in a format approved by the Planning Division, in a prominent place on the site for the 10 days prior to the hearing.
- C. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Director or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

- D. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.
- E. **Contents of Notice.** The notice shall include the following information:
1. The location of the real property, if any, that is the subject of the application;
  2. A general description of the proposed project or action;
  3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
  4. The identity of the hearing body or officer;
  5. The names of the applicant and the owner of the property that is the subject of the application;
  6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
  7. A statement that any interested person or authorized agent may appear and be heard;
  8. A statement describing how to submit written comments; and
  9. For Council hearings, the Planning Commission recommendation.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive a mailed notice.

### **18.27.070 Conduct of Public Hearings**

Whenever the provisions of this Ordinance require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.

- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
- G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- H. **Decision.** The public hearing must be closed before a vote is taken.

#### **18.27.080 Timing and Notice of Action and Findings Required**

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Ordinance, the responsible authority shall issue a Notice of Action and make findings of fact as required by this Ordinance.

- A. **Date of Action.** The responsible authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below: These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section 18.27.150, Appeals. Time extensions may be granted pursuant to Section 18.27.120, Expiration and Extension.
  - 1. ***Project Exempt from Environmental Review.*** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
  - 2. ***Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.*** Within 60 days of the date a Negative Declaration

or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall take action on the accompanying discretionary project.

3. ***Project for which an EIR is Prepared.*** Within 180 days from the date the decision-making authority certifies a Final EIR, the City shall take action on the accompanying discretionary project.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Ordinance, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Director shall file the Notice with the City Clerk and mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.
- C. **Findings.** Findings, when required by State law or this Ordinance, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

### **18.27.090 Ex Parte Communications**

- A. **Disclosure of Communications.** Any official who receives an ex parte communication, or engages in any other exchange of information covered by this section or who participates in a site visit shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.
- B. **Applicability.** Ex parte communications are oral or written, off-the-record communications made to or by members of the Commission or Council with applicants, neighbors, or other interested parties. Such contacts include, but are not limited to, one-on-one meetings, site visits, discussions, telephone calls, or e-mail messages that occur outside of a public meeting of the body on which the City official serves at which the matter discussed has been publicly noticed. The provisions of this section also apply to meetings between ad hoc committees including less than a majority of the body's total membership that the Planning Commission or the City Council may establish to meet with applicants and/or surrounding property owners on a particular application.
- C. **Exceptions.** Ex parte communications do not include communications between City staff and elected or appointed City officials acting in their official capacity, the receipt of expert opinion, or the review of mail and other correspondence relating to the proceedings.

- D. **Effect.** Actions taken by the decision-making body are not invalidated by the occurrence of ex parte communication.

#### **18.27.100 Scope of Approvals**

- A. **Scope.** Any approval permits only those uses and activities actually proposed in the application, and excludes other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties or insures that he will comply with permit's plans and conditions in all respects.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Ordinance or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

#### **18.27.110 Effective Dates**

A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid building permits, the 10-day period may be waived.

#### **18.27.120 Expiration and Extension**

- A. **Expiration.** The decision-maker, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under

this Ordinance shall automatically expire if it is not exercised or extended within one year of its issuance.

- B. **Exercise of Use Permit.** A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
- C. **Exercise of Building Permit.** A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- D. **Extensions.** The Zoning Administrator may approve a two-year extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee within one year of the date of the approval.

#### **18.27.130 Modification of Approved Plans**

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Ordinance. For the purpose of this section, the modification of a permit may include modification of a design review approval.

- A. **Minor Modifications.** The Zoning Administrator may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the hearing body and would not intensify any potentially detrimental effects of the project.
- B. **Major Modifications.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that the Zoning Administrator may approve changes that he determines to be minor.

#### **18.27.140 Revocation of Permits**

Any permit granted under this Ordinance may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, Director, or Zoning Administrator.

**B. Public Notice, Hearings and Action.**

1. **Planning Commission.** After conducting a duly-noticed public hearing, the Planning Commission shall make a recommendation on the proposed revocation within 30 days.
2. **City Council.** Within 45 days after receipt of the recommendation of the Planning Commission, the City Council shall conduct a duly-noticed public hearing and act on the proposed revocation.

**C. Required Findings.** The Planning Commission may recommend and the City Council may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;
2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;
3. The use in question has ceased to exist or has been suspended for one year or more;
4. There is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of this Ordinance, or any applicable law or regulation; or
5. The use to which the permit or Variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

**D. Notice of Action.** Following City Council action to revoke or modify a permit, the City Clerk shall within seven days issue a Notice of Action describing the Council's action, with its findings. The City Clerk shall mail notice to the permit holder and to any person who requested the revocation proceeding.**18.27.150 Appeals****A. Applicability.** Any action by the Zoning Administrator, Director, Residential Design Review Committee, or Planning Commission in the administration or enforcement of the provisions of this Ordinance may be appealed in accordance with this section.

1. **Appeals of Zoning Administrator Decisions.** Decisions of the Zoning Administrator may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

2. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
  3. **Appeals of Residential Design Review Committee Decisions.** Decisions of the Residential Design Review Committee may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
  4. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk.
- B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.
- C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within 10 days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- D. **Procedures.**
1. **Filing.** The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.
  2. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
  3. **Transmission of Record.** The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body within 45 days of the date the appeal is filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Calls for Review.** A majority of the City Council may call for review of a decision of the Director, Zoning Administrator, Residential Design Review Committee or Planning Commission within the 10-day appeal period. The call for review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.

- F. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.
- G. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter 18.27, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
- H. **Action.** An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

#### **18.27.160 Interpretations and Determinations**

Requests for interpretations of this Ordinance and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 18.27.150, Appeals.

## Chapter 18.28 Zoning Clearance

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### Sections:

- 18.28.010 Purpose
- 18.28.020 Applicability
- 18.28.030 Review and Decision
- 18.28.040 Appeals

### 18.28.010 Purpose

This chapter establishes procedures for conducting a Zoning Clearance to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Ordinance.

### 18.28.020 Applicability

A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Ordinance.

### 18.28.030 Review and Decision

Before the City may issue any business license, building permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Ordinance or any design review, Use Permit or Variance approval and that all conditions of such permits and approvals have been satisfied.

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 18.27.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Ordinance and the requirements and conditions of any applicable Use Permit or Variance approval.
- B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Ordinance, and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor

plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Ordinance.

- C. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any building or zoning regulations.

#### **18.28.040 Appeals**

Zoning Clearance decisions are subject to the appeal provisions of Section 18.27.150, Appeals.

## **Chapter 18.29      Design Review**

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### **Sections:**

- 18.29.010 Purpose
- 18.29.020 Applicability
- 18.29.030 Assignment of Design Review Responsibilities
- 18.29.040 Procedures; Design Guidelines
- 18.29.050 Scope of Design Review
- 18.29.060 Design Review Criteria
- 18.29.070 Required Findings
- 18.29.080 Conditions of Approval
- 18.29.090 Appeals; Expiration, Extensions, and Modifications

### **18.29.010 Purpose**

This chapter establishes the design review procedure to ensure that new development supports the General Plan's goal of creating a vibrant pedestrian- and transit-oriented core and distinctive neighborhoods and districts with a diversity of building types that provide continuity in scale and character with appropriate transitions, where needed. The specific purposes of the design review process are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### **18.29.020 Applicability**

Design review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

- A. Construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previous design review approval; and
- B. Additions of floor area within an existing building envelope.

**18.29.030 Assignment of Design Review Responsibilities**

A. **Residential Design Review Committee.** The Residential Design Review Committee shall conduct design review of any residential improvement in the RS District that:

1. Results in more than 3,000 square feet of floor area (including garages) and meets or exceeds the FAR thresholds identified in Table 18.29.030-A(1); and

<b>TABLE 18.29.030-A(1): RESIDENTIAL SINGLE-UNIT DESIGN REVIEW THRESHOLD</b>	
<i>Average Cross-Slope of Project (Percent)</i>	<i>Floor Area Ratio</i>
0-4.9	.40
5-19.9	.30
20-29.9	.25
30+	.20

2. Does not require and is not a part of a project that requires approval of a Use Permit, Variance, or other discretionary approval by the Planning Commission.

B. **Planning Commission.** The Planning Commission shall have design review authority for all projects requiring Planning Commission approval (such as Conditional Use Permits and Variances).

C. **Director.**

1. The Director shall have design review authority for all projects that do not meet one or more of the criteria listed in subsection A for a decision by the Residential Design Review Committee or subsection B for a decision by the Planning Commission, including Outdoor Dining and Outdoor Retail Sales pursuant to Sections 18.23.140 and 18.23.150.
2. The Director may refer items directly to the Planning Commission or Residential Design Review Committee when in his/her opinion the public interest would be better served by having the Planning Commission or Residential Design Review Committee conduct design review.

**18.29.040 Procedures; Design Guidelines**

A. **Forms and Fees.** Written applications for design review applications shall be submitted to the Planning Division in compliance with the application procedures in Chapter 18.27, Common Procedures.

- B. **Design Guidelines.** Design Guidelines adopted by the City Council provide recommendations to be used in the design review process. They are intended to promote high-quality design, well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.
- C. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the design review application shall be submitted to the Planning Division as a part of the application for the underlying permit, Use Permit, or Variance.
- D. **Peer Review.** At the sole discretion of the Director, a project may be referred to an architect or design professional retained by the City to provide independent peer review of architectural plans and specifications, landscape plans, and related documents for consistency with the purposes of this section, the General Plan, adopted Design Guidelines, and the findings required in Section 18.29.070, Required Findings. The applicant shall pay the reasonable actual cost and a reasonable administrative fee for hiring an approved architect or design professional to provide peer review.
- E. **Public Notice.** When a development project or sign does not require any Use Permit, Variance, or other discretionary approval other than design review, notice of the proposed action shall be posted in the Planning Division and mailed to all property owners of record within a minimum 150-foot radius of the subject property as shown on the latest available assessment role at least 15 days prior to the date of action. The notice shall include a general description of the subject of the application, the location of the property, the date of the decision, the procedure for submitting comments, and the procedure for appealing the decision.
- F. **Alterations to Drawings.** If alterations to the approved drawings are desired by the applicant, the drawings shall be re-submitted and processed according to the procedures established for approval of the original drawings.
- G. **Private Architectural Review.** Where deed restrictions or private property covenants, codes, and restrictions require review by a private architectural board, committee, or homeowners' association, the review shall be accomplished by the applicant and the findings of the board or committee shall be transmitted in writing to the City prior to City action. Application to the board and transmission of its findings shall be the responsibility of the applicant, not the City. Conditions or requirements imposed pursuant to private covenants, restrictions, and regulations are not binding upon or enforced by the City unless approved by the City pursuant to the requirements of this chapter.

**18.29.050 Scope of Design Review**

Design review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

- A. Building proportions, massing, and architectural details;
- B. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
- C. Size, location, design, development, and arrangement of on-site parking and other paved areas;
- D. Exterior colors and materials as they relate to each other, to the overall appearance of the project, and to surrounding development;
- E. Height, materials, colors, and design of fences, walls, and screen plantings;
- F. Location and type of landscaping including selection and size of plant materials, design of hardscape, and irrigation; and
- G. Size, location, design, color, lighting, and materials of all signs.

**18.29.060 Design Review Criteria**

When conducting design review, the Residential Design Review Committee, Director, Planning Commission, or City Council shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan, the City's Design Guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain design review approval, projects must satisfy these criteria to the extent they apply.

- A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
- C. Project details, colors, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

- D. The project has been designed to be compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same zoning district and providing a harmonious transition in scale and character between different districts.
- E. The project contributes to the creation of an attractive and visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context that encourages increased pedestrian activity and promotes compatibility among neighboring land uses within the same or different districts.
- F. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of activity centers, commercial districts and nearby residential neighborhoods.
- G. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such unified character.
- H. The project design preserves major public views and vistas from major public streets and open spaces and enhances them by providing areas to stroll, benches to rest and enjoy views, and similar amenities.
- I. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.
- J. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
- K. The proposed building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.
- L. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Proposed planting materials avoid conflicts with views, lighting, infrastructure, utilities, and signage.

### **18.29.070 Required Findings**

The Director, Residential Design Review Committee, Planning Commission, or City Council may only approve a design review application if it finds that the application is consistent with the purposes of this chapter and with the following:

- A. The applicable standards and requirements of this Ordinance;
- B. The General Plan and any applicable specific plans the City Council has adopted;
- C. Any applicable design guidelines adopted by the City Council;
- D. Any approved tentative map, Use Permit, Variance, or other planning or zoning approval that the project required; and
- E. The applicable design review criteria in Section 18.29.060, Design Review Criteria.

#### **18.29.080 Conditions of Approval**

In granting design review approval, the Director, Residential Design Review Committee, Planning Commission, or City Council may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this chapter and ensure compliance with the applicable criteria and standards established by this Ordinance. They may not impose requirements pertaining to use or that are more restrictive than the standards set forth in this Ordinance or a valid Use Permit or Variance if such conditions would require a reduction in the residential density or the Floor Area Ratio (FAR) of a proposed project.

#### **18.29.090 Appeals; Expiration, Extensions, and Modifications**

- A. **Appeals.** Design review decisions are subject to the appeal provisions of Section 18.27.150, Appeals.
- B. **Expiration, Extensions and Modifications.** Design review approval is effective and may only be extended or modified as provided for in Chapter 18.27, Common Procedures.

## Chapter 18.30 Use Permits

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### Sections:

- 18.30.010 Purpose
- 18.30.020 Applicability
- 18.30.030 Review Authority
- 18.30.040 Application Requirements
- 18.30.050 Public Notice and Hearing
- 18.30.060 Required Findings
- 18.30.070 Conditions of Approval
- 18.30.080 Appeals; Expiration, Extensions, and Modifications
- 18.30.090 Failure to Comply with Conditions
- 18.30.100 Revocation of Use Permits

### 18.30.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

### 18.30.020 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in Article II, Base and Overlay Districts, and/or any other section of this Ordinance which requires a Use Permit.

### 18.30.030 Review Authority

- A. **Conditional Use Permits.** The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this chapter.
- B. **Minor Use Permits.** The Zoning Administrator shall approve, conditionally approve, or deny applications for Minor Use Permits based on consideration of the requirements of this chapter. The Zoning Administrator may, at his/her discretion, refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision rather than acting on it himself/herself. In that case, the application shall be processed as a Conditional Use Permit.

### **18.30.040 Application Requirements**

Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 18.30.060, Required Findings, below.

### **18.30.050 Public Notice and Hearing**

- A. **Conditional Use Permits.** All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 18.27, Common Procedures.
- B. **Minor Use Permits.** All applications for Minor Use Permits shall require public notice and hearing before the Zoning Administrator pursuant to Chapter 18.27, Common Procedures.

### **18.30.060 Required Findings**

The decision-maker must make all of the following findings in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Ordinance and all other titles of the Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Ordinance;
- E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
- F. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

**18.30.070 Conditions of Approval**

In approving a Use Permit, the decision-maker may impose reasonable conditions or restrictions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Ordinance or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section 18.30.060, Required Findings, above; or
- D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

**18.30.080 Appeals; Expiration, Extensions, and Modifications**

- A. **Appeals.** A decision of the Zoning Administrator may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the City Council, as provided in Section 18.27.150, Appeals.
- B. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Chapter 18.27, Common Procedures.

**18.30.090 Failure to Comply with Conditions**

Failure to comply with any condition of approval of a Use Permit is a violation of this Ordinance subject to provisions of Chapter 18.39, Enforcement and Abatement Procedures.

**18.30.100 Revocation of Use Permits**

A Use Permit may be revoked as provided by Section 18.27.140, Revocation of Permits.

## **Chapter 18.31 Temporary Use Permits**

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### **Sections:**

- 18.31.010 Purpose
- 18.31.020 Application
- 18.31.030 Required Findings
- 18.31.040 Conditions of Approval
- 18.31.050 Appeals; Expiration, Extensions, and Modifications

### **18.31.010 Purpose**

This chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

### **18.31.020 Application**

An application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.

### **18.31.030 Required Findings**

The Zoning Administrator may approve an application for a Temporary Use only upon making both of the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

### **18.31.040 Conditions of Approval**

The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 18.31.030, Required Findings, above, including, but not limited to: regulation of ingress and egress and

traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs sign supports and temporary structures and electrical service. The Administrator may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **18.31.050 Appeals; Expiration, Extensions, and Modifications**

- A. **Appeals.** Any party aggrieved by the decision of the Zoning Administrator to approve, approve with conditions, or deny a permit for a temporary use or structure may appeal the decision to the Planning Commission, pursuant to Section 18.27.150, Appeals.
  
- B. **Expiration, Extensions and Modifications.** Temporary Use Permits are effective and may only be extended or modified as provided for in Chapter 18.27, Common Procedures.

## Chapter 18.32 Variances

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### Sections:

- 18.32.010 Purpose
- 18.32.020 Applicability
- 18.32.030 Procedures
- 18.32.040 Required Findings
- 18.32.050 Conditions of Approval
- 18.32.060 Appeals; Expiration, Extensions, and Modifications
- 18.32.070 Failure to Comply with Conditions
- 18.32.080 Revocation of Variance

### 18.32.010 Purpose

This chapter is intended to provide a mechanism for relief from the strict application of this Ordinance where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### 18.32.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Ordinance does not authorize for a specific lot or site.

### 18.32.030 Procedures

- A. **Review Authority.** The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this chapter.
- B. **Application Requirements.** Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Chapter 18.27, Common Procedures. In addition to any other application requirements, the application for a Variance shall included data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 18.32.040, Required Findings.
- C. **Public Notice and Hearing.** An application for a Variance shall require public notice and hearing before the Planning Commission pursuant to Chapter 18.27, Common Chapter 18.27, Common Procedures.

### **18.32.040 Required Findings**

After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application if can make all of the following findings. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;
- B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Ordinance, any applicable specific plans, and of the General Plan.

### **18.32.050 Conditions of Approval**

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 18.32.040, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

### **18.32.060 Appeals; Expiration, Extensions, and Modifications**

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a Variance pursuant to the provisions of Section 18.27.150, Appeals.
- B. **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in Chapter 18.27, Common Procedures.

### **18.32.070 Failure to Comply with Conditions**

Failure to comply with any Variance condition is a violation of this Ordinance subject to enforcement, penalties, and legal procedure as prescribed by Chapter 18.39, Enforcement and Abatement Procedures.

**18.32.080 Revocation of Variance**

A Variance may be revoked as provided by Section 18.27.140, Revocation of Permits.

## Chapter 18.33      **Waivers**

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### Sections:

- 18.33.010 Purpose
- 18.33.020 Applicability
- 18.33.030 Procedures
- 18.33.040 Required Findings
- 18.33.050 Conditions of Approval
- 18.33.060 Appeals; Expiration, Extensions, and Modifications

### **18.33.010 Purpose**

The purpose of this chapter is to establish an alternate means of granting relief from the requirements of this Ordinance when so doing would be consistent with the purposes of the Ordinance and it is not possible or practical to approve a Variance. Further to this end, it is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through waiver of the application of the City's zoning regulations. This chapter authorizes the Director to grant administrative relief from the Ordinance's dimensional requirements to achieve these and other objectives.

### **18.33.020 Applicability**

The Director may grant relief from the dimensional requirements specified in this Ordinance, not to exceed 10 percent of the requirement. The Director also may grant a waiver that would exceed 10 percent when such a waiver is necessary to comply with the reasonable accommodation provisions of Federal law based on a determination that the specific circumstances of the application warrant such an accommodation. Types of standards for which waivers may be approved by the Director include, but are not limited to:

- A.     **Setbacks.** Front, side, and rear yard setback standards.
- B.     **Build-to Areas.** Standards for building façade location.
- C.     **Parking.** The dimensional standards for parking aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
- D.     **Fences.** Standards for the location, height, and design of fences.
- E.     **Lot Coverage.** Standards for the maximum amount of lot coverage.
- F.     **Height.** Maximum building height or other height limitations.

- G. **Landscaping.** Standards for required landscaping and plantings.
- H. **Transparency.** Required ground-floor building transparency, up to 10 percent of minimum.
- I. **Other Standards.** Up to 10 percent of other development standards not listed in subsection J below.
- J. **Exclusions.** Waivers can not be granted for any of the following standards:
  - 1. Lot area, width, or depth;
  - 2. Maximum number of stories;
  - 3. Minimum number or dimensions of required parking spaces;
  - 4. Residential density; or
  - 5. Maximum floor area ratio (FAR).

#### **18.33.030 Procedures**

- A. **Authority and Duties.** The Director shall approve, conditionally approve, or deny applications for waivers based on consideration of the requirements of this chapter.
- B. **Application Requirements.** An application for a waiver shall be filed to the Director in accordance with Section 18.27.020, Application Forms and Fees. The application shall state in writing the nature of the waiver requested and explain why the findings necessary to grant the waiver are satisfied. The applicant shall also submit plans delineating the requested waiver.
- C. **Review of Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for reasonable accommodation to ensure access to housing will be referred to the Director for review and consideration. The Director shall issue a written decision within 45 days of the date of the application and may grant the reasonable accommodation request, grant with waivers, or deny the request. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.
- D. **Concurrent Processing.** If a request for waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, it shall be heard and acted upon at the same time and in the same manner as that application.

**18.33.040 Required Findings**

A decision to grant a waiver shall be based on the following findings:

- A. The waiver is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
- B. There are no alternatives to the requested waiver that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
- C. The granting of the requested waiver will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Ordinance.
- D. In the RS District, the review authority must also make the following findings in addition to any other findings that this chapter requires:
  - 1. There are exceptional or extraordinary circumstances related to the design of the existing house or Uniform Building Code compliance or other code compliance that make it difficult or impossible to enlarge the house within the base requirements, and the addition is of superior design quality and compatible with the existing neighborhood character;
  - 2. The change is only intended to increase the habitability and function of the structure;
  - 3. Granting the waiver is desirable for the preservation of an existing architectural style or neighborhood character which would not otherwise be accomplished through the strict application of the provisions of the regulations; and
  - 4. It can be demonstrated that the design of the proposed addition is of superior quality; compatible with the existing neighborhood character, effective in minimizing the perceived size of the dwelling, not overly intrusive to the privacy of neighboring dwellings and is in substantial compliance with the RS District regulations.
- E. If the waiver requested is to provide reasonable accommodation pursuant to State or Federal law, the review authority must also make the following findings in addition to any other findings that this chapter requires:
  - 1. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;

2. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or Federal law;
3. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
4. That denial of the requested waiver would impose a substantial burden on religious exercise or would conflict with any State or Federal statute requiring reasonable accommodation to provide access to housing.

### **18.33.050 Conditions of Approval**

In approving a waiver, the decision-maker may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Ordinance or the specific purposes of the zoning district in which the project is located;
- C. Achieve the findings for a waiver granted; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act; and
- E. Waivers approved based on State or Federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

### **18.33.060 Appeals; Expiration, Extensions, and Modifications**

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a waiver pursuant to Section 18.27.150, Appeals.
- B. **Expiration, Extensions, and Modifications.** Waivers granted under this chapter are effective and may only be extended or modified as provided for in Chapter 18.27, Common Procedures.

## Chapter 18.34 Amendments to General Plan

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### Sections:

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Initiation
- 18.34.040 Application Requirements
- 18.34.050 Review Procedures and Public Notice
- 18.34.060 Planning Commission Hearing and Recommendation
- 18.34.070 City Council Hearing and Action

### 18.34.010 Purpose

This chapter establishes procedures for making changes to the General Plan as provided for in State law when there are compelling reasons to do so. These circumstances include, but are not limited to, changes in State or Federal law and problems and opportunities that were unanticipated at the time of Plan adoption or the last amendment.

### 18.34.020 Applicability

The procedures of this chapter apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

### 18.34.030 Initiation

An amendment to the text of the General Plan may be initiated by any qualified applicant identified in Section 18.27.020, Application Forms and Fees, or a motion of the City Council or Planning Commission.

### 18.34.040 Application Requirements

- A. **Application.** A qualified applicant shall submit an application for a General Plan amendment on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to review and approve the application.
- B. **Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Zoning Ordinance or Title 17, Subdivisions, of the San Carlos Municipal Code, to be reviewed and approved concurrently with the proposed General Plan amendment.

**18.34.050 Review Procedures and Public Notice**

- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on the application for a General Plan amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this chapter, a determination as to whether the proposed amendment will require amendment to other plans that the City Council or the Redevelopment Agency have adopted, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Division shall schedule the application for hearing by the Planning Commission in accordance with the City's schedule for considering General Plan amendments.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Chapter 18.27, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to the San Carlos School District and any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

**18.34.060 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 18.27, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed General Plan amendment and the environmental determination to the City Council. Such recommendation shall include the reasons for the recommendation, findings supporting the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and a copy of the minutes from the Planning Commission meeting.

**18.34.070 City Council Hearing and Action**

- A. After receiving the report from the Planning Commission, the City Council shall conduct a duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation. If the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 10 days after the Planning Commission action.
- B. After the conclusion of the hearing, the City Council may approve, modify or deny the proposed General Plan amendment. If the Council proposes any substantial

modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for its recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. The failure of the Planning Commission to report within 40 days after the referral, shall be deemed a recommendation to approve and the amendment shall be returned to Council for adoption.

- C. Following the Council action, the City Clerk shall make the documents amending the plan, including the diagrams and text, available for public inspection.

## **Chapter 18.35 Amendments to Zoning Ordinance and Map**

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### **Sections:**

- 18.35.010 Purpose
- 18.35.020 Applicability
- 18.35.030 Initiation
- 18.35.040 Application Requirements
- 18.35.050 Review Procedures and Public Notice
- 18.35.060 Planning Commission Hearing and Recommendation
- 18.35.070 City Council Hearing and Action
- 18.35.080 Criteria for Zoning Amendments

### **18.35.010 Purpose**

This chapter provides procedures by which changes may be made to the text of this Zoning Ordinance and to the Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan.

### **18.35.020 Applicability**

The procedures in this chapter shall apply to all proposals to change the text of this Zoning Ordinance or to revise a zoning district classification or zoning district boundary line shown on the Zoning Map, including rezoning as provided for in Chapter 18.38, Rezoning and Annexation Procedure.

### **18.35.030 Initiation**

An amendment to the text of the Zoning Ordinance or to the Zoning Map may be initiated by any qualified applicant identified in Section 18.27.020, Application Forms and Fees, or a motion of the City Council or Planning Commission.

### **18.35.040 Application Requirements**

- A. **Application.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Zoning Ordinance or Title 17, Subdivisions, of the San

Carlos Municipal Code to be processed simultaneously with the proposed zoning amendment.

#### **18.35.050 Review Procedures and Public Notice**

- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a zoning amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 18.35.080, Criteria for Zoning Amendments, for approving a zoning amendment and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Public Hearing Required.** All zoning amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Chapter 18.27, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to the San Carlos School District and any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

#### **18.35.060 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 18.27, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to the criteria for zoning amendments in Section 18.35.080, and the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the City Council in the form of a Council memo, prepared by Planning Staff, with a copy of the approved minutes from the Planning Commission meeting.

**18.35.070 City Council Hearing and Action**

- A. After receiving the report from the Planning Commission, the City Council shall hold a duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 10 days after the Planning Commission action.
- B. After the conclusion of the hearing, the City Council may approve, modify or deny the proposed amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral, shall be deemed a recommendation to approve and the amendment shall be returned to Council for adoption.

**18.35.080 Criteria for Zoning Amendments**

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment meets the following criteria:

- A. **Zoning Ordinance Text Amendment Findings.**
  - 1. The ordinance amendment is consistent with the General Plan; and
  - 2. The ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.
- B. **Zoning District Boundary Amendment Findings (Zoning Map Amendments).**
  - 1. The change in district boundaries is consistent with the General Plan;
  - 2. The change in district boundaries is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare; and
  - 3. The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district.

## Chapter 18.36 Planned Development

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### Sections:

- 18.36.010 Purpose
- 18.36.020 Applicability
- 18.36.030 Procedures
- 18.36.040 Required Findings
- 18.36.050 Conditions
- 18.36.060 Expiration and Renewal
- 18.36.070 Amendments of Approved Plans
- 18.36.080 Status of Specific Plan
- 18.36.090 Development Plan Review
- 18.36.100 Failure to Comply with Conditions
- 18.36.110 Revocation or Modification of Planned Development Permit

### 18.36.010 Purpose

This chapter provides procedures for establishing a Planned Development (PD) District to facilitate orderly development of larger sites in the City consistent with the General Plan, especially where a particular mix of uses or character is desired that can best be achieved through an integrated development plan.

### 18.36.020 Applicability

The procedures in this chapter shall apply to all proposals to establish a PD District.

### 18.36.030 Procedures

- A. **Decision-Making Body.** A PD District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review, and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
  - 1. **Rezoning.** An application for rezoning to a PD District shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 18.35, Amendments to Zoning Ordinance and Map, and shall include a Specific Plan or PD Plan.
  - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 18.27, Common Procedures, and Chapter 18.30, Use Permits, although

additional information is required to be submitted in order to determine that the intent of this Ordinance and the General Plan will be fulfilled.

3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An amendment to reclassify property to PD shall be initiated by a property owner or authorized agent or a motion of the Planning Commission or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** An application for a PD, made on the prescribed form, shall be filed with the Planning Division, accompanied by the required fee. Applications shall contain all of the following:
1. **Legal Description.** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.
  2. **Title Report.** A title report verifying the description and the ownership of the property.
  3. **Ownership Declaration.** A declaration as to whether the site is to remain under the same ownership and control or to be divided into small units during or after development and the manner and method of the division.
  4. **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities if appropriate, and physical land alteration required by the development; and the relation of the proposed PD to the San Carlos General Plan.
  5. **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.
  6. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics shall at a minimum indicate:

- a. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;
- b. Existing and proposed changes in the topography of the site, including the degree of land disturbance, the location of drainage channels or water courses, and the direction of drainage flow in one-foot contour intervals on areas of cross-slopes of less than five percent, at two-foot intervals on areas of cross-slopes of five to 10 percent, and at five-foot intervals on areas of cross-slopes exceeding 10 percent;
- c. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, including streets and driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;
- d. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
- e. Detailed engineering site plans, including proposed finished grades and all public improvements as well as estimates of grading volume (cut and fill), with accompanying grading sections or other technical drawings acceptable to the Director of Public Works;
- f. Detailed engineering plans for the provision of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site;
- g. A detailed tabulation of the proposed densities of dwelling units, bedroom count, building coverage, paving coverage, landscaped areas, parking dedication, and height of structures;
- h. Lighting for the building and adjacent parking and pedestrian travel areas;
- i. Utilization of buildings and structures, including activities and the number of living units;
- j. Reservation of land for public uses, including schools, parks, playgrounds, and other open spaces;
- k. Dimensioned building elevations showing proposed architectural concepts, color program and material samples; and

- I. A comprehensive sign program, including the size and location of all proposed signs.
7. **Open Space and Landscaping Plan.** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property and a description of intended improvements to and maintenance of the open area of the property.
8. **Other Information.** Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a PD Plan and re-zoning.

#### **18.36.040 Required Findings**

A PD Plan and re-zoning shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of PD plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development generally complies with applicable adopted design guidelines; and
- F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:
  1. Appropriateness of the use(s) at the proposed location.
  2. The mix of uses, housing types, and housing price levels.
  3. Provision of units affordable to persons and families of low and moderate income or to lower income households.

4. Provision of infrastructure improvements.
5. Provision of open space.
6. Compatibility of uses within the development area.
7. Creativity in design and use of land.
8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
9. Overall contribution to the enhancement of neighborhood character and the environment of San Carlos in the long term.

#### **18.36.050 Conditions**

In approving a PD Plan and re-zoning, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Ordinance or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **18.36.060 Expiration and Renewal**

- A. **Expiration.**
  1. ***PD Plan.*** A PD Plan shall be effective on the same date as the ordinance creating the PD District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
  3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.
- B. **Renewal.** An approved PD Plan that has not been exercised may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this chapter.

#### **18.36.070 Amendments of Approved Plans**

- A. **Changed Plans.** Amendments to a PD District or PD Plan or Specific Plan may be requested by the applicant or its successors. Amendments to the approved PD District or PD Plan or Specific Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved PD District or PD Plan or Specific Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the boundary of the PD District;
  2. An increase or decrease in the number of dwelling units for the PD District that is greater than the maximum or less than the minimum stated in the PD Plan or Specific Plan;
  3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan or Specific Plan by 10 percent or more;
  4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
  5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD District or to the overall major street system, as determined by the City Engineer; or

6. Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection B above shall be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Director. The Director may, at his/her discretion, refer any request for an amendment to a to a PD Plan that may generate substantial public interest to the Planning Commission for a decision rather than acting on it himself/herself.

#### **18.36.080 Status of Specific Plan**

A Specific Plan adopted by resolution of the City Council shall be administered as prescribed by the Council, consistent with Government Code Section 65450.

#### **18.36.090 Development Plan Review**

Plans for a project in a PD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan or Specific Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan or Specific Plan.

#### **18.36.100 Failure to Comply with Conditions**

Failure to comply with any PD permit condition or development schedule is a violation of this chapter and subject to Chapter 18.39, Enforcement and Abatement Procedures. The Planning Commission or City Council may initiate revocation proceedings under this title, or suspend the applicant's permit until such time as the applicant conforms to the conditions thereof.

#### **18.36.110 Revocation or Modification of Planned Development Permit**

A PD permit may be revoked or modified as provided by Section 18.27.140, Revocation of Permits.

## Chapter 18.37 Development Agreements

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### Sections:

- 18.37.010 Purpose
- 18.37.020 Applicability
- 18.37.030 Authority and Duties
- 18.37.040 Procedure
- 18.37.050 Public Notice and Hearing
- 18.37.060 Findings and Decision
- 18.37.070 Execution and Recordation of Development Agreement
- 18.37.080 Annual Review
- 18.37.090 Amendment or Cancellation
- 18.37.100 Effect of Approved Agreement
- 18.37.110 Enforcement

### 18.37.010 Purpose

This chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

### 18.37.020 Applicability

A development agreement may be considered for a large, multi-phase development project that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services. In order to be considered for a development agreement, a project shall be consistent with the General Plan and any applicable specific plan unless the applicant has submitted an application for any necessary amendments to the General Plan or specific plan.

- A. **Property Subject to Annexation.** An applicant whose property is located within the City's sphere of influence, or whose property is the subject of a pending application for inclusion into the sphere of influence, may file an application to enter into a development agreement.
  - 1. The agreement shall not become operative unless annexation proceedings annexing property to the City are completed within the period of time specified by the agreement.

2. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement shall be null and void.

### **18.37.030 Authority and Duties**

- A. The Director shall negotiate the specific components and provisions of the development agreement on behalf of the City for recommendation to the City Council.
- B. The City Council shall have the exclusive authority to approve a development agreement.

### **18.37.040 Procedure**

An applicant for a development project may request that the City review the application as a development agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this section, this section shall control.

- A. **Application Requirements.** An applicant shall submit an application for a development agreement on a form prescribed by the Director, accompanied by the required fees. The Director shall identify submittal requirements for applications for development agreements and may require an applicant to submit such additional information and supporting data as considered necessary to process the application. In addition to any other information that the Director requires, each application for a development agreement shall be accompanied by the general terms and conditions of the agreement proposed by the applicant and shall include the contents required in subsection B below.
- B. **Contents of Development Agreements.**
  1. **Required Contents.** A development agreement shall specify its duration; the permitted uses of the subject property; the general location and density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability.
  2. **Improvements and Fees.** A development agreement may include requirements for construction and maintenance of onsite and off-site improvements or payment of fees in lieu of such dedications or improvements.
  3. **Conditions.** A development agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

4. **Environmental Mitigation.** A development agreement may include, without limitation, conditions and restrictions imposed by the City with respect to the project, including those conditions, restrictions and mitigation measures proposed in any Final Environmental Impact Report applicable to the project that eliminate or mitigate adverse environmental impacts of the project.
  5. **Phasing.** A development agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.
  6. **Financing.** If the development agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
  7. **Indemnity.** A development agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.
  8. **Performance Obligation Fees.** A development agreement may include provisions to guarantee performance of obligations stated in the agreement.
- C. **Negotiations.** The Director shall negotiate the specific components and provisions of the development agreement on behalf of the City for recommendation to the City Council.

#### **18.37.050 Public Notice and Hearing**

- A. **Notice of Intent.** The Director shall publish a notice of intent to consider adoption of a development agreement as provided in Section 65090 and 65091 of the Government Code.
- B. **City Council.** A proposed development agreement shall be executed by the Applicant before it is placed before the City Council for consideration at a public hearing. The City Council shall hold a duly noticed public hearing prior to adoption of any development agreement. Notice of the public hearing to consider adoption of a development agreement shall be given in accordance with the requirements of Section 18.27.060, Public Notice. The City Council public hearing may, but need not, be held concurrently with the public hearing(s) on the project.

**18.37.060 Findings and Decision**

- A. **Findings.** The City Council shall not approve a proposed development agreement unless it finds that its provisions are consistent with the General Plan and any applicable specific plan. This requirement may be satisfied by a finding that the provisions of a proposed development agreement are consistent with proposed General Plan or specific plan provisions to be adopted concurrently with the approval of the proposed development agreement.
- B. **Decision.** After the City Council completes the public hearing, the City Council shall approve, modify, or disapprove the development agreement. Approval of a development agreement shall be by ordinance.

**18.37.070 Execution and Recordation of Development Agreement**

Within 10 days after the ordinance approving the development agreement takes effect, the Director shall execute the development agreement on behalf of the City, and the City Clerk shall record the development agreement with the County Recorder.

**18.37.080 Annual Review**

The applicant shall be required to demonstrate compliance with the provisions of the development agreement at least once a year at which time the Director shall review each approved development agreement.

- A. **Finding of Compliance.** If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the development agreement, the Director shall issue a finding of compliance, which shall be in recordable form and may be recorded with the County Recorder after conclusion of the review.
- B. **Finding of Non-compliance.** If the Director finds the applicant has not complied with the provisions of the development agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which applicant has failed to comply, and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the development agreement shall be subject to termination or modification pursuant to this chapter.
- C. **Appeal of Determination.** Within seven days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of

a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

### **18.37.090 Amendment or Cancellation**

- A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the development agreement to the City Council for termination or modification. The City Council shall conduct a public hearing. After the public hearing, the City Council may terminate the development agreement modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.
- B. **Mutual Agreement.** Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this section. A development agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director.
- C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the development agreement, or if the City terminates or modifies the development agreement for failure of the applicant to fully comply with the provisions of the development agreement, the City Clerk shall record notice of such action with the County Recorder.
- D. **Rights of the Parties After Cancellation or Termination.** In the event that a development agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the development agreement shall terminated. If a development agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

### **18.37.100 Effect of Approved Agreement**

- A. **Existing Rules and Regulations.** Unless otherwise specified in the development agreement, the City's rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations and official policies in force on the effective date of the development agreement. The applicant shall not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.

- B. **Future Rules and Regulations.** A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the development agreement. A development agreement shall not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the development agreement, a development agreement shall not exempt the applicant from obtaining future discretionary land use approvals.
- C. **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement, then the development agreement may be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such regulation or law.

#### **18.37.110 Enforcement**

The procedures for enforcement, amendment, modification, cancellation or termination of a development agreement specified in this section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A development agreement may be enforced, amended, modified, cancelled or terminated by any manner otherwise provided by law or by the provisions of the development agreement.

## **Chapter 18.38      Prezoning and Annexation Procedure**

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### **Sections:**

- 18.38.010 Purpose
- 18.38.020 Scope
- 18.38.030 Prezoning Procedure
- 18.38.040 Annexation Regulations
- 18.38.050 Effective Date of Zoning and Time Limit

### **18.38.010 Purpose**

The purpose of this chapter is to establish a procedure for prezoning and criteria for annexation of adjoining unincorporated territory, specifically;

- A. Protect public health and safety by establishing standards for annexation of residential, commercial/industrial or lands of other uses into the City;
- B. Preserve, protect and enhance the character of residential neighborhoods;
- C. To remedy the public health and safety impacts of failed on-site solid waste disposal systems;
- D. To strengthen the City's economic resources; and
- E. To manage the fiscal impacts of annexation.

### **18.38.020 Applicability**

Unincorporated territory within the Local Agency Formation Commission (LAFCo) adopted Sphere of Influence of San Carlos or areas otherwise capable of annexing into the City of San Carlos which may be approved for annexation by LAFCo may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation.

### **18.38.030 Prezoning Procedure**

- A. Parcels proposed for annexation to the City shall be prezoned consistent with the following unless an application for a different prezoning is initiated and processed according to the procedures established under Chapter 18.35, Amendments to Zoning Ordinance and Map.

1. ***Undeveloped Residential Parcels.***
    - a. *Development Potential of Five or More Lots.* Parcels with development potential of five or more lots shall be rezoned Planned Development with minimum RS-3 development standards prior to approval of a Tentative Subdivision Map.
    - b. *Development Potential of Less than Five Lots.* Parcels with development potential of less than five lots shall be rezoned RS-3.
  2. ***Developed Residential Parcels and Nonresidential Parcels.*** Developed residential parcels and parcels with development potential for nonresidential use shall be pre-zoned consistent with surrounding and/or like zoning district classifications which represent uses intended for the property.
- B. Rezoning shall remain the same for two years after annexation.

#### **18.38.040 Annexation Regulations**

Annexation shall not be approved unless the proposed annexation meets the following regulations:

- A. **General Regulations.**
1. ***General Plan Consistency.*** The proposed annexation and parcel configuration shall be consistent with the General Plan.
  2. ***Location.*** The parcels proposed for annexation shall be contiguous to parcels located in the City and contiguous to or provisions have been made to become contiguous to City streets or to improved private streets where the maintenance of the private street is provided by an owners' association or other acceptable method as determined satisfactory to the Director of Public Works.
  3. ***Impact Analysis.*** An environmental analysis under the provisions of the California Environmental Quality Act and a fiscal impact analysis which evaluates recurring revenues and service costs that may be incurred by the City as a result of annexation shall be conducted.
  4. ***Public Services and Facilities.***
    - a. Public services and facilities meeting City standards shall be available to the lands proposed for annexation. Private streets and facilities satisfactory to the Public Works Director with adequate provision for their maintenance may be acceptable in lieu of public streets and facilities.

- b. All streets, sewage and drainage systems and police and fire protection shall meet City standards. Public services and utilities shall be provided to the satisfaction of the City Engineer:
    - i. Improvements shall be constructed and accepted prior to issuance of Building Permits or sewer connections.
    - ii. Streets shall meet City street standards from the terminus of City streets currently meeting City standards to and throughout the property. Where possible and appropriate and subject to environmental, health and safety considerations, rural road standards and other applicable guidelines pursuant to Chapter 17.16 of the Municipal Code shall apply.
    - iii. Street lights shall not be required to be installed where street lights do not currently exist unless requested and paid for by petitioners.
  - c. The City taxpayer shall not be burdened with paying for additional services for newly annexed lands as demonstrated in the fiscal impact analysis.
  - d. Outside sewer service agreement shall be made pursuant to Municipal Code Title 13, Public Services.
5. **Creek Protection.** All lands proposed for annexation shall comply with Chapter 18.14, Stream Development and Maintenance Overlay.
- B. **Undeveloped Lots.** Annexation of lots which do not contain a primary structure shall comply with the following standards:
- 1. Lots shall meet the minimum lot size and density standards of this Ordinance and the City's Subdivision Ordinance.
  - 2. Sites with development potential of five or more lots shall cluster single-family detached homes to the degree feasible. In such cases, the density may not exceed the density permitted by the lot size standards of this Ordinance and the San Carlos Subdivision Ordinance.
- C. **Developed Lots.** Annexation of lots which contain a primary structure shall comply with the following standards:
- 1. The lots shall meet the minimum lot size and density standards of this Ordinance and the City's Subdivision Ordinance. Single developed properties that meet all annexation policies, with the exception of minimum lot size requirements, may be considered for annexation provided that further

subdivision of the land is prohibited through a recorded deed restriction acceptable to the City Attorney.

2. The lots shall be connected to the City's sanitary sewer system or can be connected to the City's sewer to the satisfaction of the City Engineer pursuant to Municipal Code Title 13, Public Services.

#### **18.38.050 Effective Date of Zoning and Time Limit**

The zoning accomplished by rezoning of the property shall become effective at the time that annexation to the City becomes effective. If the subject area has not been annexed to the City within five years of the date of City Council approval, the rezoning approval is subject to reconsideration by the Planning Commission and the Council.

## **Chapter 18.39 Enforcement and Abatement Procedures**

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### **Sections:**

- 18.39.010 Purpose
- 18.39.020 Enforcement
- 18.39.030 Revocation
- 18.39.040 Nuisance Defined
- 18.39.050 Penalty for Violation
- 18.39.060 Remedies
- 18.39.070 Nuisance Abatement

### **18.39.010 Purpose**

This chapter establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of this Ordinance and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Ordinance.

### **18.39.020 Enforcement**

All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance, and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this Ordinance, and any such permit or license issued in conflict with the provisions of this Ordinance shall be null and void. It shall be the duty of the Building Inspector of the City to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure.

### **18.39.030 Revocation**

Any permit granted under the Zoning Ordinance may be revoked in accordance with the provisions in Section 18.27.140, Revocation of Permits, if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

### **18.39.040 Nuisance Defined**

- A. Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance, any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Ordinance, and failure to comply with

any of the conditions of a permit granted under this Ordinance is declared to be unlawful and a public nuisance.

- B. Any use, event, structure or building, whether non-conforming or otherwise, which meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: disturbances of the peace, illegal drug activity including sales or possession thereof; public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, public vandalism, excessive littering, excessive noise (particularly between the hours of 11:00 p.m. and 7:00 a.m.), noxious smells or fumes, curfew violations, lewd conduct or police detention, citations or arrests or any other activity declared by the City to be a public nuisance; violation of any provision of this chapter or any other City, State or Federal regulation, ordinance or statute.

#### **18.39.050 Penalty for Violation**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this Ordinance or failing to comply with a mandatory requirement of this Ordinance shall be guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Chapter 1.20, Penalties, of the San Carlos Municipal Code. A person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punished accordingly.

#### **18.39.060 Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this chapter, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Planning Commission or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continued compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with; or
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.

**18.39.070 Nuisance Abatement**

Notices of violation shall be provided and recorded and nuisances abated, according to the procedures of Chapter 1.20, Penalties, of the San Carlos Municipal Code.

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# Article V: General Terms

## Chapter 18.40 Use Classifications

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### Sections:

- 18.40.010 Purpose and Applicability
- 18.40.020 Residential Use Classifications
- 18.40.030 Public and Semi-Public Use Classifications
- 18.40.040 Commercial Use Classifications
- 18.40.050 Industrial Use Classifications
- 18.40.060 Transportation, Communication, and Utilities Use Classifications

### 18.40.010 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Planning Commission, upon request from the Director, shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this chapter. The Commission may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

### 18.40.020 Residential Use Classifications

#### Residential Housing Types

**Single-Unit Dwelling.** One dwelling unit located on a single lot, within which all rooms are internally accessible and that is not attached to any other dwelling unit. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

**Small Lot Single-Unit Development.** Detached single-unit dwellings located on lots less than 6,000 square feet in area.

**Bungalow Court.** Detached single-unit dwellings arranged around a common, shared courtyard that is wholly open to the street.

**Second Dwelling Unit.** An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and located on a single lot with another primary, single-unit dwelling.

**Duplex.** A single building on a lot that contains two dwelling units or two single-unit dwellings on a single lot. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit as defined by State law and this Ordinance.

**Townhouse Development.** A group of two or more attached units where each unit has its own front access and individual garage and no unit is located over another unit. This development type include “fee simple” projects where each unit is separated by one or more common and fire-resistant walls and owners have fee simple title to the property.

**Multi-Unit Residential.** Three or more dwelling units on a site or lot. Types of multiple unit dwellings include townhouses, garden apartments, senior housing developments, and multi-story apartment buildings. This use includes multi-unit development in which individual units are occupied exclusively by one or more persons 62 years of age or older.

**Elderly and Long-term Care.** Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

**Family Day Care.** A day-care facility licensed by the State of California that is located in a single-unit residence or other dwelling unit where resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small.** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large.** A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug additions. This use classification excludes Transitional Housing and Social Service Facilities.

***Residential Care, General.*** A facility providing care for more than six persons.

***Residential Care, Limited.*** A facility providing care for six or fewer persons.

***Residential Care, Senior.*** A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

**Single Room Occupancy.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one or two-person households for a weekly or monthly period of time. This use classification is distinct from a Hotel or Motel, which is a commercial use.

**Supportive Housing.** Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

**Transitional Housing.** Dwelling units configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

### **18.40.030 Public and Semi-Public Use Classifications**

**Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

**Colleges and Trade Schools, Public or Private.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees,

including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

**Community Assembly.** A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

**Community Garden.** Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

**Cultural Institutions.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

**Day Care Centers.** Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

**Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for

outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Clinic.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction.

**Park and Recreation Facilities, Public.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

**Public Safety Facilities.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

**Schools, Public or Private.** Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Any noncommercial facility, such as homeless shelters, domestic violence shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, clothing, groceries, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided.

#### **18.40.040 Commercial Use Classifications**

**Adult-Oriented Business.** An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family

counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Animal Care, Sales and Services.** Retail sales and services related to the boarding, grooming, and care of household pets including:

***Grooming and Pet Stores.*** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Grooming or selling of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

***Kennels.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, animal hospitals for small animals, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

***Veterinary Services.*** Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

**Artist's Studio.** Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use is distinguished by incidental retail sales of items produced on the premises and does not include joint living and working units.

**Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles including the following:

***Automobile Rentals.*** Rental of automobiles. Typical uses include car rental agencies.

***Automobile/Vehicle Sales and Leasing.*** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

***Automobile/Vehicle Repair, Major.*** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

***Automobile/Vehicle Service and Repair, Minor.*** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials., and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

***Automobile/Vehicle Washing.*** Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

***Large Vehicle and Equipment Sales, Service and Rental.*** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

***Service Station.*** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

***Towing and Impound.*** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

***Banks and Financial Institutions.*** Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

**Business Services.** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the general public.

***Cinema/Theaters.*** Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

***Large-scale.*** This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

***Small-scale.*** This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

***Bars/Night Clubs/Lounges.*** Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks.

***Full Service.*** Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided.

***Convenience.*** Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This classification includes cafes, cafeterias, coffee shops, fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants. This classification also includes catering businesses or bakeries that have a storefront retail component.

**Food Preparation.** Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries with on-site retail sales, and small-scale specialty food production.

**Funeral Parlors and Interment Services.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

**Lodging.** An establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 consecutive calendar days.

***Bed and Breakfast.*** A residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

***Hotels and Motels.*** An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, or bed and breakfast establishments within a single-unit residence, which are separately defined and regulated.

**Maintenance and Repair Services.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

**Nurseries and Garden Centers.** Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

**Offices.** Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see Hospitals and Clinics).

***Business and Professional.*** Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices and tax preparations offices.

***Medical and Dental.*** Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.

***Walk-In Clientele.*** An office business providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices and offices for elected officials. It does not include banks or check-cashing facilities that are separately classified and regulated.

**Parking, Public or Private.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

### **Personal Services.**

***General Personal Services.*** Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of Section 18.23.170, Personal Services and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612.

***Massage Establishments.*** Any business, including a sole proprietorship, which offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the patron. Massage therapy includes the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compression, pounding, vibrating, rocking or stimulating of, the external surfaces of the body with the hands or with any object or appliance. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California and out-service massage therapists certified pursuant to the California Business and Professions Code Section 4612.

**Medical Marijuana Collective.** A location where marijuana is cultivated collectively by more than one qualified patient, person with valid identification card or designated primary caregiver of a person with a valid identification card, in order to collectively or cooperatively cultivate and/or store marijuana for medical purposes, as provided in Health and Safety Code Section 1362.775.

**Tattoo or Body Modification Parlor.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

### **Retail Sales.**

**Building Materials and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or plant nurseries.

**Convenience Markets.** Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, convenience markets, and drugstores.

**Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**Large Format Retail.** Retail establishments (over 25,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

**Price Point Retail.** Retail establishment that sells merchandise with a preponderance of single pricing for all items in the store. Merchandise may be but is not limited to generic or private label products specially manufactured for such stores, products manufactured cheaply for a foreign market and imported, products purchased from another retailer or distributor as overstock, closeout, or seasonal merchandise at the end of the season, and promotional goods manufactured to coincide with an event that has since passed.

**Second Hand Store.** A retail establishment that buys and sells used products that may include clothing, furniture and household goods, jewelry, household appliances, musical instruments, business machines and office equipment, hand tools, and similar items. This classification does not include book stores, antique stores, junk dealers, scrap/dismantling yards, sale of used vehicles, or pawn shops.

#### **18.40.050 Industrial Use Classifications**

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.

**Custom Manufacturing.** Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

**Industry, General.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as agriculture processing, biomass energy conversion; food and beverage processing; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing.

**Industry, Limited.** Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

**Recycling Facility.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

***Reverse Vending Machine.*** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

***Recycling Collection Facility.*** An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

***Recycling Processing Facility.*** A facility that receives, sorts, stores and/or processes recyclable materials.

**Research and Development.** A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

**Warehousing and Storage.** Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

***Chemical, Mineral, and Explosives Storage.*** Storage of hazardous materials including but not limited to: pressurized gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

***Outdoor Storage.*** Storage of commercial goods in open lots.

***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

**Wholesaling and Distribution.** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials and Services).

#### **18.40.060 Transportation, Communication, and Utilities Use Classifications**

**Airports and Heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

**Communication Facilities.** Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.

***Antenna and Transmission Towers.*** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

***Facilities within Buildings.*** Includes radio, television, or recording studios; telephone switching centers, but excludes Antennae and Transmission Towers.

**Freight/Truck Terminals and Warehouses.** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see

Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).

**Transportation Passenger Terminals.** Facilities for passenger transportation operations. includes rail stations and bus terminals but does not include terminals serving airports or heliports.

**Utilities, Major.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

**Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

**Waste Transfer Facility.** A facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of San Carlos. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

## Chapter 18.41 Terms and Definitions

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### Sections:

- 18.41.010 List of Terms
- 18.41.020 Definitions

### 18.41.010 List of Terms

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Deck	General Plan

Glare	<i>Founders Tree</i>
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Grade	<i>Private Tree</i>
<i>Average Grade</i>	<i>Protected Tree</i>
<i>Existing Grade</i>	<i>Public Tree</i>
<i>Finished Grade</i>	<i>Significant Tree</i>
<i>Grade Plane</i>	<i>Street Oriented Tree</i>
Ground Floor	<i>Trim</i>
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Hazardous Materials	Lighting-Related Definitions
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Height	<i>Light Fixture</i>
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<i>Check Valve (Anti-drain Valve)</i>	<i>Flag Lot</i>
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 Zoning District

### 18.41.020 Definitions

**Abutting or Adjoining.** Having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

**Access.** The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

**Accessory Building.** See Building, Accessory.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Adjacent.** Directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

**Alley.** A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

**Alteration.** Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs (see also Maintenance and Repairs). See Structural Alterations for modifications to any of the supporting members of a structure.

**Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the buildings interior, is not accessible from the ground and is not enclosed by walls on more than two sides (see also Deck).

**Base District.** See Zoning District.

**Basement.** A non-habitable space beneath the first or ground floor of a building the ceiling of which does not extend more than four feet above finished grade.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room.

**Block.** Property bounded on all sides by a public right-of-way.

**Blockface.** All property between two intersections that fronts upon a street or abuts a public right-of-way.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

**Accessory Building.** A detached subordinate building used only as incidental to the main building on the same lot.

**Main Building.** A building in which is conducted the principal use of the lot on which it is situated. In the event a garage is attached to the main building, it shall be made structurally a part of, and have a common wall with the main building and shall comply in all respects with the requirements of this title applicable to the main building.

**Building Code.** Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered to be the face of the building.

**Building Footprint.** See Footprint.

**Building Frontage.** The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business even though another business may also have entitlement to that parking lot.

**Building Height.** See Height.

**Building Site.** A lot or parcel of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

**Build-to Line.** A line parallel to the lot line where the façade of the building is required to be located.

**California Environmental Quality Act (CEQA).** Public Resources Code Section 21000 et seq. or any successor statute and associated guidelines (California Code of Regulations Section 15000 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed and maintained for the parking or storage of one or more motor vehicles.

**City.** The City of San Carlos.

**City Council.** The City Council of the City of San Carlos.

**City Engineer.** The City Engineer of the City of San Carlos.

**County.** The County of San Mateo.

**Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

**Conditionally Permitted.** Permitted subject to approval of a Use Permit.

**Construction.** Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

**Corner Build-to Area.** Area of a corner lot where the façade of the building is required to be located.

**Deck.** A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also Balcony.

**Demolition.** The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

**Density, Net.** The number of dwelling units per acre of land excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for wetlands and other sensitive areas and private open space shall not be excluded in calculating net density.

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code for such development agreements.

**Director.** The Community Development Director of the City of San Carlos or his/her designee.

**District.** See Zoning District.

**Drive-Through Facilities.** Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies and other commercial uses.

**Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

**Dwelling Unit.** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family. See also Family.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**Electrical Code.** Any ordinance of the City regulating the alteration, repair and the installation and use of electricity or electrical fixtures.

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

**Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act.

**Erect.** To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

**Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** One or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Fence-Related Definitions.** The following terms are related to Section 18.15.040, Fences and Walls.

**Fences.** Horizontal and vertical structures described that are intended to separate properties, retain soil materials and provide security; or as defined by the Building Official. Fences may also be walls, hedges and screen planting.

**Front-most Wall.** The facade of the residence (exclusive of accessory and appurtenant structures such as decks, stairwells, etc.) which is located closest to the front property line.

**Irregular Lot.** Any lot which does not conform to the definition of a corner lot or an interior lot including, but not limited to, through lots, pie and reverse pie shaped lots, flag lots, triangular lots with double street frontages, multisided lots and other lots in the opinion of the Director which are irregular.

**Lattice.** A patterned, crossed material (excluding chain link fencing) that is arranged to allow at least 50 percent of light and air through the crossed material. Arrangements allowing less than 50 percent will be considered solid.

**Lot Lines.** Rear and side lot lines shall be those defined in Chapter 18.41, Terms and Definitions. A property owner of a corner lot may designate which property line abutting a public right-of-way is his/her front and street side property line, for purposes of this section only. No more than one property line abutting a public right-of-way may be designated as a front property line and no more than one property line abutting a public right-of-way may be designated a street side property line.

**Replacement.** The replacement of any post or rail. Posts or rails cannot be “paired” or reinforced to avoid replacement to current code. Board repair or substitution does not constitute replacement.

**Sight Distance Triangle.** Sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 40 feet along both lines from their intersection that defines a minimum area of unobstructed view.

**Statuary Structures.** Decorative objects such as birdbaths, fountains, wells and figures.

**Flex Space.** Floor area constructed so that it can be adapted for retail/restaurant use in the future, but may be used for other uses in the interim.

**Floor Area.** The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section 18.03.080, Determining Floor Area.

**Floor Area Ratio (FAR).** The ratio of the total floor area of all buildings on a lot other designated building site to the lot area or building site area. See also Section 18.03.090, Determining Floor Area Ratio.

**Foot-candle.** See Lighting Terms.

**Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section 18.03.100, Determining Lot Coverage.

**Freeway.** A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only restricted right or easement of access.

**Frontage, Street.** That portion of a lot or parcel of land that borders a public street. "Street frontage" shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

**Garage.** A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.

**General Plan.** The City of San Carlos General Plan.

**Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

**Government Code.** The Government Code of the State of California.

**Grade.** The location of the ground surface.

***Average Grade.*** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

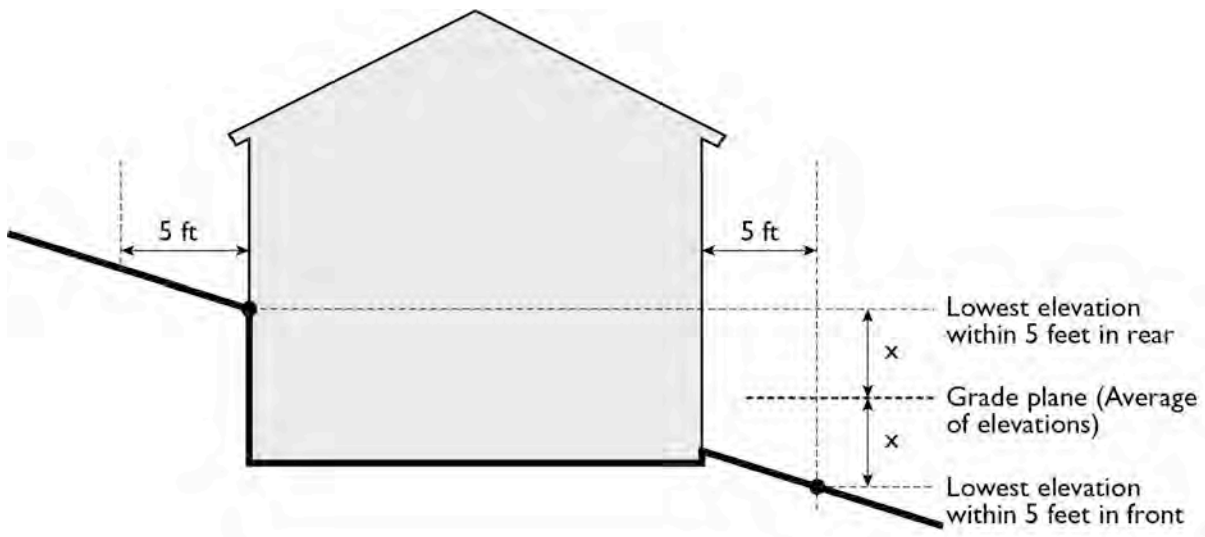
***Existing Grade.*** The elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

***Finished Grade.*** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

***Grade Plane.*** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points

within the area between the building and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

**FIGURE 18.41.020-A: GRADE PLANE**



**Ground Floor.** The first floor of a building other than a cellar or basement that is closest to finished grade.

**Habitation.** Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same lot.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Heat.** Thermal energy of a radioactive, conductive, or convective nature.

**Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Section 18.03.050, Measuring Height.

**Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling. See Section 18.23.120, Home Occupations.

**Household.** One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the

preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the household.

**Illegal Use.** Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

**Intensity of Use.** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

**Intersection, Street.** The area common to two or more intersecting streets.

**Juliet Balcony.** A balcony that has no surface for standing or sitting on.

**Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**Landscaping-Related Definitions.** The following terms are related to Chapter 18.18, Landscaping.

***Automatic Irrigation Controller.*** An automatic timing device used to remotely control valves that operate an irrigation system.

***Backflow Prevention Device.*** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

***Check Valve (Anti-drain Valve).*** A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

***Drip Irrigation.*** Any non-spray low volume irrigation system specifically designed to apply small volumes of water slowly at or near the root zone of plants utilizing emission devices with a flow rate measured in gallons per hour.

***Emitter.*** A drip irrigation emission device that delivers water slowly from the system to the soil.

***Flow Rate.*** The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

**Hedge.** Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Ordinance.

**Homeowner-provided Landscaping.** Any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

*Private Landscaping.* Any landscaping located within the boundaries of privately owned property, and includes any landscaping located within any unimproved right-of-way abutting a private property and in any park strip other than the City maintained park strip on Laurel Street, and San Carlos Avenue (1100 and 1200 blocks only) or sidewalk abutting a private property.

*Public Landscaping.* Any landscaping located within any street median, City park or other parcel of publicly owned property, including any landscaping located in a City maintained park strip on Laurel Street, and San Carlos Avenue (1100 and 1200 blocks only).

**Mulch.** Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**Overhead Sprinkler Irrigation Systems.** Systems that deliver water through the air (e.g., spray heads and rotors).

**Overspray.** The irrigation water which is delivered beyond the target area.

**Park Strip.** That area of the public street located between the face of the curb and closest edge of the sidewalk.

**Pervious.** Any surface or material that allows the passage of water through the material and into the underlying soil.

**Pruning.** The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

**Rain Sensor.** A component which automatically suspends an irrigation event when it rains.

**Remove.** Cutting to the ground; extracting; killing by spraying, girdling, or any other means; or pruning done without a permit or which does not conform to the provisions of a permit.

**Runoff.** Water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

**Shrub.** A bush, hedge or any plant that is not a tree more than 12 inches tall.

**Sidewalk.** Any concrete sidewalk lying within that area of the street between the face of the curb and the right-of-way line.

**Soil Moisture Sensor.** A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

**Tree.** Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk.

*Community of Trees.* A group of trees of any size which are ecologically related to each other.

*Exotic Tree.* Any tree known not to be an indigenous tree, hence any tree which has been planted for or has excepted from cultivation.

*Founders Tree.* Any tree known to have been planted prior to the City's 1925 incorporation.

*Heritage Tree.* Any:

- Indigenous tree whose size, as measured at 48 inches above natural grade (unless otherwise indicated), is defined below:
  - *Aesculus californica (buckeye) with a single stem or multiple stems touching each other at 48 inches above natural grade and measuring 30 inches in circumference.*
  - *Arbutus meniesii (madrone) with a single stem or multiple stems touching each other at 48 inches above natural grade and measuring 30 inches in circumference.*
  - *Quercus agrifolia (coast live oak) of more than 30 inches in circumference.*
  - *Quercus lobata (valley oak) of more than 30 inches in circumference.*

- *Quercus douglassii* (blue oak) of more than 24 inches in circumference.
- *Quercus wislizenii* (interior live oak) of more than 24 inches in circumference.
- *Sequoia sempervirens* (redwood) of more than 72 inches in circumference.
- *Umbrellularia californica* (California bay laurel) with a single stem or multiple stems touching each other at 48" above natural grade and measuring 30 inches in circumference.
- Community of trees;
- Founders tree;
- Tree so designated by the City Council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location or other factors.

*Private Tree.* Any tree located within the boundaries of privately owned property, and includes any tree located within any unimproved right-of-way abutting a private property and in any park strip or sidewalk abutting a private property.

*Protected Tree.* Any significant or heritage tree. The following trees shall not be classified as protected trees regardless of size.

- Bailey, Green or Black Acacia: *a. baileyana*, *a. dedurrens* or *a. melanoxylon*
- Tree of Heaven: *Ailanthus altissima*
- Fruit trees of any kind
- Monterey Pine: *Pinus radiata*
- Eucalyptus: *Eucalyptus globulus* (unless a founder tree or group of trees)

*Public Tree.* Any tree located within any street median, City park or other parcel of publicly owned property, including any tree located in a City maintained park strip on Laurel Street, and San Carlos Avenue (1100 and 1200 blocks only).

*Significant Tree.* Any tree that is 36 inches in circumference (or more), (which is approximately 11.5 inches in diameter), outside of bark, measured at 48 inches above natural grade. The following trees shall not be classified as significant or heritage trees regardless of size.

- Bailey, Green or Black Acacia: a. baileyana, a. dedurrens or a. melanoxylon
- Tree of Heaven: Ailanthus altissima
- Fruit trees of any kind
- Monterey Pine: Pinus radiata
- Eucalyptus: Eucalyptus globulous (unless a founder tree or group of trees)

*Street Oriented Tree.* A private tree that is within the first five feet of the front property line, in a park strip of a sidewalk, or in a portion of a public street or within the public right-of-way that is not improved or maintained by the City.

**Trim.** The cutting or removal of a portion of a tree which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

**Unimproved right-of-way.** That portion of a public street, within the public right-of-way, that is not improved or maintained by the City.

**Lighting-Related Definitions.** The following terms are related to Section 18.15.070, Lighting and Illumination.

**Foot-candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Equal to one lumen uniformly distributed over an area of one square foot.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Light Fixture Cutoff.** Light fixtures are classified as full cutoff, cutoff, semi-cutoff, or non-cutoff according to the most recent adopted criteria of the Illuminating Engineering Society of North America (IESNA). The four IESNA classifications are defined as follows (IESNA 2000):

*Full Cutoff.* The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10 percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

*Cutoff.* The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir does not numerically exceed two and one-half percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the

luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10 percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

*Semi-Cutoff.* The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir does not numerically exceed five percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 20 percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

*Non-Cutoff.* There is no candela limitation in the zone above maximum candela.

**Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

**Living Room.** The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of San Mateo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

**Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width. Also called a "panhandle" lot.

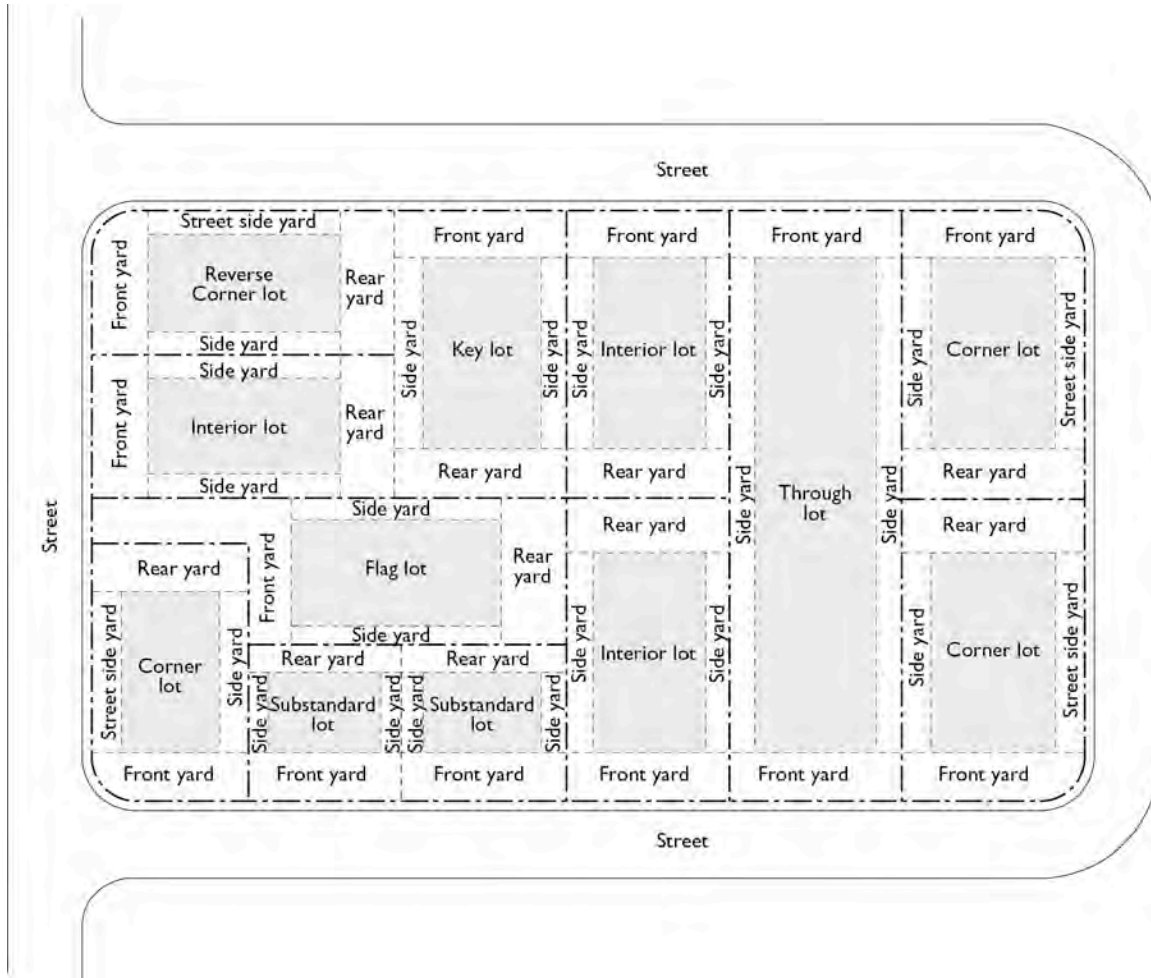
**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees.

**Key Lot.** An interior lot adjoining the rear lot line of a reversed corner lot.

**Reversed Corner Lot.** A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

**FIGURE 18.41.020-B: LOT AND YARD TYPES**



**Lot Area.** The area of a lot measured horizontally between bounding lot lines.

**Lot Coverage.** The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 18.03.100, Determining Lot Coverage.

**Lot Depth.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines. See also Section 18.03.060, Measuring Lot Width and Depth.

**Lot Frontage.** See Frontage, Street.

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Lot Line Types.**

**Front Lot Line.** On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

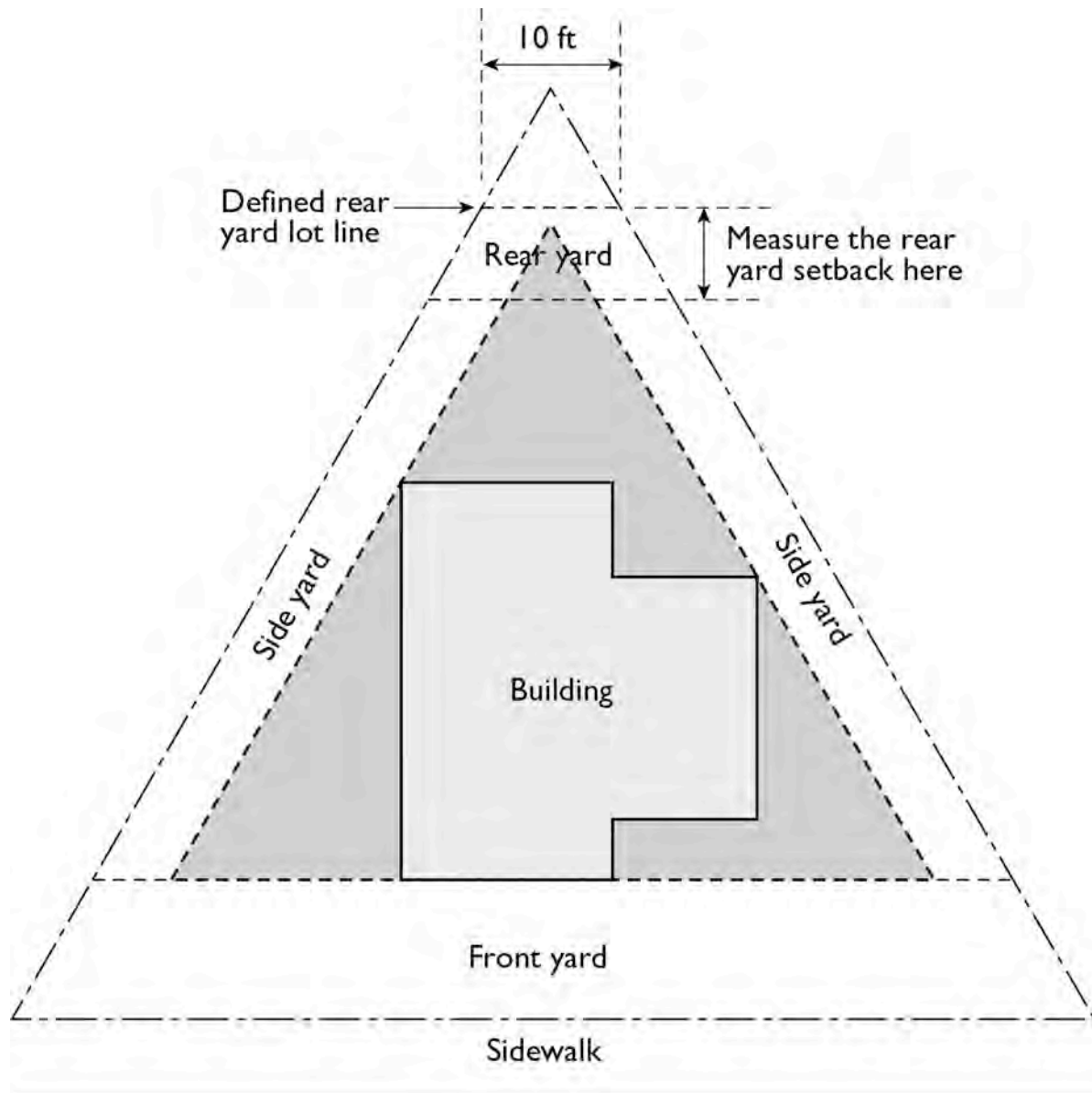
**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard (see Figure 18.41.020-C).

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

### FIGURE 18.41.020-C: REAR LOT LINE FOR PURPOSES OF DETERMINING SETBACKS



**Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth. See also Section 18.03.060, Measuring Lot Width and Depth.

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

**Mansard.** A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

**Mezzanine.** An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below. See Story.

**Municipal Code.** The City of San Carlos Municipal Code.

**Noise-Related Definitions.** The following terms are related to Section 18.21.050, Noise.

***Ambient Noise Level.*** The composite of noise from all sources excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

***Noise.*** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

***Noise Level Reduction (NLR).*** The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

**Nonconforming Building.** See Nonconforming Structure.

**Nonconforming Lot.** A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

**Nonconforming Structure.** A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Ordinance to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located. See Chapter 18.19, Nonconforming Uses, Structures, and Lots.

**Nonconforming Use.** The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this Ordinance to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located. See Chapter 18.19, Nonconforming Uses, Structures, and Lots.

**On-Site Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**On-Site.** Located on the lot that is the subject of discussion.

**Open Space Types.**

**Private Open Space.** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Common Open Space.** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

**Usable Open Space.** Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

**Opposite.** Across from or across the street from.

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except for the keeping of building materials reasonable required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

**Owner.** A person or persons holding single or unified beneficial title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm or corporation.

**Parcel.** See Lot.

**Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**Accessory Parking.** An area of a lot, structure, or any other area, which is designed reserved for and the primary purpose of which is to provide off-street parking to serve a building or use that is the primary or main use of the lot.

**Long-Term Parking.** An area designed for employee or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

**Parking, Bicycle.** A covered or uncovered area equipped with a rack or racks designed and useable for the secure, temporary storage of bicycles.

**Long-term.** Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

**Short-term.** Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.

**Parking Space, Off-Street.** An area, covered or uncovered, designed and useable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.

**Peak Time.** Period of time with the greatest amount of activity and vehicles on the site.

**Permit.** Any Zoning Clearance, Conditional Use Permit, Minor Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

**Permitted Use.** Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.

**Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

**Persons with Disabilities.** Persons who have a medical, physical, or mental condition, disorder or disability as defined in Government Code Section 12926 or the Americans With Disabilities Act, that limits one or more major life activities.

**Planning Commission.** The Planning Commission of the City of San Carlos.

**Pre-existing.** In existence prior to the effective date of this Ordinance.

**Principal Use.** A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area.

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Public Resources Code.** The Public Resources Code of the State of California.

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

**Review Authority.** Body responsible for making decisions on zoning and related applications.

**Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

**Safe Routes to School.** Programs to create safe, convenient, and fun opportunities for children to bicycle and walk to and from schools by removing barriers such as lack of infrastructure, unsafe infrastructure, and lack of programs that promote walking and bicycling.

**Screening.** Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

**Setback.** The area between a property line and a building or structure which must be kept clear or open. See also Section 18.03.040, Measuring Distances, and Section 18.03.120, Determining Setbacks (Yards).

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sight Distance Triangle.** A minimum area of unobstructed view that occurs at street intersections.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this ordinance and is in a single ownership or under unified control.

**Solar Reflective Index.** Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

**Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan pursuant to the provisions of Government Code, Section 65450 et seq.

**Sphere of Influence.** A plan for the probable physical boundaries and service areas of the City as determined by the Local Agency Formation Commission pursuant to Government Code Section 56076.

**State.** The State of California.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above. A mezzanine with a floor area that exceeds one third of the total floor area of the floor or level below constitutes a story.

**Street.** A public or private thoroughfare which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or lane as defined herein.

**Street Line.** The boundary between a street and a lot or parcel of land.

**Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same lot.

**Structure, Primary (Structure, Main).** A structure housing the principal use of a site or functioning as the principal use.

**Structure, Temporary.** A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

**Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

**Temporary Use-Related Definitions.** The following terms are related to Section 18.23.240, Temporary Uses.

**Garage Sales.** The sale or offering for sale to the general public of over five items of personal property on a portion of a lot in a residentially zoned district, whether inside or outside any building.

**Outdoor Sales, Temporary and Seasonal.** The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

**Unit.** See Dwelling Unit.

**Use.** The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**Accessory Use.** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use and occupies not more than 30 percent of the gross floor area.

**Incidental Use.** A secondary use of a lot and/or building that is located on the same lot but is not customarily associated with the primary use.

**Primary Use.** A primary, principal or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, employment, and transportation, communication, and utilities. See Chapter 18.40, Use Classifications.

**Use Permit.** A discretionary permit, such as a minor use or conditional use permit, which may be granted by the appropriate City of San Carlos authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. See Chapter 18.30, Use Permits.

**Use Type.** A category which classifies similar uses based on common functional, product, or compatibility characteristics.

**Variance.** A discretionary grant of permission to depart from the specific requirements of this Ordinance that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning classification. See Chapter 18.32, Variances.

**Vehicle.** Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camptrailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

**Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**Visible.** Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

**Wall.** Any vertical exterior surface of building or any part thereof, including windows.

**Yard.** An open space other than a court on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Ordinance.

***Front Yard.*** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this ordinance for the district in which it is located and measured inward from the front lot line.

***Interior Side Yard.*** A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this ordinance for the district in which it is located and measured inward from the interior side lot line.

**Street Side Yard.** A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this ordinance for the district in which it is located and measured inward from the street side lot line.

**Rear Yard.** A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this ordinance for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Zoning Administrator.** The Zoning Administrator of the City of San Carlos, or his or her designee.

**Zoning District.** A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. See Section 18.01.070, Districts Established.

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