Chapter 18.04
RESIDENTIAL DISTRICTS

18.04.010 Purpose.
The specific purposes of the residential districts are to:

A. Preserve, protect, and enhance the character of the City’s different residential neighborhoods.

B. Ensure adequate light, air, and open space for each dwelling.

C. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

D. Provide sites for public and semi-public land uses, such as parks and public safety facilities, that will serve City residents and will complement surrounding residential development.

Additional purposes of each residential district which follow implement General Plan classifications of “Single-Family, Low Density,” “Single-Family,” “Multiple-Family, Low Density,” and “Multiple-Family, Medium Density.”

E. RS-3 Single-Family, Low Density. This district is intended for residential densities up to three units per net acre. Dwelling types may include detached single-unit housing and accessory dwelling units. In addition to single-unit homes, this district provides for uses such as small family child care, park and recreation facilities, and community gardens that may be appropriate in a single-family residential neighborhood.

F. RS-6 Single-Family. This district is intended for residential densities up to six units per net acre. Dwelling types may include detached single-unit housing, small lot single-unit development, duplexes, townhomes, and accessory dwelling units. This district also allows for uses such as family child care, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly that may be appropriate in a single-family residential neighborhood.

G. RM-20 Multiple-Family, Low Density. This district is intended for residential densities of up to twenty units per net acre developed at a scale and form that is appropriate to its neighborhood context and adjacent uses. Dwelling types include small lot single-unit development, bungalow courts, front or rear loaded townhomes, and multi-unit buildings, and accessory dwelling units. This district also allows for limited uses such as family day care, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly that are appropriate in a low density multifamily residential environment.
H. RM-59 Multiple-Family, Medium Density. This district is intended for residential development at densities up to fifty-nine units per net acre. This density range accommodates townhomes and multi-unit buildings developed at a scale and form that is appropriate to its neighborhood context and adjacent single-family residential uses and forms. Small lot single-unit and bungalow court development is allowed where site conditions exist rendering the development type equal to or better than multi-unit or townhome development. Accessory dwelling units are also permitted in this district. In addition to residential uses, this district allows for a limited number of public and semi-public uses such as day care centers, public safety facilities, and residential care facilities that are appropriate in a medium density multifamily residential environment. (Ord. 1537 (Exh. B (part)), 2018: Ord. 1480 (Exh. B (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011)

18.04.020 Land use regulations.
Table 18.04.020 prescribes the land use regulations for residential districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“M” designates use classifications that are permitted after review and approval of a minor use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 18.40, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this title.
<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-3</th>
<th>RS-6</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Housing Types</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Unit Dwelling</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Small Lot Single-Unit Development</td>
<td>- C (1)</td>
<td>P</td>
<td>C (2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bungalow Court</td>
<td>- C (1)</td>
<td>P</td>
<td>C (2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second-Accessory Dwelling Unit</td>
<td>P P P P</td>
<td></td>
<td></td>
<td></td>
<td>See Section 18.04.070, Residential development types</td>
</tr>
<tr>
<td>Junior Accessory Dwelling Unit</td>
<td>P P P P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>- C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse Development</td>
<td>- C</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Family Day Care</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>- M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Group Residential</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>See Section 18.23.200, Residential care facilities</td>
</tr>
<tr>
<td>Limited</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Use Classification</td>
<td>RS-3</td>
<td>RS-6</td>
<td>RM-20</td>
<td>RM-59</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Senior</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>See Section 18.23.200, Residential care facilities</td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>See Section 18.23.220, Single room occupancy hotels</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.250, Transitional and supportive housing</td>
</tr>
<tr>
<td>Supportive Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.250, Transitional and supportive housing</td>
</tr>
</tbody>
</table>

Public and Semi-Public Uses

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-3</th>
<th>RS-6</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Assembly</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>See Section 18.23.080, Community assembly facilities</td>
</tr>
<tr>
<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cultural Institution</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>See Section 18.23.090, Day care</td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td></td>
</tr>
</tbody>
</table>

Commercial Uses

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-3</th>
<th>RS-6</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eating and Drinking Establishments, Convenience</td>
<td>-</td>
<td>C(3)</td>
<td>-</td>
<td>-</td>
<td>See Section 18.23.140, Outdoor dining</td>
</tr>
</tbody>
</table>
TABLE 18.04.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-3</th>
<th>RS-6</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales, Convenience Markets</td>
<td>-</td>
<td>C(3)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

Transportation, Communication, and Utilities Uses

<table>
<thead>
<tr>
<th>Communication Facilities</th>
<th>See Chapter 18.24, Wireless Telecommunications Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities, Minor</td>
<td>P  P  P  P</td>
</tr>
</tbody>
</table>

Other Applicable Types

<table>
<thead>
<tr>
<th>Accessory Uses and Structures</th>
<th>See Sections 18.15.020, Accessory buildings and structures, and 18.23.030, Accessory uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupations</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td>Chapter 18.19, Nonconforming Uses, Structures, and Lots</td>
</tr>
</tbody>
</table>

Temporary Use

<table>
<thead>
<tr>
<th>Temporary Use</th>
<th>See Section 18.23.240, Temporary uses</th>
</tr>
</thead>
</table>

Specific Limitations:

1. In addition to standard use permit findings, the Planning Commission must find that the development is designed with massing and height that is sensitive to the building pattern of the area and adjacent properties.

2. In addition to standard use permit findings, the Planning Commission must find that specific site conditions exist such that the proposed development type is equal to or better than multi-unit residential or townhouse development types with regard to design and achievable density and the project is designed with massing and height that is sensitive to the building pattern of the area and adjacent properties.

3. Subject to the following limitations:

   a. Limited to cafes, coffee shops, delis, and neighborhood markets. Full service restaurants are not allowed.

   b. Limited to one thousand five hundred square feet of sales area.

   c. Hours of operation are limited to between seven a.m. and nine p.m.
d. Must be located within a two-story building.

e. Must be located on a corner lot with frontage on an arterial a minimum of one-half mile from the MU-DC and MU-D districts and other existing neighborhood-serving retail.

f. In addition to the findings required for all use permits, the Planning Commission must find that the proposed use promotes community health, interaction, and socialization of the neighborhood; complements the residential character of the surrounding neighborhood; and will not adversely impact adjacent properties.

(Ord. 1537 (Exh. B (part)), 2018; Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.04.030 Development standards—RS districts.
Table 18.04.030 prescribes the development standards for RS districts. Additional regulations are denoted in a right-hand column. Section numbers in this column refer to other sections of this title, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

![Diagram of RS districts](image)

**TABLE 18.04.030: DEVELOPMENT STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS**

<table>
<thead>
<tr>
<th>District</th>
<th>RS-3</th>
<th>RS-6</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot and Density Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (units/net acre)</td>
<td>3</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

![Diagram of key elements](image)
<table>
<thead>
<tr>
<th>District</th>
<th>RS-3</th>
<th>RS-6</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>10,000</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lots</td>
<td>10,000</td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>75</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lots</td>
<td>75</td>
<td>60</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Maximum Floor Area

| Maximum Floor Area (MFA) | For lots less than or equal to 7,500 sq. ft. MFA is the greater of 1,100 sq. ft. + 35% of the lot area or 50% of the lot area; for lots greater than 7,500 sq. ft. MFA is 50% of the lot area. | See Chapter 18.03, Rules of Measurement; See Chapter 18.23.210 for accessory dwelling unit and junior accessory dwelling unit standards |

### Building Form and Location

<table>
<thead>
<tr>
<th>Maximum Height (ft.)</th>
<th>28 (A)</th>
<th>28 (A)</th>
<th>See Section 18.15.060, Height and height exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Semi-Public Uses</td>
<td>28</td>
<td>45</td>
<td></td>
</tr>
</tbody>
</table>

### Minimum Setbacks (ft.)

<table>
<thead>
<tr>
<th>Front</th>
<th>20</th>
<th>1st Story: 15 (B)</th>
<th>See Section 18.15.080, Projections into yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Side</td>
<td>1st Story: 10</td>
<td>1st Story: 5 (C)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2nd Story: 9 (D)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

|         |                  |                  | 5 |
### TABLE 18.04.030: DEVELOPMENT STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RS-3</th>
<th>RS-6</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Story: 14 (D)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story: 10 (E) 2nd Story: 14 (D, E)</td>
<td>1st Story: 7.5 (E) 2nd Story: 11.5 (D, E)</td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Street Side</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Garage, from property line</td>
<td>20</td>
<td>15 (F)</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Garage, from primary facade</td>
<td>20</td>
<td>20</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Garage, from primary facade</td>
<td>5 (G)</td>
<td>5 (G)</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Maximum Lot Coverage (Percent of Lot)</td>
<td>25 in H Overlay 35 outside H Overlay</td>
<td>50</td>
<td>See Chapter 18.03, Rules of Measurement</td>
<td>10</td>
</tr>
</tbody>
</table>

A. Building Height, Single-Family Homes. Within the front and rear fifteen feet of the building, the maximum height shall be no more than twenty-eight feet, measured as a vertical distance from the lowest finished grade at the building face to the topmost point of the roof.
B. Ground Floor Front Setback. Where twenty-five percent or more of the lots on the same block face have been improved with buildings, the minimum ground floor front setback requirement shall be the average of the actual front setback of all improved lots on such block face or fifteen feet, whichever is less.

C. Narrow Lot Side Setback. The minimum ground floor side setback for lots with an average width of forty-five feet or less shall be a minimum of ten percent of the lot width, or three feet, whichever is greater.

D. Second Story Projection. The upper story may align with the lower story or project a maximum of four feet into the required second story setback for up to thirty percent of the length of the lower story.
E. Street Side Setbacks on Lots with Reversed Frontage. The exterior side setback in the rear twenty-five percent of a reversed corner lot shall not be less than the front yard required or existing, whichever is less, on the adjoining key lot.
F. Rear Setback. The ground floor may be located up to five feet from the rear property line if a minimum of fifteen percent of the area of the building site is provided clear and unobstructed to the rear of the dwelling.

G. Garage Setback Exception. Exceptions to the garage setback may be granted through the design review process where the review authority finds the visual prominence of the garage has been minimized and the site is small and constrained such that locating the garage five or more feet from the primary facade is not feasible.

H. Detached Garages. Detached garages shall be located in the rear half of the lot. The Director may approve a detached garage in the front half of the lot subject to the front setback requirements of the base district where the size, shape, topography, location, surroundings, or existing structures of the property make it infeasible to locate the garage in the rear half of the lot. (Ord. 1537 (Exh. B (part)), 2018; Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
18.04.040 Supplemental regulations—RS districts.

A. Design of Building Additions. Roof lines, exterior materials, windows, railings, porches, and other design elements shall be designed in a manner which is compatible with the design elements of the existing buildings and surrounding neighborhood.

B. Building Entrances. The principal entry shall be located in a visible location facing the street and shall incorporate a projection (e.g., porch) or recess, or combination of projection and recess at least forty square feet in area, with a minimum depth of five feet. Alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved through the design review process.

C. Window Trim or Recess. Trim at least one inch in depth must be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall. For double-hung and horizontal sliding windows, at least one sash shall achieve a two-inch recess. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.
D. Architectural Articulation. Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.

1. No street-facing facade shall run in a continuous plane of more than twenty-five feet without a window or a projection, offset, or recess of the building wall at least one foot in depth. Building entrances and front porches, and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement.

2. Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break. Alternative designs to accommodate a complete architectural style may be approved through the design review process when the review authority finds that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.
E. Materials. All materials shall be high quality to allow for long-term durability and appearance. The exterior use of foam as trim and plywood or aluminum as siding materials is prohibited.

F. Garage Frontage. Where an attached garage is located on the front half of the lot and garage doors face a street, garage width shall not exceed sixty-five percent of the width of the front facade of the building (sixty percent on lots wider than one hundred feet).
FIGURE 18.04.040-F: GARAGE FRONTAGE—RS DISTRICTS

G. Paving. The maximum amount of paving in street-facing yards is fifty percent of the required yard.

H. Driveways. Curb cuts and driveways shall be minimized.
   1. Driveway approaches (curb cuts) shall be permitted only to provide access to approved garages, carports and parking spaces.
   2. A maximum of one driveway up to twenty feet wide is permitted to serve a single unit. Driveways serving two or more units shall be the minimum width required by the City Engineer.
   3. All driveways must have minimum two-foot-wide planted area on each side.
I. Alley Access. A detached garage or carport is permitted to have access to the alley if:

1. The garage or carport entrance is set back a minimum of four feet from the rear property line;
2. A forty-five-degree visibility triangle is provided on either side of the garage or carport;
3. The garage door does not cross the property line when opened or closed; and
4. The Director finds that such access will not adversely affect vehicle or pedestrian use of the street or alley.

**FIGURE 18.04.040-I: ALLEY ACCESS**

J. Small Lot Subdivisions.

1. Purpose. The purpose of this subsection is to provide opportunities to increase the supply of smaller dwelling units and rental housing units by allowing the creation of subdivisions with smaller lots and dwellings. It also is intended to establish design and development standards for these
projects to ensure that they are compatible with the surrounding neighborhood, where the General Plan anticipates no change to existing neighborhood character.

2. Location. A small lot subdivision may be proposed and approved on any site within the RS district where such development would be compatible with adjacent uses and the character of the area. A small lot subdivision shall not be allowed where the review authority determines that public utilities and services are inadequate or the landform is inappropriate for such development because of grading or impacts on views from adjacent lots.

3. Development Types. Small lot subdivisions may be proposed and approved for small lot single-unit, bungalow court, and townhouse development developed according to Section 18.04.070, Residential development types.

4. Lot Standards. The lot standards listed in Table 18.04.040-J, Small Lot Subdivision Lot Standards, apply to small lot subdivisions.

**TABLE 18.04.040-J: SMALL LOT SUBDIVISION LOT STANDARDS**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Small Lot</th>
<th>Bungalow Court</th>
<th>Townhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>2,000</td>
<td>2,000</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>30</td>
<td>30</td>
<td>20</td>
</tr>
</tbody>
</table>

5. Permit Requirement. A proposed small lot subdivision shall require the approval of a conditional use permit in compliance with Chapter 18.30, Use Permits, and a tentative map in compliance with the Subdivision Ordinance.

6. Required Findings. In addition to standard use permit findings, the review authority must find that the development is compatible with the neighborhood and that dwellings are proportionate to the lot size. (Ord. 1537 (Exh. B (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

18.04.050 Development standards—RM districts.

Tables 18.04.050-1 and 18.04.050-2 prescribe the development standards for RM districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this title, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
### TABLE 18.04.050-1: DEVELOPMENT STANDARDS—RESIDENTIAL MULTIFAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (units/net acre)</td>
<td>20</td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>6,000</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>60</td>
<td>100</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Corner Lots</td>
<td>70</td>
<td>100</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft.)</td>
<td>35</td>
<td>50 (A)</td>
<td>See Section 18.15.060, Height and height exceptions</td>
<td>3</td>
</tr>
<tr>
<td>Maximum Stories</td>
<td>3</td>
<td>4 (B)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>15 (C)</td>
<td>15 (C)</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Interior Side</td>
<td>First two stories: 5, 10; thereafter (A)</td>
<td>See Section 18.15.080, Projections into required yards</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 18.04.050-1: DEVELOPMENT STANDARDS—RESIDENTIAL MULTIFAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Side</td>
<td>10 (D)</td>
<td>10 (D)</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Rear</td>
<td>15</td>
<td>15 (A)</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Parking, from Street-Facing Property Line</td>
<td>40 (E)</td>
<td>40 (E)</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Maximum Lot Coverage (Percent of Lot)</td>
<td>65</td>
<td>75</td>
<td>See Chapter 18.03, Rules of Measurement</td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.75</td>
<td>2.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Maximum Upper Story Massing (Percent of Ground Floor Footprint)

<table>
<thead>
<tr>
<th>2nd Story</th>
<th>100</th>
<th>100</th>
<th>Not applicable on lots less than 60 feet wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd Story and Above</td>
<td>80</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 18.04.050-2: ADDITIONAL STANDARDS—RESIDENTIAL MULTIFAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Private Open Space (sq. ft. per unit)</td>
<td>150</td>
<td>100</td>
<td>(F)</td>
</tr>
<tr>
<td>Minimum Common Open Space (percent of site area)</td>
<td>15</td>
<td>15</td>
<td>(F)</td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (percent of site)</td>
<td>20</td>
<td>15</td>
<td>See Chapter 18.18, Landscaping</td>
</tr>
<tr>
<td>Maximum Paving in Street-Facing Yards (percent of required yard)</td>
<td>50</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>

A. Transitional Standards. Where an RM-59 district adjoins an RS district, the following standards apply:
1. The maximum height within forty feet of an RS district is thirty feet. The maximum height within fifty feet of an RS district is forty feet.

2. The building setback from an RS district boundary shall be ten feet for interior side yards and twenty feet for rear yards.

3. A landscaped planting area, a minimum of five feet in width, shall be provided along all RS district boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

B. Upper Story Stepback. The fourth story street-facing building frontage shall be stepped back a minimum of ten feet from the stories below. Exceptions may be granted by the Director; provided, that an
entry courtyard with a minimum depth of twenty-five feet, landscaping, and seating amenities are provided on the ground level at grade; or other comparable public amenities are provided.

FIGURE 18.04.050-B: UPPER STORY SETBACK

C. Front Setback. Where seventy-five percent or more of the lots in a block, on both sides of the street, have been improved with buildings, the minimum front setback required shall be the average of improved lots or fifteen feet, whichever is less.

D. Street Side Yards on Lots with Reversed Frontage. The rear one-quarter of the exterior side yard shall not be less than the front yard required or existing on the lot adjoining such exterior side yard.
E. Parking Setback. Parking may be located within forty feet of the street-facing property line in accordance with the following standards:

1. Underground and Partially Submerged Parking. Parking completely or partially underground may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.

2. Surface Parking. Above-ground parking may be located within forty feet of a street-facing property line with the approval of a conditional use permit when all of the following findings can be made:

   a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;

   b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping; and
c. The site is small and constrained such that underground, partially submerged, or surface parking located more than forty feet from the street frontage is not feasible.

F. Open Space. Private and common areas shall be provided in accordance with this section. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbecue areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.

1. Minimum Dimensions.

a. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than ten feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

b. Common Open Space. Common open space located on the ground level shall have no dimension less than fifteen by twenty feet.
2. Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope shall not exceed ten percent.

3. Accessibility.
   
   a. Private Open Space. The space shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway.

   b. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable
18.04.060 Supplemental regulations—RM districts.

A. Building Entrances.

1. Orientation. All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multiple-family housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.

2. Projection or Recess. Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of fifty square feet. Alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry, may be approved by the Director.

3. Dwelling Unit Access. Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, no exterior access corridor located above the ground floor may provide access to five or more units.

B. Building Design. Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.

1. Building Length. The maximum dimension of any single building shall not exceed one hundred twenty-five feet.

2. Roof Line. The roof line at each elevation shall demonstrate an offset of at least eighteen inches for each one to three units exposed on that elevation. Large, continuous roof planes are prohibited.

3. Window Trim or Recess. Trim at least one inch in depth must be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall. For double-hung and horizontal sliding windows, at least one sash shall achieve a two-inch recess. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.
4. Windows. Snap-in vinyl mullions between double pane glass are prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.

5. Facade Articulation. All street-facing facades shall have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and one-half feet in depth, for every twenty-five horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in twenty-five-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

6. Facade Detailing and Materials. All visible building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.

7. Building Colors. Every building shall have at least two complementary colors which demonstrate a harmonious relationship.

8. Building Materials. All materials shall be high quality to allow for long-term durability and appearance. The exterior use of foam for trim and plywood, vinyl or aluminum as siding materials is prohibited.

9. Transition Areas. Where new multifamily developments are built adjacent to existing lower-scaled residential development, the facade facing the existing lower-scaled residential development shall be designed to provide architectural relief and interest, while also respecting the scale of adjacent neighbors.

   a. Height. Full-height recesses, a minimum of ten feet deep, shall be provided along the facade to break the building into smaller discrete masses.
b. Window and Balcony Placement. Offset windows to avoid direct sight lines into and from neighboring properties. Position balconies and other private open space so they minimize views into neighboring properties.

10. Exceptions. Exceptions to the building design standards may be granted with approval of a conditional use permit based on the finding that adequate design features have been incorporated to create visual variety and avoid a large-scale, bulky, or monolithic appearance.

C. Private Storage Space. Each unit shall have at least two hundred cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

D. Paving. Differentiated paving materials shall be used for garage aprons, entries, and pedestrian walkways. This may include, but not be limited to, textures or colors, concrete pavers, brick, or stamped concrete. The use of permeable materials to reduce runoff is strongly encouraged.

E. Pedestrian Access. On-site pedestrian circulation and access must be provided according to the following standards:

1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

2. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes, such as safe routes to school, shall be
provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

3. To Neighbors. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

4. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

5. Pedestrian Walkway Design.
   a. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
   b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
   c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier. (Ord. 1537 (Exh. B (part)), 2018: Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

* Code reviser’s note: Ord. 1480 added subsection (B)(3a) of this section as subsection (B)(3). It has been editorially renumbered to avoid duplication.

18.04.070 Residential development types.
This section prescribes development and supplemental standards specific to each development type allowed within the residential districts.

A. Single-Unit Dwellings and Duplexes. Single-unit dwellings and duplexes are subject to the development standards and supplemental regulations of the RS district, Sections 18.04.030, Development standards—RS districts, and 18.04.040, Supplemental regulations—RS districts. The figures in this subsection illustrate RS district development standards and what resulting single-unit development might look like.
B. **Second Accessory** Dwelling Units. **Second Accessory** dwelling units are subject to the development standards and supplemental regulations of the RS district, Sections 18.04.030, Development standards—RS districts, and 18.04.040, Supplemental regulations—RS districts, and Section 18.23.210, **Second Accessory** dwelling units. The figures in this subsection illustrate **second-accessory** dwelling unit development standards and what resulting **second-accessory** dwelling unit development might look like.
C. Multi-Unit Residential. Multi-unit residential development is subject to the development standards and supplemental regulations of the RM district, Sections 18.04.050, Development standards—RM districts, and 18.04.060, Supplemental regulations—RM districts. The figures in this subsection illustrate RM district development standards and what resulting development might look like.
D. Small Lot Single-Unit Development. Small lot single-unit development is subject to the development standards and supplemental regulations of the base district unless modified by Table 18.04.070-D. The figures in this subsection illustrate small lot single-unit development standards and what resulting development might look like.

**TABLE 18.04.070-D: DEVELOPMENT STANDARDS—SMALL LOT SINGLE-UNIT DEVELOPMENT**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Small Lot Single-Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 18.04.070-D: DEVELOPMENT STANDARDS—SMALL LOT SINGLE-UNIT DEVELOPMENT

<table>
<thead>
<tr>
<th>Standard</th>
<th>Small Lot Single-Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Project Site Width (ft.)</td>
<td>80</td>
</tr>
<tr>
<td>Maximum Project Site Floor Area Ratio (FAR)</td>
<td>.45</td>
</tr>
<tr>
<td>Maximum Project Site Lot Coverage (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Building Height and Form</td>
<td></td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
<td>3</td>
</tr>
<tr>
<td>Maximum Building Length (ft.)</td>
<td>n/a</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Project Site</td>
<td>The overall project site is subject to the setback requirements of the base district.</td>
</tr>
<tr>
<td>Individual Lot (ft.)</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10; 7 for porch</td>
</tr>
<tr>
<td>Side</td>
<td>1-story portion: 4; 2-story portion: 8</td>
</tr>
<tr>
<td>Rear</td>
<td>15; 0 for detached garage on alley</td>
</tr>
<tr>
<td>Building Separation of Detached Units (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Parking and Access</td>
<td></td>
</tr>
<tr>
<td>Minimum Garage Setback from Primary Facade (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Maximum Garage Width (ft.)</td>
<td>25; common garages not visible from the street may accommodate up to four cars.</td>
</tr>
<tr>
<td>Standard</td>
<td>Small Lot Single-Unit</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>Access Location</td>
<td>Alley or side street wherever possible.</td>
</tr>
<tr>
<td>Building Orientation</td>
<td></td>
</tr>
<tr>
<td>Orientation</td>
<td>Facades shall be designed to orient towards the public street and a common courtyard, if provided.</td>
</tr>
<tr>
<td>Entrance Location</td>
<td>The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street.</td>
</tr>
<tr>
<td>Usable Open Space</td>
<td></td>
</tr>
<tr>
<td>Minimum Private Open Space (sq. ft. per unit)</td>
<td>300</td>
</tr>
<tr>
<td>Minimum Common Open Space (sq. ft. per unit)</td>
<td>200</td>
</tr>
<tr>
<td>Minimum Horizontal Dimensions</td>
<td></td>
</tr>
<tr>
<td>Ground floor, common (ft.)</td>
<td>20</td>
</tr>
<tr>
<td>Ground floor, private (ft.)</td>
<td>10</td>
</tr>
<tr>
<td>Balcony (ft.)</td>
<td>7</td>
</tr>
<tr>
<td>Additional Standards</td>
<td></td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Minimum Amount of Enclosed Personal Storage (sq. ft.)</td>
<td>80</td>
</tr>
</tbody>
</table>
E. Bungalow Court Development. Bungalow court development is subject to the development standards and supplemental regulations of the base district unless modified by Table 18.04.070-E. The figures in this subsection illustrate bungalow court development standards and what resulting development might look like.

**TABLE 18.04.070-E: DEVELOPMENT STANDARDS—BUNGALOW COURT DEVELOPMENT**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Bungalow Court</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Project Site Width (ft.)</td>
<td>100</td>
</tr>
</tbody>
</table>
### TABLE 18.04.070-E: DEVELOPMENT STANDARDS—BUNGALOW COURT DEVELOPMENT

<table>
<thead>
<tr>
<th>Standard</th>
<th>Bungalow Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Project Site Floor Area Ratio (FAR)</td>
<td>.45</td>
</tr>
<tr>
<td>Maximum Project Site Lot Coverage (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Building Height and Form</td>
<td></td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
<td>2</td>
</tr>
<tr>
<td>Maximum Building Length (ft.)</td>
<td>n/a</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Project Site</td>
<td>The overall project site is subject to the setback requirements of the base district.</td>
</tr>
<tr>
<td>Individual Lot (ft.)</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10; 7 for porch</td>
</tr>
<tr>
<td>Side</td>
<td>1-story portion: 4; 2-story portion: 8</td>
</tr>
<tr>
<td>Rear</td>
<td>15; 0 for detached garage on alley</td>
</tr>
<tr>
<td>Building Separation of Detached Units (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Parking and Access</td>
<td></td>
</tr>
<tr>
<td>Minimum Garage Setback from Primary Facade (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Maximum Garage Width (ft.)</td>
<td>25; common garages not visible from the street may accommodate up to four cars.</td>
</tr>
<tr>
<td>Access Location</td>
<td>Alley or side street wherever possible.</td>
</tr>
<tr>
<td>Standard</td>
<td>Bungalow Court</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Building Orientation</td>
<td></td>
</tr>
<tr>
<td>Orientation</td>
<td>Facades shall be designed to orient towards the public street and a common courtyard, if provided.</td>
</tr>
<tr>
<td>Entrance Location</td>
<td>The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street.</td>
</tr>
<tr>
<td>Usable Open Space</td>
<td></td>
</tr>
<tr>
<td>Minimum Private Open Space (sq. ft. per unit)</td>
<td>150</td>
</tr>
<tr>
<td>Minimum Common Open Space</td>
<td>15% of lot area provided as a central courtyard</td>
</tr>
<tr>
<td>Minimum Horizontal Dimensions</td>
<td></td>
</tr>
<tr>
<td>Ground floor, common (ft.)</td>
<td>30</td>
</tr>
<tr>
<td>Ground floor, private (ft.)</td>
<td>10</td>
</tr>
<tr>
<td>Balcony (ft.)</td>
<td>7</td>
</tr>
<tr>
<td>Additional Standards</td>
<td></td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Minimum Amount of Enclosed Personal Storage (sq. ft.)</td>
<td>80</td>
</tr>
</tbody>
</table>
F. Townhouse Development. Townhouse development is subject to the development standards and supplemental regulations of the base district unless modified by Table 18.04.070-F. The figures in this subsection illustrate townhouse development standards and what resulting development might look like.

**TABLE 18.04.070-F: DEVELOPMENT STANDARDS—TOWNHOUSE DEVELOPMENT**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Townhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Project Site Width (ft.)</td>
<td>80</td>
</tr>
<tr>
<td>Maximum Project Site Floor Area Ratio (FAR)</td>
<td>1.0</td>
</tr>
<tr>
<td>Standard</td>
<td>Townhouse</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Maximum Project Site Lot Coverage (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Building Height and Form</td>
<td></td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
<td>3</td>
</tr>
<tr>
<td>Maximum Building Length (ft.)</td>
<td>150</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Project Site</td>
<td>The overall project site is subject to the setba</td>
</tr>
<tr>
<td></td>
<td>requirements of the base district.</td>
</tr>
<tr>
<td>Individual Lot (ft.)</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10; 7 for porch</td>
</tr>
<tr>
<td>Side (apply to the end of rows of attached units)</td>
<td>1-story portion: 4; 2-story portion: 8</td>
</tr>
<tr>
<td>Rear</td>
<td>15; 0 for detached garage on alley</td>
</tr>
<tr>
<td>Building Separation of Detached Units (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Parking and Access</td>
<td></td>
</tr>
<tr>
<td>Minimum Garage Setback from Primary Facade (ft.)</td>
<td>5</td>
</tr>
<tr>
<td>Maximum Garage Width (ft.)</td>
<td>25; common garages not visible from the street</td>
</tr>
<tr>
<td></td>
<td>may accommodate up to four cars.</td>
</tr>
<tr>
<td>Access Location</td>
<td>Alley or side street wherever possible.</td>
</tr>
<tr>
<td>Building Orientation</td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>Townhouse</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Orientation</td>
<td>Facades shall be designed to orient towards the public street and a common courtyard, if provided.</td>
</tr>
<tr>
<td>Entrance Location</td>
<td>The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street.</td>
</tr>
<tr>
<td><strong>Usable Open Space</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Private Open Space (sq. ft. per unit)</td>
<td>300</td>
</tr>
<tr>
<td>Minimum Common Open Space (sq. ft. per unit)</td>
<td>200</td>
</tr>
<tr>
<td><strong>Minimum Horizontal Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Ground floor, common (ft.)</td>
<td>20</td>
</tr>
<tr>
<td>Ground floor, private (ft.)</td>
<td>10</td>
</tr>
<tr>
<td>Balcony (ft.)</td>
<td>7</td>
</tr>
<tr>
<td><strong>Additional Standards</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (percent of site)</td>
<td>35</td>
</tr>
<tr>
<td>Minimum Amount of Enclosed Personal Storage (sq. ft.)</td>
<td>80</td>
</tr>
</tbody>
</table>
FIGURE 18.04.070-F: RESIDENTIAL TYPES—TOWNHOUSE DEVELOPMENT

(Ord. 1537 (Exh. B (part)), 2018; Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.05
MIXED-USE DISTRICTS

18.05.010 Purpose.
The specific purposes of the mixed-use districts are to:

A. Provide for the orderly, well-planned, and balanced development of mixed-use districts.

B. Encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, and a pleasant quality of life.

C. Promote pedestrian- and transit-oriented, mixed-use commercial centers at appropriate locations.

D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along mixed-use streets.

E. Provide appropriate buffers and transition standards between commercial and residential uses to preserve both commercial and mixed-use feasibility and residential quality.

Additional purposes of each mixed-use district which follow implement General Plan classifications of “Mixed-Use, Low Density,” “Mixed-Use, Medium Density,” “Mixed-Use, Medium High Density,” and “Neighborhood Retail/Mixed-Use, Medium Density.”

F. MU-DC Mixed-Use Downtown Core. This district is intended to maintain the pedestrian-oriented environment in the heart of San Carlos’ downtown, with a focus on ground-level active storefronts and pedestrian- and transit-oriented development that encourages pedestrian activity and supports multi-modal transportation. Physical form is regulated to reflect the urban character of the downtown core. Allowable uses include retail, commercial, and office uses, as well as residential development of up to fifty units per net acre.

G. MU-D Mixed-Use Downtown. This district is intended to maintain the pedestrian-oriented environment around the downtown core and connect surrounding districts. Physical form is regulated to provide shopfront buildings that frame the street and support pedestrian- and transit-oriented development that encourages pedestrian activity and supports multi-modal transportation. Allowable uses include retail, commercial, and office uses, as well as residential development of up to fifty units per net acre.

H. MU-SA Mixed-Use Station Area. This district is intended to provide for transit-oriented development to support vitality around transit centers and the historic San Carlos Train Depot and provide linkages to the downtown core and neighborhoods adjacent to Old County Road. Allowable uses include retail, commercial, and office uses, as well as residential development of up to fifty units per net acre.
I. MU-SC Mixed-Use San Carlos Avenue. This district is intended to allow one or more of a variety of residential and nonresidential uses to encourage a greater mix and intensity of uses in a pedestrian-scaled environment at a scale and form that is appropriate to its neighborhood context and adjacent residential uses and forms. This district is also intended to provide transit-oriented development that supports multi-modal transportation. Allowable uses include commercial and office uses, as well as residential development up to fifty-nine units per net acre.

J. MU-NB Mixed-Use North Boulevard. This district is intended to facilitate the transformation of the northern portion of El Camino Real into a multi-modal, mixed-use corridor. The physical form varies to reflect the urban character of the El Camino Real corridor and to transition to surrounding, lower-density districts. This district allows a mix of residential development of up to fifty units per net acre and retail and commercial uses, as well as hotels and other commercial uses oriented toward a regional market.

K. MU-SB Mixed-Use South Boulevard. This district is intended to facilitate the transformation of the southern portion of El Camino Real into a multi-modal, mixed-use corridor. The physical form varies to reflect the urban character of the El Camino Real corridor and to transition to surrounding, lower-density districts. This district allows a mix of residential development of up to fifty units per net acre and retail and commercial uses, as well as hotels and other commercial uses oriented toward a regional market.

L. MU-N Neighborhood Mixed-Use. This district is intended to provide an appropriate transition from mixed-use areas into the residential neighborhoods. This district allows a mix of residential and commercial development appropriately scaled to ensure a residential physical form to relate to adjacent single-family residential neighborhoods. Allowable uses include retail, commercial, and office uses, as well as residential development of up to twenty units per net acre. (Ord. 1438 § 4 (Exh. A (part)), 2011)

18.05.020 Land use regulations.
Table 18.05.020 prescribes the land use regulations for mixed-use districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“M” designates use classifications that are permitted after review and approval of a minor use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
“-” designates uses that are not permitted.

Use classifications are defined in Chapter 18.40, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this title.

**TABLE 18.05.020: LAND USE REGULATIONS—MIXED-USE DISTRICTS**

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Housing Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P(2)</td>
<td>P</td>
<td>P(2)</td>
<td>P(3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Dwelling Unit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>Only if it includes a proposed or existing dwelling</td>
</tr>
<tr>
<td><strong>Junior Accessory Dwelling Unit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>Only if it includes a proposed or existing dwelling</td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Child Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(3)</td>
<td></td>
<td>See Section 18.23.090, Day care centers and</td>
</tr>
<tr>
<td>Use Classifications</td>
<td>MU-DC</td>
<td>MU-D</td>
<td>MU-SA</td>
<td>MU-SC</td>
<td>MU-NB</td>
<td>MU-SB</td>
<td>Additional Regulations</td>
<td></td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>large family child care homes</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td>M(1)</td>
<td></td>
<td>M</td>
<td></td>
<td></td>
<td>See Section 18.23.200, Residential care facilities</td>
<td></td>
</tr>
<tr>
<td>Limited</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior</td>
<td></td>
<td>M(1)</td>
<td></td>
<td>M</td>
<td></td>
<td></td>
<td>See Section 18.23.200, Residential care facilities</td>
<td></td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>C(1)</td>
<td>C(1)</td>
<td>C(2)</td>
<td>C</td>
<td>C(1)</td>
<td>C(3,14)</td>
<td>See Section 18.23.220, Single room occupancy hotels</td>
<td></td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.250, Transitional and supportive housing</td>
<td></td>
</tr>
<tr>
<td>Supportive Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.250, Transitional and supportive housing</td>
<td></td>
</tr>
</tbody>
</table>

<p>| Public and Semi-Public Uses  |       |      |       |       |       |       |                                                            |
| Colleges and Trade Schools, Public or Private | -     | -    | -     | -     | P     | -     |                                                            |</p>
<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Assembly, Less Than 3,500 Square Feet</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>M</td>
<td></td>
<td>See Section 18.23.080, Community assembly facilities</td>
</tr>
<tr>
<td>Community Assembly, 3,500 Square Feet or More</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>M</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>C(4)</td>
<td>P</td>
<td>-</td>
<td>C</td>
<td>M</td>
<td>M</td>
<td></td>
<td>See Section 18.23.090, Day care</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>-</td>
<td>P</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td></td>
<td>See Section 18.23.110, Emergency shelters</td>
</tr>
<tr>
<td>Government Offices</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instructional Services</td>
<td>M</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
<td>See Section 18.23.260, Formula business uses</td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 18.05.020: LAND USE REGULATIONS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Service Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Grooming and Pet Stores</td>
<td></td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P(5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary Services</td>
<td></td>
<td>C(5)</td>
<td>-</td>
<td>C(5)</td>
<td>C(5)</td>
<td>C(5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artists’ Studios</td>
<td></td>
<td>M</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P(5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Automobile Rentals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 18.23.050, Automobile/vehicle sales and services, and Section 18.23.260, Formula business uses</td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Leasing</td>
<td></td>
<td>P(6,7)</td>
<td>P(6,7)</td>
<td>P(6,7)</td>
<td>P(6,7)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Washing</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(6)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Station</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(6)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Services</td>
<td></td>
<td>-</td>
<td>P(9)</td>
<td>P(9)</td>
<td>P(9)</td>
<td>P(9)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Use Classifications</td>
<td>MU-DC</td>
<td>MU-D</td>
<td>MU-SA</td>
<td>MU-SC</td>
<td>MU-NB</td>
<td>MU-SB</td>
<td>Additional Regulations</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Cinema/Theaters</td>
<td>C(17)</td>
<td>C(17)</td>
<td>-</td>
<td>-</td>
<td>C(17)</td>
<td>-</td>
<td>See Section 18.23.070, Formula business uses</td>
<td></td>
</tr>
<tr>
<td>Small-Scale</td>
<td>-</td>
<td>C(17)</td>
<td>-</td>
<td>-</td>
<td>C(17)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large-Scale</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(19)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars/Night Clubs/Lounges</td>
<td>C(17)</td>
<td>C(17)</td>
<td>C</td>
<td>-</td>
<td>C(17)</td>
<td>-</td>
<td>See Section 18.23.140, Outdoor dining, and Section 18.23.260, Formula business uses</td>
<td></td>
</tr>
<tr>
<td>Food Preparation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.260, Formula business uses</td>
<td></td>
</tr>
<tr>
<td>Funeral Parlors and Mortuaries</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.070, Bed and breakfast lodging, and Section 18.23.260, Formula business uses</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 18.05.020: LAND USE REGULATIONS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurseries and Garden Centers</td>
<td>P(9, 20)</td>
<td>P(9, 20)</td>
<td>P(9, 20)</td>
<td>-</td>
<td>P(9, 20)</td>
<td>P(9, 20)</td>
<td>See Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>Offices</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical and Dental</td>
<td>P(12)</td>
<td>P</td>
<td>P(9)</td>
<td>P</td>
<td>P</td>
<td>P(9)</td>
<td>See Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>Walk-In Clientele</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>Personal Services</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Personal Services</td>
<td>(13)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section <a href="#">18.23.170</a>, Personal services, and Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>Tattoo or Body Modification Parlor</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Dispensary</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Food and Beverage Sales</td>
<td>P(18)</td>
<td>P(18)</td>
<td>P</td>
<td>P</td>
<td>P(18)</td>
<td>P(16)</td>
<td>See Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>General Retail</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section <a href="#">18.23.260</a>, Formula business uses</td>
</tr>
<tr>
<td>Price Point Retail</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Use Classifications</td>
<td>MU-DC</td>
<td>MU-D</td>
<td>MU-SA</td>
<td>MU-SC</td>
<td>MU-NB</td>
<td>MU-SB</td>
<td>MU-N</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>Second-Hand Store</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Establishments Selling Ammunition or Firearms</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Industrial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Facility, Reverse Vending Machine</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Transportation, Communication, and Utilities Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna and Transmission Towers</td>
<td>See Chapter 18.24, Wireless Telecommunications Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities within Buildings</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transportation Passenger Terminals</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Other Applicable Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td>See Section 18.23.030, Accessory uses, and Section 18.15.020, Accessory buildings and structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 18.05.020: LAND USE REGULATIONS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.120, Home occupations</td>
</tr>
<tr>
<td>Drive-In and Drive-Through Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Prohibited in MU districts; see Section 18.23.100, Drive-in and drive-through facilities</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td>Chapter 18.19, Nonconforming Uses, Structures, and Lots</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use</td>
<td>Chapter 18.31, Temporary Use Permits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Specific Limitations:

1. Not allowed on the ground floor along Laurel Street and San Carlos Avenue frontages.

2. Conditional use permit approval required to allow residential uses on the ground floor along El Camino Real frontage.

3. Not allowed on the ground floor along Old County Road.

4. Not allowed on Laurel Street or San Carlos Avenue.

5. Provided that such use shall be completely enclosed in a building of soundproof construction.

6. For properties without frontage along El Camino Real, only retail sales consistent with the definition of “general retail” and five thousand square feet or less.

7. Must be within an enclosed structure.

8. Limited to establishments with a gross floor area of two thousand five hundred square feet or less. Limited to the ground floor of a building located on an interior lot a minimum of five hundred feet from any other financial institution.

9. Limited to establishments with a gross floor area of five thousand square feet or less.

10. Permitted after review and approval of a minor use permit by the Zoning Administrator if less than twelve chairs.
11. Limited to upper stories unless at least fifty percent of ground floor street frontage is occupied by food service use.

12. Limited to upper stories.

13. Permitted if existing. Additions to existing facilities and establishment of new facilities are subject to Section 18.23.170, Personal services.

14. Not allowed along East San Carlos Avenue.

15. Limited to neighborhood groceries with less than one thousand five hundred square feet of sales area when located along East San Carlos Avenue.

16. The sale of alcoholic beverages is prohibited.

17. Not permitted on sites where the shopfront of such nonresidential use faces onto R zoning districts.

18. Minor use permit required for sites adjacent to R districts.

19. On the east side of El Camino Real only; in all other areas this use is not permitted.

20. Uses that require a commercial cannabis business permit are not permitted.

(Ord. 1540 (Exh. A), 2019; Ord. 1525 § 2(1) (Exh. A (part)), 2017; Ord. 1518 § 3 (Exh. A), 2017; Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.05.030 Development standards.
Tables 18.05.030-1 through 18.05.030-6 prescribe the development standards for mixed-use districts. Additional regulations are denoted in a right-hand column. Section numbers in this column refer to other sections of this title, while individual letters refer to subsections that directly follow the table. The numbers in each illustration in this section refer to corresponding regulations in the “#” column in the associated table.
### TABLE 18.05.030-1: LOT, DENSITY, AND FAR STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density (units/net acre)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>59</td>
<td>50</td>
<td>50</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>2.5(A)</td>
<td>2.5(A)</td>
<td>2.5(A)</td>
<td>3.0(A)</td>
<td>2.5(A)</td>
<td>2.5(A)</td>
<td>2.0(A)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. Increased FAR for Mixed-Use Buildings. The maximum allowable FAR may be increased by up to ten percent for buildings that contain a mix of residential and nonresidential uses through the provision of one or more of the following elements beyond what is otherwise required, subject to conditional use permit approval:

1. Car-share or electric car facilities.
2. Additional public open space or contribution to a parks fund.
3. Provision of off-site improvements. This may include off-site amenities and/or infrastructure (other than standard requirements and improvements) such as right-of-way improvements or funding for public safety facilities, libraries, senior centers, community meeting rooms, child care or recreation.
4. Provision of green roofs, solar panels, and other green building measures.
### TABLE 18.05.030-2: BUILDING PLACEMENT STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks, Residential-Only Development</td>
<td>Subject to the setback requirements of the RM-59 District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laurel Street</td>
<td>Property line or 15 ft from curb (the greater) for all MU districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(B)</td>
<td>1</td>
</tr>
<tr>
<td>El Camino Real</td>
<td>Property line or 20 ft from curb (the greater) in MU-DC, MU-D, MU-SA, and MU-SC</td>
<td>5 min, 15 max</td>
<td>0 min, 5 max</td>
<td>5 min, 15 max</td>
<td></td>
<td></td>
<td></td>
<td>(B)</td>
<td>1</td>
</tr>
<tr>
<td>San Carlos Avenue</td>
<td>Property line or 15 ft from curb (the greater) in MU-DC, MU-D, MU-SA, and MU-SC</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>5 min, 15 max</td>
<td></td>
<td></td>
<td>(B)</td>
<td>1</td>
</tr>
<tr>
<td>Elm Street</td>
<td>0 min, 10 max</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
**TABLE 18.05.030-2: BUILDING PLACEMENT STANDARDS—MIXED-USE DISTRICTS**

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Other Streets</td>
<td>5 min, 15 max*</td>
<td>5 min, 15 max</td>
<td>0 min, 5 max</td>
<td>5 min, 15 max</td>
<td>0 min, 5 max</td>
<td>5 min, 15 max</td>
<td>5 min, 15 max</td>
<td>1</td>
</tr>
<tr>
<td>Interior Side</td>
<td>0 min; 10 min adjacent to RS district for all MU districts</td>
<td>(C)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>0 min; 30 min adjacent to RS district for all MU districts</td>
<td>(C)</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Build Area (ft.)</td>
<td>30; buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Applicable to 700 and 800 blocks of Walnut Street only.

B. Build-To Line. Buildings shall be constructed at the required setback for eighty percent of linear street frontage. The area between the building and property line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the review authority upon finding that:

1. Substantial landscaping is located between the build-to line and ground floor residential units to soften visual impact of buildings;

2. Entry courtyards, plazas, entries, or outdoor eating and display areas are located between the build-to line and building; provided, that the buildings are built to the edge of the courtyard, plaza, or dining area; or

3. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

C. Required Side and Rear Yards for Residential Uses. In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks apply to any building wall containing windows and facing an interior side or rear yard. When the site is adjacent to a residential district, the project must comply with whichever standard results in the greater setback. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.
1. For any wall containing living room or other primary room windows, a setback of at least fifteen feet shall be provided.

2. For any wall containing sleeping room windows, a setback of at least ten feet shall be provided.

3. For all other walls containing windows, a setback of at least five feet shall be provided.

**FIGURE 18.05.030-C: REQUIRED SIDE AND REAR YARDS FOR RESIDENTIAL USES**

*Additional setbacks apply adjacent to RS Districts. See Table 18.05.030-2: Building Placement Standards - Mixed-Use Districts*
## TABLE 18.05.030-3: HEIGHT STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
</table>
| Building Maximum    | 50; 30 along East San Carlos Avenue in MU-N District  
| (ft.)               |       |      |       |       |       |       |     | (D); See Section 18.15.060, Height and height exceptions | 1  |
|                     | 30 within 40 ft of an RS district |       |       |       |       |       |     |                                                            |    |
|                     | 40 within 50 ft of an RS district |       |       |       |       |       |     |                                                            |    |
| Building Minimum    | 25; Applicable only along Laurel Street | n/a   | n/a   | n/a   | n/a   | n/a   |     |                                                            | 2  |

*Note: MU refers to Mixed-Use Districts.*
## TABLE 18.05.030-3: HEIGHT STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>and El Camino Real frontages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Maximum Stories | 4(1) | 4  | 4  | 4  | 4  | 4  | (E) |

### Ground Floor Minimum Height

<table>
<thead>
<tr>
<th>Ground Floor Residential Uses (ft.)</th>
<th>12</th>
<th>12</th>
<th>12</th>
<th>12</th>
<th>12</th>
<th>12</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor Nonresidential Uses (ft.)</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>First Floor Ceiling Height, Nonresidential Uses (ft. clear)</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

1. A use permit is required for the fourth story for parcels with street frontage onto Laurel Street in the 600, 700, and 800 blocks.

### D. Height Limitations and Exceptions.

1. **Projections.** Except along East San Carlos Avenue, a parapet wall, cornice or sloping roof may project up to four feet above the height limit.

2. **Towers.** If the project site is greater than fifteen thousand square feet and not located along East San Carlos Avenue, a tower or other projecting architectural elements may extend up to ten feet above the top of a pitched roof; provided, that the square footage of the element(s) does not total more than ten percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space.

   a. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
b. The tower element shall be proportional to the rest of the building.

c. The roof shall be sloped and include architectural detailing, such as a cornice or eave.

3. East San Carlos Avenue—MU-N District. The maximum height along East San Carlos Avenue in the MU-N District is thirty feet. Up to thirty-five feet may be allowed with a minimum roof pitch of 6:12.

FIGURE 18.05.030-D: HEIGHT LIMITATIONS—MU-N DISTRICT ALONG EAST SAN CARLOS AVENUE

E. Upper Story Limitations.

1. Third Story—East San Carlos Avenue. Along East San Carlos Avenue in the MU-N District, a third story may be allowed for a residential-only project subject to conditional use permit approval.

FIGURE 18.05.030-E(1): THIRD STORY—EAST SAN CARLOS AVENUE

2. Upper Story Stepbacks.
a. Third Story—Laurel Street. The third story along the 600, 700, and 800 blocks of Laurel Street shall be set back a minimum of ten feet from the story below.

b. Fourth Story. The fourth story of all buildings shall be stepped back a minimum of ten feet from the story below, except as provided in this section.

c. Laurel Street. The fourth story along the 600, 700, and 800 blocks of Laurel Street may align with the story below.

d. San Carlos Avenue and El Camino Real. The fourth-story front facade may align with the story below along San Carlos Avenue in the MU-SC District and along El Camino Real (exception: this provision does not apply to the 1100 and 1200 blocks of San Carlos Avenue).

![FIGURE 18.05.030-E(2): UPPER STORY STEPBACKS](image)
### TABLE 18.05.030-4: BUILDING FORM STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Length of Blank Wall (ft.)</td>
<td></td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Ground floor: 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upper floors: 25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Projections (ft.)</td>
<td>3; minimum 12 feet above sidewalk grade.</td>
<td>(F)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awnings and Overhangs (ft.)</td>
<td>4; minimum 8 feet above sidewalk grade.</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

F. Building Projections. The maximum width of any single projection is ten feet and the total width of all projections along a building face shall not be more than twenty-five percent of the building frontage.
### TABLE 18.05.030-5: PARKING AND LOADING STANDARDS—MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback from Street Property Line (ft.)</td>
<td>40;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(G)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback from Buildings and Public Plazas (ft.)</td>
<td>8 ft: 5 ft walkway plus 3 ft landscaping; applicable only to above-ground parking.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access Location</td>
<td>Side street or alley wherever possible.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curb Cuts</td>
<td>Prohibited on Laurel</td>
<td>Minimized and in area least likely to impede pedestrian circulation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading/Service Area</td>
<td>Side or rear of lot; must be screened from public ROW.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Podium</td>
<td>Maximum height of a parking podium visible from the street is 5 feet from finished grade.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

G. Limitations on Location of Parking. Parking may be located within forty feet of the street-facing property line, subject to the following requirements.

1. Underground and Partially Submerged Parking. Parking completely or partially underground may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.

2. Surface Parking. Above-ground surface parking may be located within forty feet of a street-facing property line with the approval of a conditional use permit when the Planning Commission makes the following findings:

   a. Buildings are built close to the public sidewalk to the maximum extent feasible;

   b. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
c. The site is small and constrained such that underground, partially submerged, or surface parking located more than forty feet from the street frontage is not feasible.

**TABLE 18.05.030-6: LANDSCAPING AND OPEN SPACE STANDARDS—MIXED-USE DISTRICTS**

<table>
<thead>
<tr>
<th>District</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>MU-N</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Residential Open Space (sq. ft. per unit)</td>
<td>100</td>
<td>100</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>(H)</td>
</tr>
<tr>
<td>Minimum Public Open Space (% of site)</td>
<td>10; applicable only to mixed-use and nonresidential development on lots greater than 15,000 square feet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Dimensions (ft.)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (% of site)</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

H. Landscaping and Residential Open Space. Landscaping and residential open space shall be provided as required by Table 18.05.030-6. Residential open space may be common or private open space. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbecue areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards a public street are considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas.

1. Minimum Dimensions.
   a. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than ten feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
2. Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed ten percent.

3. Accessibility.
   a. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
   b. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room. (Ord. 1485 (Exh. A), 2015; Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.05.040 Supplemental regulations.
A. Maximum Block Length. Five hundred feet; block length of up to six hundred feet is allowed when a mid-block pedestrian connection is provided.

B. Street Preservation. Existing public right-of-way shall be preserved. Public right-of-way shall not be eliminated or abandoned unless substantial public benefits are provided, such as a new park, as determined by the review authority.

C. Street Frontage Improvements. New development shall provide street frontage improvements in accordance with the following:

1. Between the Property Line and Curb.
   a. Sidewalks. Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition as determined by the Public Works Director.
   b. Street Furniture. Trash receptacles, benches, bike racks, and other street furniture from a list maintained by the Director shall be provided.
   c. Street Lights. Pedestrian scaled street lights, including attachments from which banners may be hung, from a list maintained by the Director shall be provided.
   d. Street Trees. Shade trees shall be planted at least thirty feet on center. Tree guards shall be provided. Trees shall be a minimum of fifteen gallons in size, and at least ten percent of the required trees shall be twenty-four-inch box size or larger.

2. Interior from Property Line. Except where occupied by a building or necessary for parking access, the street frontage, for a depth of ten feet from the property line, shall be utilized for active outdoor uses, including but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities such as outdoor seating.

D. Building Orientation and Entrances.

1. Buildings shall be oriented to face public streets.

2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on a public street.

3. Building entrances shall be emphasized with special architectural and landscape treatments.
4. Entrances located at corners shall generally be located at a forty-five-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements. All building and dwelling units located in the interior of a site shall have entrances from the sidewalk that are designed as an extension of the public sidewalk and connect to a public sidewalk.

5. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

**FIGURE 18.05.040-D: BUILDING ORIENTATION AND ENTRANCES**

---

E. Building Transparency—Required Openings for Nonresidential Uses. Exterior walls facing and within twenty feet of a front or street side property line shall include windows, doors, or other openings for at least sixty percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than twenty-five feet without an opening.
1. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

2. Exceptions for Parking Garages. Multilevel garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened and treated, consistent with the requirements of Chapter 18.20, Parking and Loading.

3. Alternatives through Design Review. Alternatives to the building transparency requirement may be approved if the Planning Commission finds that:

   a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

   b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

F. Building Design and Articulation. Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. Building design shall reflect and complement the architectural style of significant buildings within the community. This may be accomplished through the incorporation of architectural style, colors, and materials of significant buildings within the community. The following standards apply to commercial and mixed-use development in the MU districts. Residential-only development is subject to the building design standards for the RM districts in Section 18.04.060(B), Building Design.
1. Massing. Building massing shall align with the street grid of adjacent blocks.

2. Relation to Existing Buildings. Buildings shall be designed to appear integrated with existing buildings in the district.

3. Wide Buildings. Any building over fifty feet wide shall be broken down to read as a series of buildings no wider than fifty feet each or thirty feet in the MU-DC District or within one hundred feet of the train depot.

4. Vertical Relationship. Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate roof lines and accentuate setbacks between stories.

5. Windows.

   a. Trim at least one inch in depth must be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall.

   b. Snap-in vinyl mullions between double pane glass is prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
c. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.

   a. A unified palette of quality materials shall be used on all sides of buildings.
   b. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved by the City as part of the project review.
   c. A wainscoting of quality materials on the bottom eighteen to thirty-six inches of the ground floor facade is required. Exceptions may be granted through the design review process to accommodate alternative design complementary to the architectural style of the structure.
   d. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.

7. Building Details. Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance.
   a. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
   b. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
   c. All balconies that do not meet the minimum size required for private open space, such as Juliet balconies, shall have a minimum horizontal dimension of two feet.
   d. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.

G. Pedestrian Access. On-site pedestrian circulation and access must be provided according to the following standards:

1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other existing or planned pedestrian routes, such as safe routes to school, shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

3. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

4. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

5. Across Rail Corridor. Safe and convenient pedestrian connections shall be provided across the rail corridor. If an aerial viaduct or trench is used for rail alignment, the following standards shall apply to the extent feasible given engineering requirements.
   a. Extend the street grid below the aerial viaduct or above the trench to provide new street and pedestrian connections across the corridor.
   b. Locate active commercial uses or public park and recreation space below the aerial viaduct to enhance connectivity and create safe, attractive connections across the rail corridor.
   c. Enhance connections below the viaduct with lighting and public art.

   a. Walkways shall have a minimum clear unobstructed width of six feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
   b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
   c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
H. Residential Notification. Residents of mixed-use development shall be informed of potential noise from refuse collection and other activities typically associated with commercial activity.

I. Rail Station.

   1. Rail stations shall be designed to have physical presence and visibility on both sides of the rail corridor, including key architectural features that are visible from major roadways and connections, as well as pedestrian-level entries and vehicle drop-off areas.

   2. Rain-protected east-west pedestrian connections shall be provided at the ground level of the station to enhance pedestrian connectivity along the rail corridor. These connections should be extensions of the existing street grid and pedestrian network with a minimum clear width of eight feet. (Ord. 1480 (Exh. B (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.15
GENERAL SITE REGULATIONS

18.15.020 Accessory buildings and structures.

A. Applicability.

1. The provisions of this section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as decks and trellises that are over six feet in height and that are detached from and accessory to the main building on the site. Premanufactured carports or canopies are prohibited under this classification.

2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this title applicable to the main building. Allowed building projections into setbacks are stated in Section 18.15.080, Projections into yards.

3. Where a second unit is located over a detached garage, the entire structure shall be considered a main building, subject to the base district standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building.

3. Detached accessory dwelling units shall comply with Section 18.23.210 and are not subject to the provisions of this Section.

B. Relation to Existing Structures. A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related or on an adjacent lot under the same ownership. However, an accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building; provided, that a building permit is obtained for the entire project, including the accessory building, prior to the start of any construction.

C. Number of Accessory Structures. There shall be no more than two accessory structures located on any property without prior approval of the Director.

D. Location. Accessory structures shall be located in the rear half of the lot.

1. Corner Lot. On a corner lot, no detached accessory building shall be located so as to project beyond the front yard required or existing on the adjacent lot.
2. Through Lot. On a through lot having frontage on two more or less parallel streets, no detached accessory building shall be located on the one-fourth of the lot nearest either street.

3. Garage Exception. In RS districts, garages may be allowed on the front half of a lot in accordance with Section 18.04.030, Development standards—RS districts.

E. Height. Accessory structures with slab-type foundation shall be no greater than twelve feet high measured from adjacent grade. Accessory structures with raised floor-type foundation shall be no greater than fifteen feet high measured from adjacent grade.

F. Setbacks. Accessory structures may be located on an interior side or rear lot line, except as provided below:

1. Accessory structures shall be set back a minimum of three feet from any alley or lot line.

2. Accessory structures adjacent to the front one-half of any adjacent lot shall be set back a minimum of five feet from the lot line.

3. Detached garages with a linear length or depth which exceeds twenty-five feet on a side shall be set back a minimum of five feet from the lot line.

4. Accessory structures other than detached garages with a linear length or depth which exceeds one-third of the unobstructed distance along a property line shall be set back a minimum of five feet from the lot line.

G. Rear Yard Area. Detached accessory structures shall not occupy more than thirty percent of the required rear yard area.

H. Separation from Main Buildings. No detached accessory structure shall be located closer than six feet from the main building, inclusive of roof covering.

I. Facilities.

1. A detached accessory structure that has not been approved as an accessory second dwelling unit may contain a toilet, shower and sink upon review and approval by the Director and the Chief Building Official. A bathtub is not permitted. The applicant shall obtain all necessary building permits for work to be performed. The applicant shall sign a statement, at the time of submittal for a building permit, which will prohibit the use of the accessory structure as an accessory second dwelling unit.
dwelling unit. The signed statement shall be in the form of a restrictive covenant, and shall be recorded.

2. A detached accessory structure may have plumbing for a washer, dryer, and/or utility sink; provided, that it has an open floor plan without interior partitions, and that it is located at least five feet from side and rear lot lines.

J. Permits. Accessory structures greater than one hundred twenty square feet shall require Director approval and a building permit from the Building Division. (Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.16
AFFORDABLE HOUSING PROGRAMS*

18.16.010 Purpose. Revised 10/19
The purpose of this chapter is to:

A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels within the City as mandated by State law, California Government Code Section 65580 et seq.

B. Enhance the public health, safety, and welfare within the City. Requiring builders of new market rate housing to provide some housing affordable to very low-, lower-, and moderate-income households is also reasonably related to the impacts of such developments, because there is a need to offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new residential and commercial development by: protecting the economic diversity of the City’s housing stock; reducing traffic, transit, and related air quality impacts; promoting jobs/housing balance; and reducing the demands placed on transportation infrastructure in the region.

C. Promote the City’s goal to add affordable housing units to the City’s housing stock in proportion to the overall increase in new jobs and housing units.

D. Support the Housing Element policy to consider use of funds for developments with a higher percentage of below market rate units or deeper affordability than otherwise is required.

E. Support the Housing Element policy to encourage second accessory dwelling units as a form of affordable housing.

F. Support the Housing Element goal of assisting in the development of new housing that is affordable at all income levels and the policies and actions that support this goal.

G. Support the Housing Element goal of removing and/or mitigating potential governmental constraints to the provision of adequate, affordable housing and the policies and actions that support this goal.

H. Support the guiding principle of the Housing Element that housing in San Carlos supports an economically and socially diverse population.

I. Support the guiding principle of the Housing Element that housing in San Carlos creates and supports vibrant neighborhoods and a cohesive sense of community.

J. Meet the housing needs identified by the Housing Element of the General Plan.
K. Encourage the production of the very low-, low-, and moderate-income units planned for in the Housing Element of the General Plan.

L. Comply with the provisions of Government Code Section 65915 mandating the adoption of a City ordinance that specifies procedures for providing density bonuses and other incentives and concessions.

M. Provide and maintain affordable housing opportunities in the City through an affordable housing program for both ownership and rental housing, and, in furtherance of that goal, include rental affordable housing requirements in this chapter consistent with Government Code Sections 65850(g) and 65850.01.

N. Provide builders with alternatives to construction of below market rate units on the same site as the market rate residential development. Therefore, this chapter includes a menu of options from which a builder may select an alternative to the construction of below market rate units on the same site as the market rate residential development. (Ord. 1550 § 2 (part), 2019: Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.010)

18.16.020 Definitions.

As used in this chapter and in Chapter 18.17, the following terms shall have the following meanings:

A. “Administrator” means the Housing Manager of the City or other person designated by the City Manager.

B. “Affordable ownership cost” means a sales price for a below market rate unit, based on a reasonable down payment, that results in a monthly housing cost (including mortgage principal and interest, property taxes, insurance, utilities, and homeowners’ association costs, if any) that does not exceed:

1. For very low-income households, one-twelth of fifty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

2. For low-income households, one-twelth of seventy percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

3. For moderate-income households, one-twelth of one hundred ten percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty-five percent.

C. “Affordable rent” means monthly rent, including utilities, for a below market rate unit that does not exceed:
1. For very low-income households, one-twelfth of fifty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

2. For low-income households, one-twelfth of sixty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent.

D. “Area median income” means the median household income for San Mateo County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

E. “Assumed household size based on unit size” means a household of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom, unless the requirements of another funding source require an alternate method of calculating assumed household size.

F. “Below market rate housing agreement” means a written agreement between a builder and the City as provided by Section 18.16.060(C).

G. “Below market rate housing plan” means a plan for a residential development submitted by a builder as provided by Section 18.16.060(B).

H. “Below market rate incentives” means incentives provided by the City for below market rate (BMR) units and density bonus BMR units pursuant to Chapter 18.17.

I. “Below market rate (BMR) unit” means a dwelling unit that shall be offered at an affordable rent or affordable ownership cost to moderate-, low- and very low-income households and is required by the City pursuant to Section 18.16.030.

J. “Builder” means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks City approvals for all or part of a residential development.

K. “City” means the City of San Carlos.

L. “Density bonus” is as defined in Chapter 18.17.

M. “Density bonus below market rate (BMR) unit” is as defined in Chapter 18.17.

N. “First approval” means the first discretionary approval to occur with respect to a residential development, or, for residential developments not requiring a discretionary approval, the issuance of a building permit.
O. “Household” means one person living alone or two or more persons sharing residency whose income is considered for housing payments.

P. “In lieu fee” is as defined in Section 18.16.030(C).

Q. “Low-income household” means a household whose annual income does not exceed the qualifying limits set for lower-income households in Section 50079.5 of the California Health and Safety Code.

R. “Market rate unit” means a dwelling unit in a residential development that is not a below market rate unit or a density bonus BMR unit or is not otherwise required by this chapter to be affordable to very low-, low-, or moderate-income households.

S. “Moderate-income household” means a household whose income does not exceed the qualifying limits set for persons and families of low or moderate income in Section 50093 of the California Health and Safety Code.

T. “Off-site below market rate unit” means a below market rate unit that will be built separately or at a different location than the residential development.

U. “On-site below market rate unit” means a below market rate unit that will be built at the same location as the residential development.

V. “Residential development” means any development project requiring any discretionary permit from the City, or a building permit, and which would create one or more additional dwelling units and/or lots by construction or alteration of structures, or by subdivision of existing lots, or which would add one thousand square feet or more to an existing dwelling unit. A residential development includes dwelling units that are part of a mixed-use development and the conversion of existing dwelling units to community housing subdivision ownership as defined in Chapter 17.48.

W. “Residential ownership development” means any residential development project that includes the creation of one or more residential dwelling units and/or lots that may be sold individually, or that would add one thousand square feet or more to an existing dwelling unit that may be sold individually. A residential ownership development also includes the conversion of existing dwelling units to community housing subdivision ownership as defined in Chapter 17.48.

X. “Residential rental development” means any residential development project that creates one or more residential dwelling units that cannot be sold individually, or that would add one thousand square feet or more to an existing dwelling unit that cannot be sold individually.
Y. “Very low-income household” means a household whose income does not exceed the qualifying limits set for very low-income households in Section 50105 of the California Health and Safety Code.

(Ord. 1550 § 2 (part), 2019; Ord. 1438 § 4 (Exh. A (part)), 2011; Ord. 1416 § 3 (Exh. A (part)), 2010; Ord. 1340 § 1 (part), 2004. Formerly 18.200.030)

18.16.030 Below market rate housing requirements. Revised 10/19
A. Residential Development. For all residential developments of seven or more dwelling units, at least fifteen percent of the total units shall be below market rate units restricted for rent or sale to and occupancy by moderate-, low-, and very low-income households unless the residential development is exempt under Section 18.16.040. The number and type of below market rate units required for a particular residential development will be determined at first approval of the residential development in accordance with the provisions of Section 18.16.060. If a change in the residential development design results in a change in the total number of units, the number of below market rate units required will be recalculated to coincide with the final approved project.

1. Residential Ownership Development. At least fifteen percent of the total units in a residential ownership development shall be below market rate units, of which ten percent shall be affordable to moderate-income households and five percent affordable to low-income households unless an alternative is approved as described in Section 18.16.070.

2. Residential Rental Development. At least fifteen percent of the total units in a residential rental development shall be below market rate units, of which ten percent shall be affordable to very low-income households and five percent affordable to low-income households unless an alternative is approved as described in Section 18.16.070.

B. Calculation. In determining the number of whole below market rate units required, calculations shall be based on the number of dwelling units in the residential development, excluding any units above the otherwise maximum allowable density that are approved pursuant to the State Density Bonus Law, Government Code Section 65915 et seq. Any decimal fraction less than one-half shall be rounded down to the nearest whole number, and any decimal fraction of one-half or more shall be rounded up to the nearest whole number.

C. In Lieu Fee. Under the circumstances specified in this subsection, the below market rate housing requirements in subsection A of this section may be satisfied by the payment of a fee to the City in lieu of constructing the below market rate units within the residential development.

1. For a residential ownership development of one dwelling unit, or for an addition of one thousand square feet or more to an existing dwelling unit that may be sold individually, the builder
shall pay an in lieu fee or construct a second accessory dwelling unit consistent with Section 18.23.210, Second Accessory dwelling units.

2. For a residential development that creates one additional lot or two to six dwelling units and/or lots, or for a residential development that triggers a decimal fraction of less than one-half, the builder shall pay an in lieu fee for the partial unit or build a below market rate unit affordable to a low-income household.

3. The in lieu fee may be established from time to time by resolution of the City Council or may be determined for a specific residential development through the preparation of an affordability gap analysis that will determine the difference between the affordable sales price or rent and the fair market rate price for the unit, but in no event shall the in lieu fee exceed the cost of mitigating the impact of market rate units in a residential development on the need for affordable housing in the City.

4. Nothing in this chapter or Chapter 18.17 shall deem or be used to deem the in lieu fee authorized pursuant to this subsection C as an ad hoc exaction, as a mandated fee required as a condition to developing property, or as a fee subject to the analysis in Building Industry Association of Central California v. City of Patterson, 171 Cal.App.4th 886 (2009). Any in lieu fee adopted by the City Council is a menu option that may serve as an alternative to the on-site below market rate housing requirements set forth in this chapter.

D. Below Market Rate Units Eligible for State Density Bonus. If a residential development receives a density bonus pursuant to Government Code Section 65915, any density bonus BMR unit and any dedication of property that made the residential development eligible for the density bonus that also satisfies the requirements of this chapter shall be counted as below market rate units pursuant to this chapter. (Ord. 1550 § 2 (part), 2019: Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.040)

18.16.040 Exemptions to below market rate housing requirements.
The requirements of Section 18.16.030 do not apply to:

A. Residential development of a legal second accessory dwelling unit consistent with Section 18.23.210, Second Accessory dwelling units.

B. The reconstruction of any dwelling units that have been destroyed by fire, flood, earthquake or other act of nature; provided, that the reconstruction of the site does not increase the number of legally
constructed dwelling units or increase the area of the legally constructed dwelling units by one thousand square feet or more.

C. Additions to existing dwelling units of less than one thousand square feet.

D. Residential developments that already have more deed-restricted units that are affordable to moderate-, low- and very low-income households than Section 18.16.030 requires. (Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.050)

18.16.050 Below market rate unit standards.

Below market rate units built under Section 18.16.030 shall conform to the following standards:

A. Design. Except as otherwise provided in this chapter, and subject to the approval of the Administrator, below market rate units shall be dispersed throughout a residential development and may have different interior finishes and features than market rate units in the same residential development, so long as the finishes and features are durable, of good quality, compatible with the market rate units, and consistent with contemporary standards for new housing. Below market rate units may be smaller in aggregate size than market rate units in the same residential development, so long as the number of bedrooms in below market rate units shall be in the same proportion as in the total number of units in the residential development.

B. Timing. All below market rate units shall be constructed and occupied concurrently with or prior to the construction and occupancy of market rate units, and in phased residential developments, below market rate units may be constructed and occupied in proportion to the number of units in each phase of the residential development, unless an alternative phasing plan is approved as part of the below market rate housing plan for the residential development.

C. Duration of Affordability Requirement. Below market rate units produced under this chapter and Chapter 18.17 shall be legally restricted to occupancy by households of the income levels for which the units were designated, for a period of forty-five years for below market rate units offered for sale, and for a period of fifty-five years for below market rate units offered for rent. (Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.060)

18.16.060 Compliance procedures. Revised 10/19

A. General. Approval of a below market rate housing plan and recordation of an approved below market rate housing agreement prior to the recordation of any final or parcel map, or, if no final or parcel map is required, prior to issuance of any building permit, is a condition of the first approval of any residential
development to which Section 18.16.030 applies. This section does not apply to exempt projects or to residential developments where the requirements of Section 18.16.030 are satisfied by payment of a fee under Section 18.16.030(C).

B. Below Market Rate Housing Plan. The decision-making body for the first approval (either the Planning Commission or the City Council) shall approve, conditionally approve or reject the below market rate housing plan. No application for a first approval for a residential development to which Section 18.16.030 applies shall be deemed complete until a below market rate housing plan, in a form satisfactory to the Administrator, is deemed complete by the Administrator. The below market rate housing plan shall include:

1. The location, structure (attached, semi-attached, or detached), proposed tenure (for sale or rental), number of bedrooms, and size of the proposed market rate and below market rate units and the basis for calculating the number of below market rate units;

2. A floor or site plan depicting the location of the market rate and below market rate units;

3. The income levels to which each below market rate unit will be made affordable;

4. For a phased residential development, a phasing plan that provides for the timely development of the number of below market rate units proportionate to each proposed phase of development, or with an alternative phasing plan;

5. A description of any below market rate incentive requested pursuant to Chapter 18.17;

6. Any alternative means designated in Section 18.16.070(A) proposed for the residential development, along with information necessary to support the findings required by Section 18.16.070(B) for approval of such alternatives;

7. Builder’s agreement to conform to the provisions of this chapter, including but not limited to the provisions of Sections 18.16.080 through 18.16.100; and

8. Any other information reasonably requested by the Administrator to assist with evaluation of the below market rate housing plan under the standards of this chapter.

C. Below Market Rate Housing Agreement. The forms of the below market rate housing agreement and any resale and rental restrictions, deeds of trust, options to purchase, and other documents authorized by this subsection, and any change in the form of any such document which materially alters any policy in the document, shall be approved by the Administrator and the City Attorney or his or her designee prior to
being executed with respect to any residential development prior to the recordation of any final or parcel map, or, if no final or parcel map is required, prior to issuance of any building permit. The form of the below market rate housing agreement will vary, depending on the manner in which the provisions of this chapter are satisfied for a particular development. All below market rate housing agreements shall include, at minimum, the following:

1. Description of the residential development, including whether the below market rate units will be rented or owner-occupied;

2. The number, size and location of all below market rate units;

3. Below market rate incentives granted by the City, if any, pursuant to Chapter 18.17;

4. Provisions and/or documents for resale restrictions, deeds of trust, options to purchase, rental restrictions, or other documents as appropriate;

5. Provisions for monitoring the ongoing affordability of the units, and the process for qualifying prospective resident households for income eligibility;

6. Formula for calculating affordable rent and/or affordable ownership cost and the initial sales price for the below market rate units and any density bonus BMR units, as applicable;

7. Builder’s agreement to conform to the provisions of this chapter, including but not limited to the provisions of Sections 18.16.080 through 18.16.100; and

8. Any additional obligations relevant to the compliance with this chapter.

If a builder chooses to satisfy all or a portion of the below market rate requirement with rental units, as permitted by Government Code Section 65589.8, then the below market rate housing agreement shall include the builder’s agreement to the limitations on rents and applicable terms and conditions required by Section 18.16.030(C).

D. Recording of Agreement. Prior to the recordation of any final or parcel map for a residential development, or, if no final or parcel map is required, prior to issuance of any building permit for a residential development, below market rate housing agreements that are approved and fully executed shall be recorded against residential developments containing below market rate units. Additional rental or resale restrictions, deeds of trust, options to purchase, and/or other documents acceptable to the Administrator shall also be recorded at the time of sale against owner-occupied below market rate units. In cases where the requirements of this chapter are satisfied through the development of off-site below
market rate units, the below market rate housing agreement shall simultaneously be recorded against the property where the off-site below market rate units are to be developed.

E. Amendments. Modifications to the below market rate housing plan shall be considered a change in the approved conditions of approval and processed in the same manner as the original below market rate housing plan. (Ord. 1550 § 2 (part), 2019; Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011; Ord. 1416 § 3 (Exh. A (part)), 2010; Ord. 1340 § 1 (part), 2004. Formerly 18.200.070)

18.16.070 Alternatives. Revised 10/19

A. Builder Proposal. A builder may propose an alternative means of compliance in a below market rate housing plan required by Section 18.16.060(B) according to the following provisions. The builder may also partner with a nonprofit affordable housing provider to meet its below market rate housing obligations through one of the alternatives set forth in this section.

1. Increase in Total Number of Below Market Rate Unit Bedrooms. The builder may propose a plan that provides larger units and increases the total number of bedrooms that would have otherwise been provided under this chapter, even if fewer total units are produced.

2. Provision of a Greater Level of Affordability. The builder may propose a greater level of affordability than required under this chapter and reduce the total number of units otherwise required.

3. Off-Site Construction. Below market rate units may be proposed off-site within the City limits if it can be demonstrated that the off-site construction proposal would result in a minimum of ten percent more total below market rate units than required by this chapter and if the below market rate units will be located in an area where, based on the availability of affordable housing, the Administrator finds that the need for such units is greater than the need in the area of the proposed development. If the builder proposes to provide rental off-site below market rate units in place of ownership on-site below market rate units, the rental off-site below market rate units shall meet the affordability and other requirements specified in Section 18.16.030(C). Off-site below market rate units shall meet or exceed minimum quality standards specified in conditions of approval and may include any combination of new dwelling units, new dwelling units created in existing structures, or conversion of existing market rate units to below market rate units. The following information, to the satisfaction of the Administrator, is required for submittal of a proposal for off-site below market rate units:

   a. If the off-site below market rate units will not be constructed concurrently with the market rate units, the builder shall specify the security to be provided to the City to ensure that the
below market rate units will be constructed in a timely manner, including evidence of ownership or control of any sites proposed for the below market rate units, to the satisfaction of the Administrator, and clear and convincing evidence that financing has been secured for the off-site below market rate units.

b. For conversion of existing market rate units to below market rate units:

i. Existing rent or appraised value of each unit on the property to be converted, proposed rents or sales prices after conversion, and any existing rent limits, resale price restrictions, or other affordability restrictions imposed by any public agency, nonprofit agency, land trust, or other body.

ii. Size of households occupying each unit on the property to be converted, vacancy rates for each month during the past two years, and existing tenant incomes.

iii. A property inspection report prepared by a certified housing inspector and a termite report, both prepared no more than sixty days before the filing of the application. The property inspection report shall include a full examination of all common and private areas within the existing dwelling units for compliance with applicable building codes.

iv. Plans and a written description of rehabilitation to be completed, including correction of all code violations and completion of all termite repairs described in the property inspection report and termite report; cost of rehabilitation; and the appraised value of the property, including land, buildings, and all other improvements, after rehabilitation.

v. Description of benefits to be offered existing tenants, including but not limited to right of first refusal to remain in the unit, and required relocation assistance for existing tenants.

4. Preservation of Historically Significant Structures. Adjustments may be made to the required number and affordability level of the below market units based on the economics associated with preservation of historically significant structures as identified under guidelines as set forth by the California Environmental Quality Act (CEQA).

5. Rental Units in Place of Ownership Units. The builder may propose rental on-site below market rate units in a residential ownership development rather than sell below market rate units. If the builder proposes this alternative, then at least fifteen percent of the total units (excluding any units
approved beyond the otherwise maximum allowable density pursuant to the State Density Bonus Law) shall be below market rate units, of which five percent shall be affordable to low-income households and ten percent affordable to very low-income households.

6. Combination. The decision-making body may accept any combination of the above options.

B. Findings. The decision-making body for the first approval may approve, conditionally approve or reject any alternative proposed by a builder as part of a below market rate housing plan. Any approval or conditional approval shall be based on the following finding:

1. That the purposes of this chapter would be better served by implementation of the proposed alternative(s) and that the proposal meets the greatest community needs at the time the alternative is reviewed. As one of the factors determining whether the purposes of this chapter would be better served under the proposed alternative, the decision-making body should consider whether implementation of an alternative would overly concentrate below market rate units within any specific area and, if so, shall reject the alternative unless the concentration of below market rate units is offset by other identified benefits that flow from implementation of the alternative at issue.


18.16.080 Eligibility for below market rate units (owner-occupied and rental units).

A. General Eligibility. If the City or its designee maintains a list of eligible households, initial and subsequent occupants will be selected first from the list of eligible households, to the maximum extent possible, in accordance with any rules approved by the Administrator.

B. Preferences. Preferences will be given to those households where at least one member in the household lives or works in San Carlos or works for a school district or fire district serving residents living in the City of San Carlos, except for those households deemed ineligible due to conflict of interest listed in subsection C of this section.

C. Conflict of Interest. The following individuals are ineligible to purchase or rent a below market rate unit as specified below:

1. Elected City Council officials and all Planning Commissioners (including their spouses and dependents);

2. All City staff members (including their spouses and dependents) who participated in the approval process for the residential development;
3. The builder and its officers and employees (and their spouses and dependents); and

4. The project or land owner of the residential development and its officers and employees (and their spouses and dependents).

D. Occupancy. Any household which occupies a rental below market rate unit or purchases a below market rate unit shall occupy that unit as its principal residence and shall not lease or sublease to a different party. (Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.100)

18.16.090 Owner-occupied units.

A. Initial Sales Price for Below Market Rate Units. The initial sales price of a below market rate unit shall be set by the City at the time a building permit is issued for the below market rate unit so that the eligible household will pay an affordable ownership cost. The initial sales price shall be based on the builder’s estimate of homeowners’ association dues, if any, the City’s assumptions for interest rates and other factors, and the formula for calculating sales prices contained in the below market rate housing agreement. The City shall provide the builder with an estimate of the initial sales price for the below market rate units at an earlier date upon written request by the builder. After the building permit is issued, the initial sales price may be adjusted by the City due to changes in market factors upon written request by the builder no less than ninety days prior to marketing of the below market rate units. In no case will the initial sales price be adjusted below the initial sales price calculated when the building permit was issued.

B. Certification of Eligibility. The income of each household proposed to purchase a below market rate unit shall be certified to the City or the City’s designee prior to the sale of a below market rate unit. Each household shall provide written verification of income, including but not limited to such documents as income tax returns for the previous calendar year, W-2 statements, and pay stubs. Income verification shall be submitted on a form approved by the City.

C. Initial Sales Deed Restrictions. Deed restrictions provided by the City and recorded against title to the below market rate unit shall be required as a condition of sale for all owner-occupied below market rate units and shall include, but are not limited to, the City’s purchase option, resale restrictions, and procedures and policies regarding changes in title to ensure that owner-occupied below market rate units remain affordable for not less than forty-five years. (Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.110)

18.16.100 Rental units.
A. Initial Rents for Below Market Rate Units. The initial rent of below market rate units shall be set by the City at least thirty days prior to marketing of the below market rate units so that the eligible households will pay an affordable rent. The initial rent shall be based on the City’s assumptions for utility costs and the formula for calculating rents contained in the below market rate housing agreement. The City shall provide the builder with an estimate of the initial rent for the below market rate units at an earlier date upon written request by the builder.

B. Selection of Tenants. Rental units will be offered to eligible households at an affordable rent. If no eligible households are identified by the City pursuant to Section 18.16.080, the owners of rental below market rate units shall fill vacant units by selecting income-eligible households from the San Mateo County Office of Housing Section 8 Housing Choice Voucher program or similar program. If no eligible households are identified from the County program or similar program, owners may fill vacant units through their own selection process; provided, that they publish notice of the availability of below market rate units according to guidelines established by the Administrator.

C. Certification of Eligibility. The owner of rental below market rate units shall certify each tenant household’s income to the City or City’s designee at the time of initial rental and annually thereafter. The owner shall obtain and review documents from each tenant household that provide written verification of income, including but not limited to such documents as income tax returns for the previous calendar year, W-2 statements, and pay stubs. Income verification shall be submitted on a form approved by the City.

D. Nondiscrimination. When selecting tenants, the owners of below market rate units shall follow all fair-housing laws, rules, regulations, and guidelines. The owner shall apply the same rental terms and conditions to tenants of below market rate units as are applied to all other tenants, except as required to comply with this chapter (for example, rent levels and income requirements) or with other applicable government subsidy programs.

E. Move-In Costs. Total deposits, including security deposits, required of households occupying a below market rate unit shall be limited to first and last month’s rent plus a cleaning deposit not to exceed one month’s rent.

F. Annual Report. The owner shall submit an annual report summarizing the occupancy of each below market rate unit for the year, demonstrating the continuing income eligibility of each tenant, and the rent charged for each below market rate unit. The Administrator may require additional information to confirm household income and rents charged for the unit if he or she deems it necessary.

G. Periodic Audit. The City maintains the right to periodically audit the information supplied to the City for the annual report if deemed necessary to ensure compliance with this chapter. In addition, owners of
below market rate units shall cooperate with any audits conducted by the City, State agencies, Federal agencies, or their designees.

H. Rent Regulatory Agreements. A rent regulatory agreement provided by the City shall be recorded against the residential development prior to final inspection or issuance of any certificate of occupancy for any dwelling unit in the residential development. The rent regulatory agreement shall include the developer’s agreement to rent the below market rate units at affordable rents for not less than fifty-five years. The rent regulatory agreement shall include, but not be limited to, the limitations on rents required by this section, provisions for selection of tenants and tenant eligibility, provisions for nondiscrimination and monitoring, and other provisions required to ensure compliance with this chapter.

I. Changes in Tenant Income. If, after moving into a below market rate unit, a tenant’s household income exceeds the limit for that unit, the following shall apply:

1. If the tenant’s income does not exceed the income limits of other below market rate units in the residential development, the owner may, at the owner’s option, allow the tenant to remain in the original unit and re-designate the unit as affordable to households of a higher income level, as long as the next vacant unit is redesignated for the income category previously applicable to the tenant’s household. Alternatively, if a below market rate unit meeting the tenant’s revised income threshold becomes available within six months and the tenant meets the income eligibility for that unit, the owner shall allow the tenant to apply for that unit.

2. If there are no units designated for a higher income category within the residential development that may be substituted for the original unit, the owner may raise the tenant’s monthly rent to an amount, net of utilities, that is the lesser of rent for a comparable market rate unit in the residential development or one-twelfth of thirty percent of the tenant’s household income. Upon vacancy by the tenant, the unit must be rented to a household in the income category previously applicable to the unit.

3. If the tenant’s income exceeds the income designated for all below market rate units in the residential development, the tenant shall be given six months’ notice to vacate the unit. If within those six months another unit in the residential development is vacated, the owner may, at the owner’s option, allow the tenant to remain in the original unit, increase the rent to that for a comparable market rate unit in the residential development, and designate the newly vacated unit as a below market rate unit affordable at the income level previously applicable to the unit converted to market rate. The newly vacated unit shall be comparable in size (for example, number of bedrooms, bathrooms, square footage, etc.) to the original unit. (Ord. 1480 (Exh. C (part)), 2015;
18.16.110 Below market rate fund.
A. Trust Fund. A fund for the deposit of fees established under this and similar prior municipal codes exists as Fund 29 (the “fund”). This fund shall receive all fees contributed under this chapter and may also receive monies from other sources.

B. Purpose and Limitations. Monies deposited in the fund shall be used to increase and improve the supply of housing affordable to moderate-, low-, very low-, and extremely low-income households. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this chapter.

C. Administration. The fund shall be administered by the Administrator, who may develop procedures to implement the purposes of the fund consistent with the requirements of this chapter and subject to any adopted budget of the City.

D. Expenditures. Fund monies shall be used in accordance with the City’s Housing Element, or subsequent plans adopted by the City Council to maintain or increase the quantity, quality, and variety of affordable housing units or assist other governmental entities, private organizations or individuals to do so. Permissible uses include, but are not limited to, land acquisition, debt service, parcel assemblage, gap financing, housing rehabilitation, grants, unit acquisition, new construction, and other pursuits associated with providing affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. (Ord. 1480 (Exh. C (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.130)

18.16.120 Periodic review and enforcement.
A. Periodic Review. It is the intent of the City Council to review the provisions of this chapter concurrently with the review of the City’s Housing Element, including provisions for income targeting, funding priorities, fees, and other provisions, to ensure that such provisions are economically feasible and are designed to serve the community’s highest priorities for the provision of affordable housing.

B. Penalty for Violation. It shall be a misdemeanor to violate any provision of this chapter. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person a below market rate unit or density bonus BMR unit at a price or rent exceeding the maximum allowed under this chapter or Chapter 18.17 or to sell or rent a below market rate unit or density bonus BMR unit to a household not qualified under this chapter. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the City or to a seller or lessor of a
below market rate unit or density bonus BMR unit to obtain occupancy of housing for which he or she is not eligible.

C. Legal Action. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this chapter, including:

1. Actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval;

2. Actions to recover from any violator of this chapter civil fines, restitution to prevent unjust enrichment from a violation of this chapter, and/or enforcement costs, including attorneys’ fees;

3. Eviction or foreclosure; and

4. Any other appropriate action for injunctive relief or damages. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any person, owner, household or other party from the requirements of this chapter. (Ord. 1480 (Exh. C (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.140)

18.16.130 Waivers of affordable housing requirements.
A. Requests for waivers shall be made concurrent with application submittal. As part of an application for the first approval of a residential development, a builder may request that the requirements of this chapter be reduced, adjusted, or waived based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. Any such request shall be submitted concurrently with the below market rate housing plan required by this chapter. The builder shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation, and shall bear the burden of presenting the requisite evidence to demonstrate the alleged unconstitutional result. The City may assume each of the following when applicable:

1. The builder will benefit from the incentives set forth in the municipal code; and

2. If required to provide below market rate units, the builder will provide the most economical affordable housing units feasible in terms of financing, construction, design, location and tenure.

B. The City Council, based upon legal advice provided by or at the behest of the City Attorney, may approve a reduction, adjustment, or waiver if the Council determines that applying the requirements of this chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property. The reduction, adjustment, or waiver may be approved only to the extent
necessary to avoid an unconstitutional result after adoption of written findings, based on legal analysis and the evidence. If a reduction, adjustment, or waiver is granted, any change in the residential development shall invalidate the reduction, adjustment, or waiver, and a new application shall be required for a reduction, adjustment, or waiver. (Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010. Formerly 18.200.150)
Chapter 18.19
NONCONFORMING USES, STRUCTURES, AND LOTS

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 title 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. (Ord. 1438 § 4 (Exh. A (part)), 2011)

18.19.020 Applicability.
The provisions of this chapter apply to structures, land, and uses that have become nonconforming by adoption of the ordinance codified in this title 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 chapter 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 the ordinance codified in this title; provided, that in all such cases, actual construction shall be diligently carried on until completion of the building or structure. (Ord. 1438 § 4 (Exh. A (part)), 2011)

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 the ordinance codified in this title or any subsequent amendment but does not comply with all of the standards and requirements of this title shall be considered nonconforming. Nonconforming uses and structures may only be continued subject to the requirements of this chapter.

A. Nonconformities, Generally. A nonconformity may result from any inconsistency with the requirements of this title 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 title 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 title.

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. (Ord. 1438 § 4 (Exh. A (part)), 2011)

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 the ordinance codified in this title 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, nonstructural repairs and nonstructural 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, 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 fifty 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 fifteen 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 fifty 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 fifty percent of its appraised value. (Ord. 1438 § 4 (Exh. A (part)), 2011)

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 Accessory Dwelling Units.** Notwithstanding the requirements of subsection B of this section, an **second accessory dwelling** unit in compliance with Section 18.23.210, **Second Accessory 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, maintaining an existing nonconforming setback shall not be considered an increase in the discrepancy; provided, that:

1. Such maintenance is consistent with the provisions under Sections 18.19.040(B) and (C);

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 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. (Ord. 1480 (Exh. C (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011)

**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 title 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 Title.** A nonconforming use in a structure that does not conform to the requirements of this title 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 of this title.
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. (Ord. 1438 § 4 (Exh. A (part)), 2011)

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 title, 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 title 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 City-wide 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. (Ord. 1438 § 4 (Exh. A (part)), 2011)

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 Fifty Percent or Less of Value. If the cost of repair or reconstruction does not exceed fifty 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 Fifty Percent of Value. If the cost of repair or reconstruction exceeds fifty percent of the appraised value of the building or structure, as determined pursuant to subsection A of this section, the land and building shall be subject to all of the requirements of this title, except as provided below:

1. Nonresidential 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 in 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 a building permit must be obtained within two years after the date of the damage or destruction. (Ord. 1438 § 4 (Exh. A (part)), 2011)

**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 twenty years without requiring repairs or maintenance in excess of fifty 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. (Ord. 1438 § 4 (Exh. A (part)), 2011)
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. (Ord. 1438 § 4 (Exh. A (part)), 2011)
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. Ensure 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 pedestrians 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 runoff and heat island effect. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

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 Nonresidential Buildings. When a change in use, expansion of a use, or expansion of floor area creates an increase of ten 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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

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 the ordinance codified in this title 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 sixteen 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. For residential projects of ten units or more requesting to unbundle the parking from residential uses, a minor use permit is required and the following rules shall apply to the sale or rental of parking spaces accessory to new multifamily residential uses of ten 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. Nontenants may lease with a provision for thirty 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 ten feet wide by thirty feet deep. (Ord. 1537 (Exh. C (part)), 2018; Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

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 this subsection.

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

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

2. Industrial Arts District. Each land use in the IA District shall provide one parking space per two thousand square feet of industrial use area plus one parking space per three hundred 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

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Classifications</strong></td>
<td></td>
</tr>
<tr>
<td>Single-Unit Residential</td>
<td>2 spaces per dwelling unit. In RS-6, both spaces must be either within a garage or carport, or 1 space within a garage or carport with the other space located within a 20-ft.-wide, 2-car driveway. For all other R districts, parking must be within a garage or carport.</td>
</tr>
<tr>
<td><strong>Second Accessory Dwelling Unit</strong></td>
<td>1 space for each unit. See Section 18.23.210, Second Accessory dwelling units parking exemptions.</td>
</tr>
<tr>
<td><strong>Junior Accessory Dwelling Unit</strong></td>
<td>No parking required. See Section 18.23.210.</td>
</tr>
<tr>
<td><strong>Affordable Housing Developments (Moderate Income and Below)</strong></td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>0.75 spaces per unit. 1 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 1 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.</td>
</tr>
<tr>
<td>One- or Two-Bedroom</td>
<td>1 space per unit.</td>
</tr>
<tr>
<td>Three or More Bedrooms</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td><strong>Multi-Unit Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>1 space per unit. 1 covered space shall be provided for each unit. 1 additional guest parking space shall be provided for every 2 units.</td>
</tr>
<tr>
<td>One- or Two-Bedroom</td>
<td>1.5 spaces per unit.</td>
</tr>
<tr>
<td>Land Use Classification</td>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Three or More Bedrooms</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td>Small Family Day Care</td>
<td>None in addition to what is required for the residential use.</td>
</tr>
<tr>
<td>Large Family Day Care</td>
<td>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.)</td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td>2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.</td>
</tr>
<tr>
<td>Group Residential</td>
<td>1 per bed plus 1 for every 10 beds.</td>
</tr>
<tr>
<td>Residential Care, Limited</td>
<td>None in addition to what is required for the residential use.</td>
</tr>
<tr>
<td>Residential Care, General and Senior</td>
<td>2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.</td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>0.5 spaces per unit.</td>
</tr>
</tbody>
</table>

**Public and Semi-Public Use Classifications**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colleges and Trade Schools, Public or Private</td>
<td>1 per 3 members of the school population (including students, faculty, and staff) based on maximum enrollment.</td>
</tr>
<tr>
<td>Community Assembly</td>
<td>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.</td>
</tr>
</tbody>
</table>
### TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Institutions</td>
<td>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.</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>1 per employee plus additional parking as provided in the pick-up/drop-off plan required pursuant to Section 18.23.090, Day care.</td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>1 per 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Government Offices</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>1.75 per bed.</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>1 per 200 sq. ft. of public or instruction area.</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>Elementary and middle schools: 1 per classroom, plus 1 per 250 sq. ft. of office area. High schools: 7 per classroom.</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>1 per 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Commercial Use Classifications</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td></td>
</tr>
<tr>
<td>Grooming and Pet Stores</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Kennels</td>
<td>1 per employee plus an area for loading and unloading animals on site.</td>
</tr>
<tr>
<td>Veterinary Services</td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Artists’ Studios</td>
<td>1 per 1,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Land Use Classification</td>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>Automobile/Vehicle Sales and Services</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile Rentals</td>
<td>1 per 250 sq. ft. of office area in addition to spaces for all vehicles for rent.</td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Leasing</td>
<td>1 per 3,000 sq. ft. of lot area. Any accessory auto repair: 2 per service bay.</td>
</tr>
<tr>
<td>Automobile/Vehicle Repair, Major or Minor</td>
<td>1 space plus 4 per service bay. 1 per 250 sq. ft. of any retail or office on site.</td>
</tr>
<tr>
<td>Automobile/Vehicle Washing</td>
<td>1 per 250 sq. ft. of any indoor sales, office, or lounge areas.</td>
</tr>
<tr>
<td>Service Station</td>
<td>4 per service bay, if service bays are included on site. 1 per 250 sq. ft. of any retail or office on site.</td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Business Services</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>Establishments with seating: 1 for each 4 fixed seats, or 1 for every 30 sq. ft. of seating area where temporary or movable 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 sq. ft. of pool area plus 1 per 500 sq. ft. of area related to the pool. Other commercial entertainment and recreation uses: as determined by the Director.</td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
<td></td>
</tr>
<tr>
<td>Land Use Classification</td>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bars/Night Clubs/Lounges</td>
<td>1 per 75 sq. ft. of public area.</td>
</tr>
<tr>
<td>Full Service</td>
<td>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.</td>
</tr>
<tr>
<td>Convenience/Fast Food</td>
<td>1 per 100 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Food Preparation</td>
<td>1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area.</td>
</tr>
<tr>
<td>Funeral Parlors and Mortuaries</td>
<td>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.</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 per room for rent in addition to parking required for residential use.</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>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.</td>
</tr>
<tr>
<td>Maintenance and Repair Services</td>
<td>1 per 600 sq. ft. of floor area, plus 1 space for each fleet vehicle.</td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>1 per 500 sq. ft. of floor area; 1 per 1,000 sq. ft. of outdoor display area.</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES,
OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
</table>
| 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. |
| Walk-In Clientele | 1 per 300 sq. ft. of floor area. |
| Parking, Public or Private | 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 |  |
| Building Materials and Services | 1 per 500 sq. ft. of floor area; 1 per 1,000 sq. ft. of outdoor display area. |
| All Other Retail Sales Subclassifications | 1 per 300 sq. ft. of floor area.  
1 per 750 sq. ft. of floor area for appliance and furniture stores. |
| Industrial Use Classifications |  |
| Cannabis Microbusiness | 1 per 1,000 sq. ft. of cultivation area; 1 per 1,500 sq. ft. of manufacturing area; 1 per 2,000 sq. ft. of distribution area up to 10,000 sq. ft. or 1 per 5,000 sq. ft. of distribution area over 10,000 sq. ft.; plus 1 per 300 sq. ft. of office. |
| Construction and Materials Yards | 1 per 2,500 sq. ft. up to 10,000 sq. ft.  
1 per 5,000 sq. ft. over 10,000 sq. ft. |
| Custom Manufacturing | 1 per 2,000 sq. ft. of floor area, plus 1 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 |  |
| Collection Facility | See Section 18.23.190, Recycling facilities. |
### TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Processing Facility</td>
<td>1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.</td>
</tr>
<tr>
<td>Research and Development</td>
<td>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.</td>
</tr>
<tr>
<td>Salvage and Wrecking</td>
<td>1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.</td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td></td>
</tr>
<tr>
<td>Chemical, Mineral, and Explosives Storage</td>
<td>1 per 2 employees or 1 per 300 sq. ft. of office area, whichever is greater.</td>
</tr>
<tr>
<td>Indoor Warehousing and Storage and Outdoor Storage</td>
<td>1 per 2,000 sq. ft. of area up to 10,000 sq. ft., 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office.</td>
</tr>
<tr>
<td>Personal Storage</td>
<td>1 space per 75 storage units, plus 1 space per 300 sq. ft. of office area. A minimum of 5 spaces shall be provided.</td>
</tr>
<tr>
<td>Wholesaling and Distribution</td>
<td>1 per 2,000 sq. ft. of use area up to 10,000 sq. ft., 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Fleet-Based Services</td>
<td>1 per 300 sq. ft. of office floor area, plus 1 space for each fleet vehicle.</td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>1 for each employee on the largest shift plus 1 for each vehicle used in connection with the use. Minimum of 2.</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>None.</td>
</tr>
</tbody>
</table>

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 or greater, shall be considered one additional space; if the fraction is less than one-half, 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 twenty-four 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 one thousand five hundred 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. (Ord. 1537 (Exh. C (part)), 2018; Ord. 1525 § 2(1) (Exh. A (part)), 2017; Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

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 twenty 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 one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of seven a.m. to nine a.m. and five p.m. to seven p.m., the number of required parking spaces may be reduced by twenty 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 forty percent with Planning Commission approval of a conditional use permit, 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 two thousand five hundred 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 nine 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.

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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

18.20.070 Location of required parking.
A. Residential Uses.

1. Single-Unit Dwellings, Duplexes, and Second-Accessory Dwelling Units. Required parking for a single-unit dwelling, duplex, or second-accessory dwelling unit shall be located on the same lot as the dwelling(s) served. Parking shall not be located within required setbacks except for second accessory dwelling units and for the required parking space in the driveway under the provisions for lots in the RS-6 zoning district.
2. Other Residential Uses. Required parking for residential uses other than single-unit dwellings, duplexes, and second accessory dwelling 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 of this section. Parking shall not be located within a required front or street-facing side yard.

B. Nonresidential Uses. Required parking spaces serving nonresidential 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 of this section. If located in an off-site parking facility, a parking agreement shall be filed as provided in subsection C of this section.

C. Off-Site Parking Facilities. Parking facilities for uses other than single-unit dwellings, duplexes, and second accessory dwelling units may be provided off site with 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 one hundred feet, along a pedestrian route, of the unit or use served.
   b. Nonresidential Uses. Any off-site parking facility must be located within four hundred 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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

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 ten 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 artists’ studios.

2. **Location.** Short-term bicycle parking must be located outside of the public right-of-way and pedestrian walkways and within fifty feet of a main entrance to the building it serves.

   a. Commercial Centers. In a commercial center, bicycle parking must be located within fifty 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 with 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.
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 twenty-five or more full-time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per twenty vehicle spaces.

   c. Parking Structures. Long-term bicycle parking shall be provided at a minimum ratio of one space per fifty 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 fifty 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. (Ord. 1537 (Exh. C (part)), 2018; Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.20.090 On-site loading.

A. Loading Spaces Required. Every new building, and every building enlarged by more than five thousand 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:

**TABLE 18.20.090-A: REQUIRED LOADING SPACES**

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—6,999</td>
<td>0</td>
</tr>
<tr>
<td>7,000—30,000</td>
<td>1</td>
</tr>
<tr>
<td>30,001—90,000</td>
<td>2</td>
</tr>
<tr>
<td>90,001—150,000</td>
<td>3</td>
</tr>
<tr>
<td>150,001—230,000</td>
<td>4</td>
</tr>
</tbody>
</table>
TABLE 18.20.090-A: REQUIRED LOADING SPACES

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>230,001 +</td>
<td>1 per each additional 100,000 square feet or portion thereof.</td>
</tr>
</tbody>
</table>

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 pick-ups 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 fifty 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 twenty-five 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 ten feet wide, twenty-five feet long, and fourteen 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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1438 § 4 (Exh. A (part)), 2011)

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 of this section. 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 nonresidential establishment.

3. Tandem parking to meet required parking for nonresidential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed fifty 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 fifty 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 ten 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. Nonresidential projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential 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 Recorder’s 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 twenty 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 ten feet. Maximum width is twenty feet.

   b. The minimum width of a driveway serving three to six residential units is:

      i. Eight feet for a one-way driveway; or

      ii. Fourteen feet for a two-way driveway.

   c. The minimum width of a driveway serving seven or more residential or commercial uses is:

      i. Ten feet for a one-way driveway; or

      ii. Twenty feet for a two-way driveway.
d. The maximum driveway width is twenty feet for a one-way driveway and thirty-three 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 eight and one-half feet by eighteen 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.

**TABLE 18.20.100-F(1): STANDARD PARKING SPACE AND AISLE DIMENSIONS**

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Stall Width (ft.)</th>
<th>Curb Length Per Stall (ft.)</th>
<th>Stall Depth (ft.)</th>
<th>Aisle Width (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>8.5</td>
<td>20</td>
<td>8.5</td>
<td>12</td>
</tr>
<tr>
<td>30°</td>
<td>8.5</td>
<td>18</td>
<td>19.5</td>
<td>11</td>
</tr>
<tr>
<td>45°</td>
<td>8.5</td>
<td>13</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>60°</td>
<td>8.5</td>
<td>10.5</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>90°</td>
<td>8.5</td>
<td>8.5</td>
<td>18</td>
<td>24</td>
</tr>
</tbody>
</table>
FIGURE 18.20.100-F(1): STANDARD PARKING SPACES

Parallel Parking

Curb length

20 ft

Aisle

8.5 ft

12 ft

20.5 ft

30° Parking

Curb length

18 ft

Aisle

8.5 ft

18 ft

Space depth

30°

19.5 ft

11 ft

19.5 ft

50 ft

45° Parking

Curb length

13 ft

Aisle

8.5 ft

18 ft

Space depth

45°

20 ft

13 ft

20 ft

53 ft

60° Parking

Curb length

10.5 ft

Aisle

8.5 ft

18 ft

Space depth

60°

21 ft

18 ft

21 ft

60 ft

90° Parking

Curb length

8.5 ft

Aisle

90°

18 ft

24 ft

18 ft

60 ft
2. Parking Spaces Abutting Wall or Fence. Each parking space adjoining a wall, fence, column, or other obstruction higher than one-half of one foot 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: ten feet in width by twenty feet in length.

   b. A two-car garage or carport: twenty feet in width by twenty feet in length for a standard garage, and ten feet in width by forty feet in length for a tandem garage.

   c. A garage or carport containing three or more spaces: nine feet in width by nineteen feet in length per space.

   d. The vertical clearance for garage or carport parking spaces shall not be less than seven feet.

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 ten 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.
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 fifty percent of the areas not landscaped shall be shaded, of light colored materials with a solar reflectance index of at least twenty-nine, 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 fifteen years.

2. Trees shall be selected from a list maintained by the Planning Division.

L. Lighting. Public parking areas designed to accommodate ten or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of three foot-candles of light over 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 twenty-five thousand 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.
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 ten 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 twenty-five 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 fifteen-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 twenty-four inches around the entire perimeter of the top floor.

   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 fifteen-gallon size with a one-inch diameter at forty-eight 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.
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.
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 thirty 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 eighteen 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 eighty feet or more in depth and/or include twenty-five 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 one hundred twenty-five 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 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. (Ord. 1537 (Exh. C (part)), 2018: Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.24
WIRELESS TELECOMMUNICATIONS FACILITIES*

18.24.010 Purpose.
A. The purpose of this chapter is to establish comprehensive requirements and standards for the development, siting, installation, and operation of wireless communications antennas and related facilities. These regulations are intended to protect and promote public safety, community welfare, and the aesthetic quality of the City, consistent with the goals, objectives, and policies of the General Plan, while providing for managed development of wireless communications infrastructure in compliance with the Federal Telecommunications Act of 1996 and related requirements in Federal and State law.

B. The specific objectives of this chapter are to:

1. Maintain an aesthetically pleasing community environment by ensuring that antenna support structures and associated communications equipment will not create excessive visual clutter, unreasonably block or degrade views, or diminish the architectural character of buildings and neighborhoods;

2. Protect the safety and welfare of persons who live and work in the City by regulating the erection and maintenance of commercial and private satellite dishes and large antenna support structures to reduce the potential property damage or personal injury that these items may cause during weather incidents and periods of high-velocity wind;

3. Discourage the location of antennas and related facilities for cellular and mobile phones and personal communication systems in residential zoning districts because they are a commercial use that is usually separate from and rarely accessory to the primary use of residential property, unless the City is required to permit them in such locations to avoid violating State or Federal law and the facilities are designed to minimize degradation of the residential character of the neighborhood;

4. Minimize the number of antenna structures in the City by promoting collocation and encouraging small cell facilities as a less intrusive alternative;

5. Establish a review and approval process that provides greater certainty to both applicants and the public and improves the ability of wireless communications providers to offer services quickly, effectively, and efficiently, while ensuring compliance with all applicable requirements;

6. Support the provision of wireless communications to maintain and enhance personal and public health and safety, provide for economic growth, and promote the general welfare and convenience of persons living, working, and visiting in the City;
7. Establish and maintain telecommunications facilities that are components of a wireless telecommunications infrastructure designed to enhance the City’s emergency response capacity; and

8. Require wireless communications providers to use the best available design and technology to mitigate adverse impacts caused by antennas, support structures, and associated equipment.

C. It is not the purpose or intent of this chapter to:

1. Prohibit or to have the effect of prohibiting wireless communications services; or

2. Unreasonably discriminate among providers of functionally equivalent wireless communications services; or

3. Regulate the placement, construction or modification of WCFs on the basis of the environmental effects of radio frequency (“RF”) emissions where it is demonstrated that the WCF does or will comply with the applicable FCC regulations; or

4. Prohibit or effectively prohibit collocations or modifications that the City must approve under State or Federal law. (Ord. 1539 (Exh. A (part)), 2019)

18.24.020 Applicability.
The provisions in this chapter shall apply to all permit applications to install, operate, or modify a WCF, including, without limitation, applications to collocate, modify, replace, or remove any new or existing wireless tower or base station within the City. Nothing in this chapter is intended to allow the City to preempt any State or Federal law or regulation applicable to a WCF. This chapter does not apply to WCFs owned by or exclusively operated for government agencies.

WCFs installed or operated at the direction of the City for the sole use of the City, regardless of where located in the City, shall be exempt from this chapter, but as a matter of policy shall be designed and located consistent with the design requirements of this chapter.

The provisions of this chapter are in addition to, and do not replace, any obligations a WCF permit holder may have under any franchises, licenses, or other permits issued by the City. (Ord. 1539 (Exh. A (part)), 2019)

18.24.030 Receive-only antennas permit exemptions.
Receive-only radio or television antennas and other over the air reception device (OTARD) antennas are subject to the requirements of this chapter. However, those receive-only antennas that do not exceed the
maximum height in a zoning district are permitted by this chapter and do not require a permit, so long as the diameter of the support pole on which it is affixed does not exceed eight inches and conforms to the following requirements:

A. Residential and Mixed-Use Districts.

1. Satellite Dish One Meter or Less. A satellite dish not exceeding one meter (39.37 inches) in diameter that is for the sole use of a resident occupying the same parcel is permitted. Antennas extended vertically shall be no higher than ten feet and six inches in height and must be placed on the ground between the rear of the main structure and the rear property line or on the rear half of the roof, and not located in any required parking or loading area. Antennas may not be located in the area between a building and the front or corner side property line or within five feet of the required setback, whichever is less, of any interior property line without approval of a use permit.

2. Other Antennas. A receive-only antenna other than a satellite dish that is for the sole use of a resident occupying the same parcel is permitted if it does not exceed twelve feet above the height of the roof.

3. Additional Requirements. In addition to the other requirements of this section, antennas in residential and mixed-use zoning districts shall meet all the following criteria:

   a. Roof- or building-mounted antenna support structures shall be no higher than needed to receive adequate reception of localized signals, not to exceed thirty feet above the roof line unless approved by the Planning Commission;

   b. A television satellite dish antenna shall be screened, to the degree feasible, by structures or landscaping so it is not readily visible from public right-of-way and neighboring properties;

   c. Antenna support structures and appurtenant structural surfaces shall have subdued colors that blend with surroundings; and

   d. In addition to being screened from view from public right-of-way and neighboring properties, ground-mounted television satellite dish antennas shall be within a fenced area. The fence shall be at least four feet in height, and shall have no openings, holes or gaps larger than four inches in any dimension to prevent climbing. All gates and doors through the fence shall be equipped with a self-closing latching device capable of keeping the door or gate securely closed when not in actual use. If the entire yard is enclosed by a fence higher than four feet in height with a self-closing gate, this provision will be satisfied.
B. Commercial, Industrial, and Airport Districts.

1. Satellite Dish Two Meters or Less. Two satellite dish antennas each of which does not exceed two meters (78.74 inches) in diameter that are for the sole use of a permitted business occupying the same parcel are permitted if not located between the front of the building and the front property line, in any required side or rear yard, or in any required parking or loading area. A roof-mounted antenna shall be located as close to the center of the roof as practical and may not exceed three feet in height when extended vertically. Antennas may not be located in the area between a building and the front or corner side property line or in a required interior rear yard without approval of a minor use permit.

2. Other Antennas. A receive-only antenna other than a satellite dish that is for the sole use of a permitted business occupying the same parcel is permitted if it is not located between the front of the building and the front property line, in any required side or rear yard, or in any required parking or loading area or exceeding thirty feet above the height of the roof, without approval of a minor use permit.

C. Amateur Radio Facilities. One amateur radio antenna structure and one whip antenna that meet the following requirements and are operated by a Federally licensed amateur radio station operator who resides on the same property if the facility is located in a residential district.

1. No part of the antenna shall exceed sixty-five feet in height or thirty feet above the height of the roof, when fully extended.

2. Any antenna that is capable of a maximum extended height exceeding forty feet, with the exception of whip antennas, shall be equipped with a motorized or hand-cranked device to allow the antenna to be easily lowered when it is not in operation.

3. When an amateur radio facility is not in operation, no part of any antenna, except for whip antennas, shall extend to a height that exceeds the maximum height permitted in the district.

4. No part of the antenna shall be located in the area between a building and the front or corner side property line, in a required interior yard, or in any parking or loading area.

5. An antenna that exceeds these height limits or is located in a required setback may be allowed with approval of a use permit. (Ord. 1539 (Exh. A (part)), 2019)

18.24.040 Permitted use.
Subject to compliance with this chapter and other applicable provisions of this Code and other laws, WCFs are a permitted use in all zoning districts, as defined in Section 18.01.070. (Ord. 1539 (Exh. A (part)), 2019)

18.24.050 Use permit and permitting fees required.
A. A WCF may not be installed, collocated, or modified without a use permit, except as provided herein. A building permit must be obtained prior to performing any work to remove a WCF.

B. A permit shall not be issued:

1. Unless the applicant shows that it has the necessary permission from the owner of private property, including a homeowners’ association, to place the WCF as proposed on private property or from the public entity owning public property that it proposes to occupy (including the authority to make modifications to any support structure or wireless tower associated with the installation or modification); and

2. In the case of a WCF in the right-of-way unless the applicant holds a franchise, license, or similar authorization from the City or the State that entitles it to occupy the right-of-way to install or modify a WCF.

C. A permit shall not be effective and shall not authorize installation, collocation, or modification of any WCF or installation or modification of a support structure or wireless tower unless the conditions of this subsection are satisfied:

1. Applicant must obtain all other required permits, authorizations, approvals, or declarations that may be required for installation or modification of the WCF or for installation or modification of the support structure under Federal, State, or local law, including but not limited to building permits, CEQA declarations, or FCC approvals. A WCF use permit is not in lieu of any other permit required under this Code, except as specifically provided herein, nor is it a franchise, license, or other authorization to occupy the right-of-way, or a license, lease or agreement authorizing occupancy of any other private or public property. It does not create a vested right in occupying any particular location, and a permittee may be required to move and remove facilities at its expense consistent with other provisions of applicable law.

2. Applicant must provide proof to the City that it has obtained all insurance and/or security required by this Code, and must pay any fees owed to the City.
D. A permit issued in error, based on incomplete or false information submitted by an applicant, or that conflicts with the provisions of this chapter, is not valid.

E. The applicant shall pay all applicable fees as enacted by the City Council prior to the issuance of a permit.

F. Permit Classifications. No WCF shall be constructed or erected without first obtaining approval by the Planning Commission, Zoning Administrator, or the Planning Director pursuant to the requirements of this chapter and any permits required under the California Building Code unless exempt pursuant to Section 18.24.030. Applications for approval of a WCF will be processed and reviewed by the Planning Director, Zoning Administrator, or the Planning Commission based on their classification as defined in this section. The Planning Director has the authority to refer any application that is not exempt from the requirements of this chapter for review and approval by the Zoning Administrator.

1. Conditional Use Permit. Review and approval of a conditional use permit by the Planning Commission is required for all facilities that do not meet one or more of the criteria listed in subsections (F)(2) and (F)(3) of this section for a minor use permit and decision by the Zoning Administrator or Planning Director or are exempt from review pursuant to this chapter or applicable Federal or State statutes and regulations.

2. Minor Use Permit. The following facilities may be approved by the Zoning Administrator subject to the requirements of Chapter 18.30, Use Permits, and Section 18.24.100, Required findings for approval:

   a. A new wireless facility that will be located more than six hundred feet outside of all residential and mixed-use districts.

   b. Collocation applications that propose to alter the size and/or shape of the existing facility’s support structure.

   c. On structures in mixed-use districts that are not readily visible or are completely concealed from view because of integration into the design of a building or structure constructed and approved for use other than as wireless communications support structure, except for power poles and other structures in the right-of-way.

   d. On existing power poles or other structures in the right-of-way in nonresidential districts.

   e. A distributed antenna system (DAS) that is comprised of antennas installed on more than one of the support structures listed in subsections (F)(2)(a) through (d) of this section.
f. A small wireless facility or group of small wireless facilities within six hundred feet of or inside a residential or mixed-use district.

g. A 6409(a) modification application for an applicant that does not currently hold a permit for a WCF at the proposed site.

3. The Planning Director may administratively approve a minor use permit for:

a. Permit modifications for 6409(a) modification applications submitted by an applicant who holds an existing permit for the WCF to be modified at the proposed site.

b. Collocation applications that do not propose to alter the size or shape of the existing facility’s support structure.

c. A small wireless facility or group of small wireless facilities which are not within six hundred feet of or inside a residential or mixed-use district. (Ord. 1539 (Exh. A (part)), 2019)

18.24.060 Application requirements – Contents of permit application.

A. In all cases, an applicant for a WCF permit shall utilize the form of application required by the City. The Planning Director is authorized to prepare application forms and submittal checklists and may develop application forms that distinguish between different types of installations and modifications in order to streamline processing of applications, and to comply with legal requirements. These generally applicable requirements shall be available for review in the City’s Planning Department during normal business hours and shall be provided to an applicant upon request. The Planning Director may also from time to time require additional application materials and/or information in any publicly stated format. An application will not be considered complete until the applicant has submitted all forms and supporting documents or items as required by the Planning Director. Notwithstanding the foregoing, an application shall not be deemed complete unless it includes the following:

1. Installer Statement. A statement from the installer stating the method used to determine the desired height and placement, a statement of the signals desired, manufacturer’s specifications showing installation specifications, a statement noting what prior testing was done to determine the location of the installation, and a statement mentioning if alternative placements were considered.

2. Map and Inventory of Existing Sites. Each applicant for a WCF antenna or wireless tower shall provide to the Planning Division an inventory of the service provider’s existing facilities that are either within the jurisdiction of the City or within one-quarter mile of the City’s border, including a map showing the location of the provider’s existing facilities that serve customers in San Carlos and
the specific site that is the subject of the application. The inventory shall include specific information about the location, height, power rating, frequency range, signal coverage, drive test data, and design of each facility or tower structure. The Planning Division may share such information with other applicants applying for administrative approvals or use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the City; provided, however, that the Planning Division is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. Compliance Verification.

   a. Copies of, or a sworn statement by an authorized representative that the applicant holds, all applicable licenses or other approvals required by the FCC, the PUC, and any other agency of the Federal or State government with authority to regulate wireless communications facilities that are required in order for the applicant to construct the proposed facility.

   b. Documentation of, or a sworn statement by an authorized representative that applicant is in, compliance with all conditions imposed in conjunction with such licenses or approvals, a description of the number, type, power rating, frequency range, and dimensions of antennas, equipment cabinets, and related WCF proposed to be installed, and engineering calculations demonstrating that the proposed facility will comply with all applicable FCC requirements and standards.

4. Description of Proposed Facility.

   a. A site plan, plans, and elevations drawn to scale that identify all antennas by type (e.g., microcell; ground-, building-, or roof-mounted, etc.) and all related equipment. Elevations shall include all structures on which facilities are proposed to be located.

   b. A description of the proposed approach for screening or camouflaging all facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors, and an explanation of the measures by which the proposed facility will be camouflaged or rendered not readily visible. If any part of the proposed facility would be readily visible, the application shall include an explanation as to why it cannot be rendered not readily visible. Any representation that the use of state of the art design techniques and technology is not feasible shall be supported by technical and financial analysis and may, at the discretion of the Planning Director, be subject to technical review in subsection (A)(5) of this section.
c. When an applicant proposes a lower ranked design approach and location according to the preferences in Section 18.24.090(A), the application must include technical information demonstrating that a higher ranked option is not technically feasible in light of the provider’s service objectives and may at the discretion of the Planning Director be subject to technical review in subsection (A)(5) of this section.

d. If any part of the facility will be readily visible from the public right-of-way or from neighboring properties, a visual impact analysis including scaled elevation diagrams within the context of the building, before and after photo simulations, and a map depicting where the photos were taken. The Planning Director may require the submission of photo overlays, scaled models, renderings, or mockups to document the effectiveness of techniques proposed to minimize visibility.

e. If a ground-mounted or freestanding tower is proposed, the application must include an explanation as to why collocation or other facility types are not a feasible means of meeting the provider’s service objectives.

5. Technical Review. The application shall include sufficient information for an approved radio frequency engineer or licensed electrical engineer specializing in EMF or RF studies (hereinafter, "an approved engineer") retained by the City to review the information provided in response to technological considerations described in this section.

   a. The application shall also include an agreement to pay the reasonable actual cost and an administrative fee for hiring an approved engineer to provide technical review if such review is required.

   b. Any proprietary information disclosed to the City and/or the approved engineer in confidence shall not be a public record and shall remain confidential and not be disclosed to any third party without the express consent of the applicant. It is the responsibility of the applicant to designate what information it considers proprietary, and the City shall assume any information not explicitly designated as such is public record. The City and/or the approved engineer shall return all proprietary information to the applicant and not retain any copies of such information once its decision is final.

6. Financial Assurances. A statement that, prior to obtaining a building permit to erect or install the proposed facility, the applicant shall either secure a bond or provide financial assurances, in a form acceptable to the City Manager, for the removal of the facility in the event that its use is abandoned or the approval is otherwise terminated.
7. Other Information. Any other information the Planning Director deems necessary to process the application in compliance with the requirements of this chapter. This may include, but is not limited to, information concerning noise that might be generated by equipment associated with a WCF, such as air conditioning equipment, if the physical circumstances of the proposed facility suggest that such noise may be detrimental. For downtown core and residential districts, the Planning Director may also request that the applicant simulate the appearance of the proposed facility through renderings, story poles, mock-ups, or similar display.

B. Where a WCF is part of a network of WCFs that will be installed contemporaneously or sequentially, such as a distributed antenna system (DAS), the applications for each of the facilities in the proposed network shall be submitted simultaneously.

C. In addition to the requirements of this chapter, applications to construct, modify, upgrade, or otherwise alter a WCF in a public right-of-way require an encroachment permit subject to the provisions of Chapter 12.01.

D. Proof of Neighborhood Outreach. For facilities proposed in R districts, the applicant shall be required to conduct neighborhood outreach and provide proof of outreach to all property owners no less than three hundred feet from the proposed facility site as part of the required WCF application submittal package as set forth by the Planning Director. (Ord. 1539 (Exh. A (part)), 2019)

A. All persons submitting an application for a WCF permit shall also submit an application for a building permit at the time that the WCF permit application is submitted. The WCF permit application shall be deemed incomplete if not accompanied by a building permit application. All persons wishing to submit an application for a WCF permit shall schedule an appointment with the Planning Division to submit the application and perform an initial check to determine whether the application appears to meet all required application submittal requirements as set forth by the Planning Director. Applications shall only be accepted at a scheduled meeting.

B. Unless the application is deemed incomplete at the initial check pursuant to subsection A of this section, the Planning Director shall review all WCF permit applications for completeness with applicable submittal requirements and compliance with the provisions of this chapter and other applicable laws and regulations.

C. If the application submitted by the applicant is incomplete, the Planning Director shall notify the applicant in writing within ten days. Said notice shall include a list of items missing from the application
and the Municipal Code section(s) and/or submittal checklist item(s) which require additional submittals to
dee a complete.

D. When an application is deemed incomplete, the applicant may submit additional materials to
complete the application. An applicant may only submit a revised application or supplemental materials to
a previously deemed incomplete application by appointment. The Planning Director shall schedule an
applicant's appointment for resubmission within five business days of the applicant's request.

E. When an applicant resubmits an application with the additional required materials, the Planning
Director will determine whether the resubmitted application is complete within ten days of submission. If
the resubmitted application is not complete, the Planning Director will provide notice to the applicant
within ten days and include a list of items missing from the application and the Municipal Code section(s)
which require the items in order to deem an application complete.

F. Once the WCF permit application has been deemed complete, notice of any public hearing at which
the Zoning Administrator or Planning Commission will consider the proposed WCF shall be provided by
the City to all owners of real property any part of which is located within three hundred feet of the real
property, or if the WCF is to be located in the City's right-of-way within three hundred feet of the proposed
WCF location, consistent with the City's standard noticing times and methods. (Ord. 1539 (Exh. A (part)),
2019)

18.24.080 General requirements.
The following requirements apply to all WCFs that are not exempt from regulation under this chapter
unless the decision-making authority approves a waiver or modification based on the findings required in
Section 18.24.100:

A. State or Federal Requirements. All towers and antennas must meet or exceed current standards and
regulations of the FCC, the Federal Aviation Administration, and any other agency of the State or Federal
government with the authority to regulate towers and antennas. If such standards and regulations are
changed, the owners of the towers and antennas governed by this chapter shall bring such towers and
antennas into compliance with such revised standards and regulations within six months of the effective
date of such standards and regulations, unless a different compliance schedule is mandated by the
controlling State or Federal agency. Failure to bring towers and antennas into compliance with such
revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the
owner's expense.

B. Building Codes and Safety Standards. To ensure the structural integrity of towers, the owner of a
tower shall ensure that it is maintained in compliance with standards contained in applicable State or local
building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

C. Collocated Facilities. A WCF proposed to be collocated on a facility that was subject to a discretionary permit issued on or after January 1, 2007, is not subject to discretionary review if an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless communications collocations facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

D. Setbacks and Separation. Facilities shall comply with the setback requirements specified for the zoning district, except as provided in this chapter. For the purposes of this section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major WCF to the nearest point of another major WCF. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to all facilities located in the City irrespective of jurisdictional boundaries.

1. Setbacks from Property Lines. Ground-mounted WCFs shall comply with the applicable setback requirements in the zoning district or be sited at least five feet from all property lines, whichever distance is greater.

2. Minimum Separation Required. In commercial, industrial, and airport districts, a tower more than sixty-five feet in height shall not be located within one-quarter mile from any other tower that is more than sixty-five feet in height.

3. Roof Setbacks. Roof-mounted facilities, except for satellite dish antennas, shall meet all of the following requirements unless the decision-maker finds that alternative placement or design would more effectively reduce the visual impact of the facility:

   a. Maintain a one-to-one ratio for equipment setback (example: ten-foot-high antenna requires ten-foot setback from facade);

   b. Avoid or minimize interference with significant view corridors;
c. Facilities shall not be mounted on the front half of any building facing a public street, except for standard UHF/VHF antenna support structures, which shall be permitted on the rear two-thirds of the building facing a public street when attached to a chimney for support. On corner lots, facilities shall not be mounted on the front one-third of the building adjacent to the narrowest frontage facing a public street.

4. Encroachment onto Adjacent Property Not Permitted. Booms, elements, and other parts of the antenna support structure shall not extend onto an adjacent lot under the same or different ownership.

E. Conditions of Approval. In approving a minor use permit or conditional use permit pursuant to this chapter, the reviewing authority may impose any conditions allowed by applicable Federal and State law that are deemed necessary to ensure compliance with the findings required in Section 18.24.100, including but not limited to requiring:

1. Future modification of an installation that is not a stealth facility to further reduce or eliminate its aesthetic impacts based on the results of a review process, which shows that new technology is available and could be employed to reduce the facility’s visual and aesthetic impacts.

2. Periodic review, at the permittee’s expense, by a qualified independent engineer, approved by the City, to ensure compliance with the most current Federal and State regulatory and operational standards including, but not limited to, FCC radio frequency emission standards and Federal Aviation Administration height standards.

3. Periodic review to verify that the permittee and any authorized representative of the permittee are in full compliance with this Code, the California Vehicle Code and OSHA standards with regard to noise, construction, vehicles, property maintenance and other such codes and regulations that are applicable to the operation, maintenance, construction and management of the facility and site.

4. Allow collocation with other existing WCFs and accommodate the future collocation of other future facilities, where technically, practically, and economically feasible. The City reserves the right to notify other registered wireless communications providers of new WCF applications to promote collocation.

5. Evidence of a removal bond or other documentation ensuring removal of the wireless communications antennas.
F. Maintenance. All facilities shall be operated and maintained in compliance with the following requirements:

1. WCFs and sites shall be kept clean and free of litter and debris. Lighting, fences, shields, cabinets, and poles shall be maintained in good repair and free of graffiti and other forms of vandalism, and any damage from any cause, including degradation from wind and weather, shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight hours from the time of notification by the City.

2. The owner or operator of a WCF shall be responsible for maintaining landscaping in accordance with the approved landscape plan and for replacing any damaged or dead trees, foliage, or other landscaping elements shown on the approved plan. A landscape performance and maintenance agreement with the City may be required to ensure the installation and establishment of the landscaping. Amendments or modifications to the landscape plan shall be submitted to the Planning Director for approval.

3. WCFs shall be operated in a manner that will minimize noise impacts to surrounding residents and persons using nearby parks, trails, and similar recreation areas.
   
   a. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of eight a.m. and seven p.m., Monday through Friday, excluding holidays.
   
   b. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the property line shall be enclosed or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations under Chapter 9.30, Noise Control.
   
   c. Backup generators shall only be operated during periods of power outages or for testing.

G. City Business License. The permittee shall report to the City annually, in conjunction with permittee’s business license, contact information for the permittee and the agent responsible for maintenance of the wireless communications facility. Emergency contact information shall be included. (Ord. 1539 (Exh. A (part)), 2019)

18.24.090 Design standards.

The purpose of this section is to identify preferences and requirements for the location and design of WCFs, to provide guidance to prospective applicants as they seek appropriate WCF locations within the
City, and to provide guidance to the Planning Commission and Planning Director in determining whether
to grant, grant with conditions, or to deny a WCF application.

This section applies to all new WCFs and to all collocations and modifications to existing WCFs, except
collocations and modifications to existing WCFs that qualify as a Section 6409(a) modification.

A. Design and Location Preferences. Based on their potential effect on the aesthetic character of
residential and mixed-use areas, the alternatives for design and siting of new antennas, new and existing
antenna support structures, and new and existing cabinets and associated equipment have been ranked
by preference as indicated in the following lists. When an applicant proposes a lower ranked alternative,
the applicant must demonstrate that a higher ranked option is not feasible.

1. Design Preferences.

a. Building- or structure-mounted antennas and associated cabinets and equipment that are not
readily visible or are completely concealed from view because of placement and/or integration into
design of nonresidential buildings or structures erected and approved for use other than as wireless
telecommunications support.

b. Building- or structure-mounted antennas and associated cabinets and equipment set back from
roof edge and/or not visible from the public right-of-way or from surrounding properties.

c. On existing nonresidential structures located more than six hundred feet from a residential
district such as buildings, communication towers, existing signal, power, light or similar kinds of
permanent poles, or utility facilities not subject to the City’s franchise agreements or on new
nonresidential buildings where the facility is incidental to the building or property use.

d. On new nonresidential structures such as buildings, communication towers, existing signal,
power, light or similar kinds of permanent poles, or utility facilities not subject to the City’s franchise
agreements and located more than six hundred feet from a residential district.

2. Location Preferences.

a. In an industrial or airport district and collocated with existing WCFs that conform to the
requirements of this chapter.

b. In any other nonresidential district and collocated with existing conforming facilities.

c. In industrial or airport districts.
d. In commercial districts.

e. On nonresidential structures in mixed-use districts.

f. On nonresidential structures in residential districts.

g. On nonresidential use sites in mixed-use or residential districts.

h. In public districts.

B. Siting on Residential Parcels. Wireless communications facilities shall not be permitted on properties zoned and used for residential purposes or undeveloped parcels intended for residential use, unless the residential property owner provides written consent and:

1. The applicant demonstrates that all alternative nonresidential sites (including collocation) have been explored and the proposed site is the less intrusive of the feasible alternative sites; and

2. No significant visual impacts would result from the proposed facility.

C. Visual Impact. WCFs should be collocated with existing WCFs if within one thousand five hundred feet of an existing visible WCF, unless the City determines that the collocation would create excessive visual clutter or would otherwise create harms the City may ameliorate.

D. Tower-Mounted WCFs. Tower structures shall be sited to maximize screening by existing environmental features such as topography, vegetation, buildings, or other structures. Any visible components and accessory facilities shall be painted or coated with subdued and nonreflective colors and textures that will blend with the visual environment.

1. The decision-making authority may require the facility to be enclosed in a structure such as a clock tower, cupola, sign, or other facility.

2. Installations that are designed to replicate trees, rocks, or other natural features shall match the scale, color, type, and appearance of existing or typical natural features.

E. A WCF located in the right-of-way:

1. Shall, with respect to its pole-mounted components, be located on an existing streetlight pole when feasible;
2. If it is not feasible to install the pole-mounted components on an existing streetlight pole, then those components shall be located on an existing utility pole serving another utility;

3. Shall be concealed and/or shall be painted to be consistent with other existing natural or manmade features in the right-of-way near the location where the WCF is to be located; and

4. With respect to its pole-mounted components, if installing on an existing utility pole is not feasible and there are no reasonable alternatives, the applicant may propose to construct a new utility pole or unipole.

F. The pole-mounted components of a WCF on a utility pole, shall, whether in or outside of the right-of-way:

1. Comply with CPUC General Order 95 and General Order 128 as they may be amended or replaced;

2. Shall be located, designed, and installed to cause as little visual intrusion as possible to views from habitable structures and publicly accessible areas;

3. To the extent feasible, shall be located on a pole located at intersections (i.e., near corner lots); and

4. Be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the WCF.

G. The ground-mounted components of a WCF, including but not limited to utility boxes, whether in or outside of the right-of-way:

1. Shall be located underground to the maximum extent feasible; and

2. If not underground, shall be located flush to grade where necessary to avoid incommoding the public, or creating a hazard; and

3. To the extent permitted aboveground, shall otherwise be appropriately screened, landscaped and camouflaged to blend in with the surroundings, and nonreflective paints shall be used. All equipment associated with the WCF must be screened.

H. The support equipment associated with a WCF, whether in or outside the right-of-way:
1. Shall be designed to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend into the environment including shelters, buildings, landscaping, fencing, color, and other techniques to minimize their visual impact; and

2. If an equipment cabinet cannot be adequately screened from surrounding properties or from public view or architecturally treated to blend in with the environment, it shall be placed underground or inside the existing building where the antenna is located or in a new equipment shelter that meets the requirements of this chapter.

I. Height Restrictions. All applicable height restrictions contained within this Code regarding building height for structures, including but not limited to poles, towers, and buildings, shall apply to all base stations and wireless towers, except in the following circumstances:

1. The applicant demonstrates the necessity to build above the applicable height restriction, and that no alternative equipment exists that would allow the WCF to operate without need to build above the applicable height restriction;

2. The application proposes a Section 6409(a) modification to an existing structure; or

3. The application proposes to collocate WCF equipment at an existing site whose structure is nonconforming with the applicable height restriction and the application does not propose to increase the height of the existing structure.

J. Maintenance of City Character. A WCF shall be designed and located to minimize the impact on the surrounding neighborhood, and to maintain the character and appearance of the City, consistent with other provisions of this Code. To that end, WCFs should:

1. Employ the least intrusive design for the proposed location in terms of size, mass, visual and physical impact, and effects on properties from which the WCF is visible; and

2. Accommodate collocation consistent with the other design requirements of this chapter; and

3. Where proposed to be located on an existing pole or other structure, and where location is feasible at multiple sites, be located on the site that provides the greatest consistency with these design standards and is least visibly intrusive; and
4. Use the best available technology and design techniques to eliminate or reduce noise, vibration, heat, or other adverse impacts to the surrounding community, and to reduce or eliminate intrusion to publicly accessible areas; and

5. Be consistent with the General Plan.

K. Camouflage. Without limiting the foregoing, all portions of a WCF affixed to a support structure shall be designed to blend in architecturally or be screened from view in a manner consistent with the support structure’s architectural style, color, and materials when viewed from any part of the City. WCFs shall be painted and textured or otherwise camouflaged to match the color and texture of the support structure on which they are mounted. Where the support structure is a building, the WCF, including without limitation base station cabinets, remote transmitters and receivers, and antenna amplifiers, shall be placed within the building or mounted behind a parapet screened from public view unless that is not feasible. If the Planning Director determines that such in-building placement is not feasible, the equipment shall be roof-mounted in an FRP screen or similar enclosure or otherwise screened from public view as approved by the Planning Commission or Planning Director.

L. Lighting. WCFs shall not be lighted except in one of the following instances and when the lowest feasible intensity lighting is used:

1. For proximity-triggered and/or timer-controlled security lighting;

2. To comply with regulations for the illumination of any flag attached to a WCF; or

3. Where such lighting is required by the Planning Director to protect public health or welfare, or as part of the camouflage for a particular design.

M. Signage. No advertising signage shall be displayed on any WCF except for government required signs shown in the WCF permit application. Additionally, site identification, address, warning, and similar information plates may be permitted where approved by the Planning Commission or Planning Director.

Notwithstanding the foregoing, each equipment cabinet shall have a sign visible from a publicly accessible area, identifying the name, address, twenty-four-hour local or toll-free contact telephone number for both the permittee and the party responsible for maintenance of the facility. Information shall be updated in the event of any changes.

N. Americans with Disabilities Act. The WCF shall comply with all requirements of the Americans with Disabilities Act of 1990 (“ADA”) as may be amended or replaced.
O. Obstructions. The WCF shall not incommode the public (including, without limitation, persons with disabilities) in its use of any structure, or any portion of the right-of-way.

P. Camouflage of Wireless Towers and Base Stations. All wireless towers and base stations shall be concealed. The installation of an uncamouflaged wireless tower or base station is prohibited.

Q. Additional Requirements for Dish-Type Antennas. Dish-type antennas visible from any public or private street or any neighboring property shall meet the following standards and criteria in addition to any other applicable provisions of this chapter:

1. Diameter and Height. Television satellite dish antennas shall meet the following requirements:
   a. Industrial, Commercial, and Airport Districts. Antennas shall not be larger than twelve feet in diameter and twelve feet six inches in height above the ground when extended vertically (if ground-mounted) or twelve feet six inches in height above the roof line when extended vertically (if roof-mounted). If another diameter dish is used under twelve feet in diameter, the dish shall not be more than the dish diameter plus six inches in height above the ground when extended vertically (if ground-mounted) or the dish diameter plus six inches in height above the roof when extended vertically (if roof-mounted).
   b. Residential and Mixed-Use Districts. Antennas shall not be larger than ten feet in diameter and ten feet six inches in height above the ground when extended vertically. If rooftop-mounted, a satellite dish antenna shall not exceed the height permitted in the district.

2. Location. No dish-type antenna shall be located in a required parking or loading area or in a driveway area.

3. Screening and Design. Antennas shall be designed and screened to minimize their appearance:
   a. The dish shall be constructed of open mesh, rather than solid material, unless the use of mesh is not feasible for technical or other reasons.
   b. The antenna and supporting structure shall be a neutral color that blends with the surrounding dominant color, helps camouflage the dish antenna, and is neither bright nor metallic.
   c. No advertising shall be permitted on any part of a dish antenna, except for a six-inch square displaying the manufacturer’s or distributor’s name.
d. The antenna shall be screened by recessing the antenna into the roof line or by constructing a screen out of similarly textured roofing, or exterior wall material, or microwave transparent material.

e. No more than twenty-five percent of the dish antenna shall be visible from surrounding streets and properties at ground level. (Ord. 1539 (Exh. A (part)), 2019)

18.24.100 Required findings for approval.

A. It is the applicant’s burden to show that a permit should be granted. In reviewing an application, the Planning Commission or Planning Director may consider the WCF as proposed and as it may be modified as a matter of right, through a Section 6409(a) modification application or otherwise, should the application be granted. When considering an application, the Planning Commission or Planning Director may consider any matter it is entitled to or required to consider as a matter of law. In addition to any other findings that this chapter requires, in order to approve any use permit for a facility subject to regulation under this chapter, the Planning Director or the Planning Commission must make all of the following findings that are applicable to the facility based on substantial information in the record, including, where required, technical analysis by a radio frequency engineer, calculations by a State-licensed structural engineer, or other evidence:

1. The application was deemed complete by the Planning Director and proper notice has been provided pursuant to Section 18.24.070;

2. The application and proposed WCF are consistent with the general requirements and design standards set forth in Sections 18.24.080 and 18.24.090;

3. The WCF and support structure additions and modifications proposed are consistent with the General Plan and will not adversely affect the policies and goals set forth therein or alter the character of the community;

4. The WCF and support structure modifications and additions proposed comply with the design standards herein, and other applicable provisions of this Code;

5. The WCF and support structure modifications and additions proposed comply with applicable safety codes and laws (including without limitation the ADA);

6. The WCF and support structure modifications and additions do not interfere with the public’s use of right-of-way, or create undue risks to persons or property;
7. The applicant has made the required affirmation regarding compliance with the FCC’s RF regulations, as the same may be amended;

8. If the facility is located on any property that is a historic resource pursuant to the California Public Resources Code, that it has been designed and sited to avoid any adverse effect on the historic character of the building, structure, or site and will not affect its eligibility for designation;

9. The applicant was authorized to file the application;

10. The applicant has or will have necessary local, State, or Federal regulatory approvals required in connection with the WCF (including but not limited to necessary CEQA approvals, if any; and approvals for structures on private property);

11. The proposed design is consistent with the General Plan and otherwise minimizes the impact of the WCF and support structure modifications and additions to the greatest extent possible;

12. If a modification of height, separation, setback, landscaping, or other requirements of this chapter is requested, that the proposed modification is consistent with the purposes of this chapter, will be the least intrusive feasible means of meeting the provider’s service objectives, is sited and designed compatible with the aesthetic character of the surroundings, and is necessary to ensure reasonable and effective transmission; and

13. If the facility is a satellite dish or parabolic antenna that exceeds applicable width and height standards:
   a. A smaller or different type of facility could not meet the technical requirements necessary to provide reasonable signal access; or
   b. The cost of complying with the applicable requirements would exceed the cost of the purchase and installation of the facility.

B. Notwithstanding any other provision of this section to the contrary, if in the opinion of the Planning Director, in consultation with the City Attorney, any of the provisions of this section are preempted or superseded by Federal or State law, the Planning Commission or Planning Director may approve an application which does not comply with the design standards and/or required findings for approval which are determined to be preempted or superseded.

C. A WCF located on private property shall also be subject to any design review provisions of this Code to the extent that it involves a modification to a support structure which is subject to separate review
under this Code and shall complement the surrounding structures and/or improvements. (Ord. 1539 (Exh. A (part)), 2019)

18.24.110 Section 6409(a) modification applications.
A. For applications designated by the applicant as a Section 6409(a) modification, or if determined by the Planning Director that the applicant is proposing a Section 6409(a) modification, the review process and approval, approval with conditions, or denial of the application shall be made by the Planning Director.

B. Pursuant to 47 U.S.C. Section 1455(a), the Planning Director shall approve a Section 6409(a) modification except when:

1. The collocation or modification would result in a substantial change (as defined in Section 18.24.230(EE)) to the existing wireless tower or base station;

2. The collocation or modification would violate any applicable building code, electrical code, structural code, fire code or any other law, regulation, rule or prior condition of approval based on objective factors and reasonably related to public health and safety;

3. The collocation or modification involves the replacement of the wireless tower or other support structure; or

4. 47 U.S.C. Section 1455(a) does not apply to the collocation or modification for any lawful reason.

C. Any denial of a Section 6409(a) modification shall be without prejudice. Subject to subsection D of this section, the applicant may submit the same or substantially the same permit application, together with all required fees and deposits, for either a WCF permit or a Section 6409(a) modification permit.

D. The City shall be entitled to recover the reasonable costs for its review of any Section 6409(a) modification permit application, whether approved, deemed granted or denied without prejudice. In the event that the Planning Director denies a Section 6409(a) modification permit, the City shall return any unused deposit fees within sixty days after a written request from the applicant. If the fees in the deposit account do not cover the reasonable cost for the City's review, an applicant shall not be allowed to submit an application for the same or substantially the same change unless all fees for the prior-denied permit application are paid in full. (Ord. 1539 (Exh. A (part)), 2019)

18.24.120 Small wireless facility applications.
A. For applications designated by the applicant as a small wireless facility application or modification, or if determined by the Planning Director that the applicant is proposing a small wireless facility application or modification, the review process and approval, approval with conditions, or denial of the application shall be made by the Zoning Administrator. Applicants may include multiple proposed small cells in one application; however, required fees are calculated per site. An application that proposes both small cell and non-small cell installations shall be handled as separate applications, and all proposed non-small cell facilities shall be subject to individual requirements, review criteria, and fees, as their own applications.

B. If a small cell is installed on or affixed to a City-owned support structure, the owner of the small cell/permit holder shall obtain a license for use of the structure from the City prior to or in conjunction with the permitting process, shall pay an additional processing fee for the license, and shall pay an annual fee for such use. (Ord. 1539 (Exh. A (part)), 2019)

18.24.130 Time to act on application.
A. Except in instances where the City has entered into a tolling agreement with the applicant, the Planning Commission or Planning Director shall act to approve, approve with conditions, or deny all applications within the following periods:

1. Within sixty days for:
   a. Section 6409(a) modification applications; and
   b. Small wireless facilities proposed to be collocated or attached to existing support structures.

2. Within ninety days for:
   a. Collocations of non-small cell WCFs;
   b. Installations of non-small cell WCFs onto existing support structures; and
   c. New small wireless facilities (including new support structure).

3. Within one hundred fifty days for new non-small cell WCFs (including new support structure).

B. Tolling Periods. If the applicant is timely notified that its application is incomplete pursuant to Section 18.24.070, the time to act on the application as defined by this section shall toll from the day after such notice is given to the applicant in writing to the day that the applicant submits additional documents to render the application complete. Should that supplemental submission fail to render the application
complete, the time to act on the application shall again toll on the day after written notice to the applicant that the supplemental submission was insufficient until the day that the applicant submits additional documents to render the application complete.

C. Small Cell Time Reset. Notwithstanding the above, if the applicant submits an incomplete application that proposes to install a small wireless facility and is timely notified that the application is incomplete, the period in which the application must be acted upon shall not run until the applicant makes a supplemental submission to complete the application. Should the subsequent submittal still fail to complete the application and the applicant is notified timely, the tolling periods provisions above shall apply. (Ord. 1539 (Exh. A (part)), 2019)

18.24.140 Standard permit conditions.
A. As a condition of every permit issued pursuant to this chapter, the City may establish a reasonable construction build-out period for a WCF.

B. The WCF permit holder shall also comply with all other applicable requirements of this Code, including but not limited to building codes and provisions related to work in rights-of-way.

C. The WCF permit holder shall obtain and maintain all other applicable permits, approvals, and agreements necessary to install and operate the WCF in conformance with Federal, State, and local laws, rules and regulations.

D. The City may inspect permitted facilities and property and may enter onto a site to inspect facilities upon reasonable notice to the WCF permit holder. In case of an emergency or risk of imminent harm to persons or property within the vicinity of permitted facilities, the City reserves the right to enter upon the site of the WCF and to support, disable, or remove those elements of the WCF posing an immediate threat to public health and safety.

E. The WCF permit holder shall maintain on file with the City and on site at the WCF contact information of all parties responsible for maintenance of the WCF, including without limitation contact information for a representative of the facility operator, representatives of all wireless carriers utilizing the WCF, and representatives of all contractors and subcontractors responsible for maintaining the WCF.

F. The WCF permit holder and, if applicable, the private property owner shall defend, indemnify and hold harmless the City of San Carlos, its agents, officers, officials, and employees (1) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings brought against the City or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the City’s approval of
the WCF permit, and (2) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the WCF permit holder or, if applicable, the private property owner or any of each one’s agents, employees, licensees, contractors, subcontractors, or independent contractors (subsections (F)(1) and (2) of this section collectively are “actions”). Further, WCF permit holders shall be strictly liable for interference caused by their WCFs with the City’s communications systems. The WCF permit holder shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference (“claims”). In the event the City becomes aware of any such actions or claims the City shall promptly notify the WCF permit holder and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City’s defense, and the property owner and/or WCF permit holder (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

G. A permit may be terminated if the City determines that the permit was granted based on false, misleading, or incomplete information; if a material provision of the permit is no longer enforceable; or if the permit holder violates a condition of the permit, or modifies the WCF or support structures without permission.

H. The WCF permit holder shall make a good faith effort to minimize project-related disruptions to adjacent properties. Site improvement and construction work, including set-up, loading or unloading of materials or equipment, performed as part of this project is subject to all provisions of this Code related to permitted work. Emergency maintenance and repairs are exempt from the restricted hours. Violation of this condition may result in issuance of a stop work order or administrative citations.

I. In addition to all other standard conditions of approval required under this section, and to all conditions of approval permitted under State and Federal law that the Zoning Administrator, Planning Commission, or Planning Director may deem appropriate for a specific WCF, all Section 6409(a) modifications, whether granted by the Planning Director under the Federal directive in 47 U.S.C. Section 1455(a), or deemed granted by the operation of law, shall automatically include all the conditions of approval as follows:

1. Grant, deemed-grant or acceptance of a Section 6409(a) modification permit shall not renew or extend the permit term for the underlying WCF;
2. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, 47 U.S.C. Section 1455(a), such that such statute would not mandate approval for the collocation or modification granted or deemed granted under a Section 6409(a) modification permit, such permit shall automatically expire twelve months from the date of that opinion;

3. Grant, deemed-grant or acceptance of Section 6409(a) modification permit shall not waive and shall not be construed or deemed to waive the City's standing in a court of competent jurisdiction to challenge 47 U.S.C. Section 1455(a) or any Section 6409(a) modification permit issued pursuant to 47 U.S.C. Section 1455(a) or this Code. (Ord. 1539 (Exh. A (part)), 2019)

18.24.150 Compliance report.
A. Within thirty days after installation of a WCF, the applicant shall deliver to the City a written report that demonstrates that its WCF, as constructed and normally operating fully, complies with the conditions of the permit, including height restrictions, and applicable safety codes, including structural engineering codes. The demonstration shall be provided in writing to the Planning Director containing all technical details to demonstrate such compliance, and certified as true and accurate by qualified professional engineers, or, in the case of height or size restrictions, by qualified surveyors. This report shall be prepared by the applicant and reviewed by the City at the sole expense of the applicant, which shall promptly reimburse the City for its review expenses. The Planning Director may require other RF emission compliance proof at his or her discretion, including additional study upon construction and/or regular compliance reports during the operation of the WCF.

B. If the initial report required by this section shows that the WCF does not so comply, the permit shall be deemed suspended, and all rights thereunder of no force and effect, until the applicant demonstrates to the City’s satisfaction that the WCF is compliant. Applicant shall promptly reimburse the City for its compliance review expenses.

C. If the initial report required by this section is not submitted within the time required, the Planning Director or his or her selected and qualified professionals may, but are not required to, undertake such investigations as are necessary to prepare the report described in subsection A of this section. The applicant shall, within five days after receiving written notice from the City that the City is undertaking the review, deposit such additional funds with the City to cover the estimated cost of the City obtaining the report. Once said report is obtained by the City, the City shall then timely refund any unexpended portion of the applicant’s deposit. The report shall be provided to the applicant. If the report shows that the applicant is noncompliant, the City may suspend the permit until the applicant demonstrates to the City’s satisfaction that the WCF is compliant. During the suspension period, the applicant shall be allowed to
activate the WCF for short periods, not to exceed one hundred twenty minutes during any twenty-four-hour period, for the purpose of testing and adjusting the site to come into compliance.

D. If the WCF is not brought into compliance promptly, and in no case within sixty days, the City may revoke the permit and require removal of the WCF. (Ord. 1539 (Exh. A (part)), 2019)

18.24.160 Operational regulations.
A. All WCFs within the City shall be designed, maintained, and shall be operated at all times to comply with the provisions of this chapter and the following other requirements:

1. Conditions in any permit or license issued by a local, State, or Federal agency, which has jurisdiction over the WCF;

2. Rules, regulations, and standards of the State and Federal governments and the City, including without limitation the FCC, the CPUC, and this Code;

3. Easements, covenants, conditions, and/or restrictions on or applicable to the underlying real property;

4. Rules, regulations, and standards of the City governing underground utilities;

5. All other laws, codes, and regulations applicable to a WCF, including the California Environmental Quality Act (CEQA).

B. Without limiting the foregoing, all WCFs shall be maintained in good working condition and to the visual standards established at the time of approval over the life of the WCF permit. The WCF and surrounding area shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as is practicable, and in no instance more than ten days from the time of notification by the City or after discovery by the WCF permit holder. If landscaping was required, the landscaping must be maintained by the permittee. (Ord. 1539 (Exh. A (part)), 2019)

18.24.170 Modifications of a WCF permit.
A. The City may modify a permit before its termination date where necessary to protect public health and safety, or where the permit as issued is no longer enforceable in accordance with its terms.

B. A permit holder may modify a permit by seeking either a Section 6409(a) modification or other modification. Modifications other than Section 6409(a) modifications shall be treated the same as requests for a new WCF and require Planning Commission or Planning Director approval.
C. Requests for modifications will be reviewed in accordance with the provisions of this chapter at the time modification is sought, and not at the time the permit initially issued. (Ord. 1539 (Exh. A (part)), 2019)

18.24.180 Revocation of a WCF permit.
A. A WCF permit may be revoked if permittee is not in compliance with permit conditions, if the permit conditions are not enforceable, or for a failure to comply with any provision of this Code relating to the permit, or relating to the WCF associated with the permit (“default event”). By way of example and not limitation, a refusal to timely remove facilities located in the right-of-way where required in connection with a public works project would be a default event.

B. The City may revoke a WCF permit only after:
   1. Written notice of the default event has been provided to the WCF permit holder; and
   2. The WCF permit holder has been afforded at least thirty days to cure and comply with its permit, or demonstrate that no default event occurred.

C. If the WCF permit holder fails to cure, the City Council may revoke the permit consistent with Section 18.27.140.

D. Upon revocation, the City may require the removal of the WCF or take any other legally permissible action or combination of actions necessary to protect the health and welfare of the City. (Ord. 1539 (Exh. A (part)), 2019)

18.24.190 Abandonment, removal, or relocation of facilities.
A. Any WCF permit holder who abandons or discontinues use of a WCF for a continuous period of ninety days shall so notify the City by certified mail within thirty days after the ninety-day period.

B. If the Planning Director believes a WCF has been abandoned or discontinued for a continuous period of ninety days, the Planning Director shall send a notice by certified mail of abandonment or discontinuation to the WCF permit holder stating why he or she believes the WCF to be abandoned or discontinued. Failure of the WCF permit holder to reply to this notice in writing within thirty days after receiving, rejecting, or returning the City’s certified letter shall entitle the Planning Director to make the determination that the WCF is, in fact, abandoned or discontinued.

C. Upon declaration of the Planning Director that a WCF located on public property or in the public right-of-way is abandoned or discontinued, the City may remove the WCF and any supporting structures installed solely in connection with the WCF and restore the site to be consistent with the then-existing surrounding area. The City shall not be required to, but may at its discretion, store any removed
equipment. The cost of this removal and restoration work and storage, if applicable, shall be paid by the permit holder, who shall be provided with an invoice by the City. Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on any related real or personal property owned by the permit holder, including but not limited to the removed equipment. The City Clerk shall cause the lien to be recorded with the San Mateo County recorder. No person or entity may apply for a new or renewed permit under this chapter if he/she/it owes any amounts invoiced by the City under this section.

D. Upon declaration of the Planning Director that the WCF located on private property is abandoned or discontinued, the WCF permit holder or owner of the affected real property shall have ninety days from the date of the declaration or a further reasonable time as may be approved by the Planning Director, within which to complete one of the following actions:

1. Reactivate use of the WCF, subject to the terms and conditions of the applicable WCF permit;

2. Transfer the rights to use the WCF to another entity (who shall be subject to all the provisions of this chapter) and the entity immediately commences use of the WCF; or

3. Remove the WCF and any supporting structures installed solely in connection with the WCF and restore the site to be consistent with the then-existing surrounding area.

E. If ninety days after the declaration by the Planning Director that a WCF located on private property is abandoned or discontinued none of the required actions in subsections (D)(1) through (D)(3) of this section has occurred, the City Council at a noticed public hearing may declare that the WCF is abandoned. The City shall provide notice of such finding to the WCF permit holder and to the telecom carrier last known to use the WCF and, if applicable, to the owner of the affected private real property, providing thirty days from the date of the notice within which to complete one of the following actions:

1. Reactivate use of the WCF, subject to the terms and conditions of the applicable WCF permit;

2. Transfer the rights to use the WCF to another operator (who shall be subject to all the provisions of this chapter); or

3. Remove the WCF and any supporting structures installed solely in connection with the WCF and restore the site to be consistent with the then-existing surrounding area.

F. Any cost incurred by the City to remove, repair, restore, or store a WCF site or WCF equipment shall be charged to and paid by the permit holder and/or the private real property owner. Until these costs are paid in full, a lien shall be placed on the WCF and any related personal property and any private real
property on which the WCF was located for the full amount of the cost of removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the San Mateo County Recorder.

G. After adequate written notice to the WCF permit holder, the City Council or Planning Director may require the relocation, at the WCF permit holder’s expense and according to the then-existing standards for WCFs, of any WCF located in the right-of-way, as necessary for maintenance or reconfiguration of the City’s right-of-way or for other public projects, or take any other action or combination of actions necessary to protect the health and welfare of the City.

H. If an existing utility pole that hosts a WCF must be replaced, the WCF permit holder shall within thirty days after the installation of the replacement pole either relocate its WCF in the same configuration on the replacement pole or remove the prior-existing WCF rather than relocate it, and notify the City of the removal, and surrender its WCF permit for cancellation by the City.

I. If the WCF permit holder fails to relocate or remove the WCF as required by this section, the City may elect to treat the WCF as a nuisance to be abated. (Ord. 1539 (Exh. A (part)), 2019)

18.24.200 Transfer of an interest.
A WCF permit holder shall not assign or transfer any interest in its permits for WCFs without advance written notice to the City. The notice shall specify the identity of the assignee or transferee of the permit, as well as the assignee’s or transferee’s address, telephone number, name of primary contact person(s), and other applicable contact information, such as an email address or facsimile number. The new assignee or transferee shall comply with all of the WCF’s terms and conditions of approval and shall submit to the City a written acceptance of the WCF permit’s terms and conditions and a written assumption of the obligations thereafter accruing under such permit prior to the date that such assignment or transfer is intended to take effect. (Ord. 1539 (Exh. A (part)), 2019)

18.24.210 Violations are infractions.
It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, partnership, or corporation violating any provision herein or failing to comply with any of these requirements will be deemed guilty of an infraction and upon conviction thereof will be punished by a fine not exceeding one thousand dollars. Each such person, firm, partnership, or corporation will be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, firm, partnership, or corporation, and will be deemed punishable therefor as provided in this chapter. (Ord. 1539 (Exh. A (part)), 2019)

18.24.220 Controlling provisions.
In the event of any inconsistency between the provisions of this chapter and any other provision of this Code, the more specific provision shall control. Without limiting the generality of the foregoing, WCFs shall be governed by the permitting procedures and design standards set forth herein. (Ord. 1539 (Exh. A (part)), 2019)

18.24.230 Definitions and acronyms.
Unless otherwise specified, the terms this chapter uses shall have the following meanings:

A. “Antenna” shall mean a device used to transmit and/or receive radio or electromagnetic waves such as but not limited to panel antennas, reflecting discs, panels, microwave dishes, whip antennas, directional and nondirectional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations.

B. “Antenna array” shall mean two or more antennas having elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which are elements deemed to be part of the antenna.

C. “Antenna equipment” means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located in the same fixed location as the antenna.

D. “Applicant” shall mean the owner(s) or the owner’s agent of property upon which wireless communications facilities are proposed to be located. In instances where wireless communication facilities are proposed to be located on public right-of-way, the applicant is the carrier or entity which will operate the facility or the newly added components of the facility upon its completion.

E. “Base station” shall mean the transmission equipment and non-tower support structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. A “non-tower support structure” means any structure (whether built for wireless purposes or not) that supports wireless transmission equipment under a valid permit at the time the applicant submits its application.

F. “Camouflaged or concealed WCF” shall mean a wireless communications facility that (1) is integrated as an architectural feature of an existing structure such as (but not limited to) a cupola; or (2) is integrated in an outdoor fixture such as (but not limited to) a flagpole; or (3) uses a design and paint which mimics and is consistent with nearby natural or architectural features, or is incorporated into or replaces existing permitted facilities (including but not limited to stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent due to its design and/or color.
G. “Carrier” shall mean a wireless communications service provider licensed by the FCC and/or by the California Public Utilities Commission.

H. “City” shall mean the City of San Carlos, California.

I. “City Council” shall mean the City Council of the City of San Carlos, California.

J. “City Manager” shall mean the City Manager of the City of San Carlos, California, or his or her designee.


L. “Collocation” shall mean the placement or installation of transmission equipment on an existing wireless tower or base station for the purpose of transmitting or receiving radio frequency signals for communications purposes.

M. “CPUC” shall mean the California Public Utilities Commission.

N. “Distributed antenna system” or “DAS” shall mean a network of one or more antennas and related fiber optic nodes typically mounted to streetlight poles, or utility poles, which provide access and signal transfer for wireless service providers. A DAS also includes the equipment location, sometimes called a “hub” or “hotel” where the DAS network is interconnected with one or more wireless service provider’s facilities to provide the signal transfer services.

O. “FCC” shall mean the Federal Communications Commission.

P. “Feasible” means, in light of technical feasibility, radio signal transmitting and receiving requirements, aesthetics, electromagnetic fields, costs, landowner permission, facility owner permission, and all necessary approvals under this chapter and the California Building Code, as well as the common meaning of the term.

Q. “FRP screening” shall mean screening using fibre-reinforced plastic or fibre-reinforced polymer.

R. “Lattice tower” shall mean an open framework structure used to support one or more antennas, typically with three or four support legs.

S. “Monopole” shall mean a single freestanding pole used to act as or support an externally mounted antenna or antenna arrays.
T. “OTARD antennas” shall mean antennas covered by the “over-the-air reception devices” rule in 47 CFR Section 1.4000 et seq., as may be amended or replaced from time to time.

U. “Outdoor fixture” shall mean any wall (excluding any retaining wall eighteen inches or less in height), utility box, fence, gate, column, pillar, post, flag pole, light post or similar lighting fixture, either freestanding or incorporated into a fence or wall.

V. “Planning Director” shall mean the Planning Director of the City of San Carlos or his or her designee.

W. “Public property” shall mean property owned or under the control of the City and specifically excludes the City’s right-of-way. By way of example and not limitation, public property includes structures and outdoor fixtures owned by the City.

X. “Public Works Director” shall mean the Director of the City of San Carlos Public Works Department or his or her designee.

Y. “Radome” shall mean a visually opaque, radio frequency transparent enclosure which may contain transmission equipment.

Z. “Readily visible” means an object that can be identified as a WCF when viewed with the naked eye from public right-of-way or neighboring property.

AA. “RF or RF emissions” shall mean radio frequency emissions.

BB. “Right-of-way” shall mean the public streets and rights-of-way.

CC. “Screening” shall mean design features or architectural techniques that shield a WCF from sight. This may include, but is not limited to, FRP screening.

DD. “Section 6409(a)” shall mean Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. Section 1455(a), as may be amended or interpreted in judicial or administrative decisions.

EE. “Section 6409(a) modification” shall mean a collocation or modification of transmission equipment at an existing wireless tower or base station that does not result in a substantial change in the physical dimensions of the existing wireless tower or base station. For the purposes of a Section 6409(a) modification, the term “substantial change” means:

1. For wireless towers outside the public right-of-way:
a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array more than twenty feet (whichever is greater); 

b. The proposed collocation or modification increases the width more than twenty feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or

c. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.

2. For wireless towers within the public right-of-way and for all base stations:

   a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater);

   b. The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station; or

   c. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

3. For all proposed collocations and modifications:

   a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;

   b. The proposed collocation or modification would defeat the concealment elements of the support structure; or

   c. The proposed collocation or modification violates a prior condition of approval; provided, however, that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this section.

   d. The proposed collocation or modification involves excavation outside of the existing leased or licensed area upon which the existing WCF sits, and/or excavation outside of the existing pad upon which ground-mounted equipment is affixed.
The thresholds and conditions for a “substantial change” described in this section are disjunctive; the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this section are cumulative for each individual wireless tower or base station. The cumulative limit is measured from the physical dimensions of the original structure for base stations and all sites in the public right-of-way, and from the smallest physical dimensions that existed on or after February 22, 2012, for wireless towers on private property.

FF. “Small wireless facility” or “small cell” is a WCF which meets each of the following conditions:

1. The support structure or wireless tower on which the facility’s antennas are mounted is:
   a. Fifty feet or less in height;
   b. No more than ten percent taller than adjacent structures; or
   c. In the case of collocation, not extended to a height of more than ten percent above its height prior to the collocation; and

2. Each antenna is no more than three cubic feet in volume; and

3. All antenna equipment associated with the facility is cumulatively no more than twenty-eight cubic feet in volume.

GG. “Structure” shall mean anything constructed or erected that requires location on the ground or attached to something having location on the ground, but not including outdoor fixtures or hardscape. Examples of a structure include, but are not necessarily limited to, any dwelling, building, second accessory dwelling unit, garage, carport, tool house, guest house, green house, pool house, satellite dish antenna, solar collector panel, tree house or other play structure, swimming pool, tennis court, play court, and deck. For purposes of this chapter, the definition of “structure” does not include utility poles or any other pole or structure otherwise defined within this section.

HH. “Support equipment” shall mean the physical, electrical and/or electronic equipment included within a wireless communications facility used to house, power, and/or process signals from or to the antenna or antennas but specifically excluding the base station.

II. “Support structure(s)” shall mean a structure, outdoor fixture, tower, or utility pole capable of safely supporting a WCF, but does not necessarily include a wireless tower or base station.
JJ. “Tolling agreement” shall mean an agreement between the City and an applicant proposing a new or modified WCF to postpone the deadline to make a final determination on the permit application and waive any claims or rights against each other during that period.

KK. “Transmission equipment” shall mean any equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable and associated conduit housing, and regular and backup power supply.

LL. “Unipole” shall mean a uniform width pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a radome at the top of the pole being the same width as the pole.

MM. “Utility box” shall mean any transformer, switch box, telephone, cable television box, service panel, meter or similar device, either ground-mounted or mounted to a support structure.

NN. “Utility pole” shall mean a steel or wood pole or structure located in the right-of-way and dedicated to use by multiple utilities and providers of communications franchised by the State or City.

OO. “Whip antenna” shall mean an omni-directional antenna.

PP. “Wireless” shall mean any FCC licensed or authorized communication service transmitted over frequencies in the electromagnetic spectrum.

QQ. “Wireless communications facility” or “WCF” shall mean a facility used to “provide personal wireless services” as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services; or any other FCC-licensed or authorized service. A WCF does not include a facility entirely enclosed within a permitted building outside of the right-of-way where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. A WCF consists of an antenna or antennas, including, but not limited to, directional, omni-directional and parabolic antennas, base station, support equipment, and (if applicable) a wireless tower. It does not include the support structure to which the WCF or its components are attached. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.
RR. “Wireless tower” or “tower” shall mean any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities. This does not include structures that were installed to replace or collocate upon existing power poles, light poles, energy transmission towers, or buildings. A support structure, which is modified or replaced to allow for the installation of transmission equipment, retains its prior use as its primary use, and the wireless use is only a secondary use thereof, even if the transmission equipment is the only attachment to the support structure. (Ord. 1539 (Exh. A (part)), 2019)
Chapter 18.40
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. (Ord. 1438 § 4 (Exh. A (part)), 2011)

18.40.020 Residential use classifications.
A. Residential Housing Types.

1. 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 and is considered the primary residence on the lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

2. Small Lot Single-Unit Development. Detached single-unit dwellings located on lots less than six thousand square feet in area.

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

4. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling unit (must contain a separate entrance). A junior accessory dwelling unit may include separate sanitation facilities (bathroom containing a sink, toilet, and shower/tub), or may share sanitation facilities with the single-family dwelling. An efficiency kitchen is required, which must include a sink, a cooking facility with appliances (e.g. microwave, toaster over, hot place), as well as a food preparation counter and storage cabinets.

5. Second Accessory 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 a proposed or existing another primary, single-unit dwelling residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation (sink, toilet, and shower/tub) on the
same parcel as the single-family or multi-family dwelling. At minimum, the kitchen shall contain a sink, refrigerator, and either a cooktop or range.

5.6. 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 title.

6.7. 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 includes 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.

8.7. 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 sixty-two years of age or older.

B. Elderly and Long-Term Care. Establishments that provide twenty-four-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.

C. Family Child Care. A child 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, protection and supervision of children in the resident’s home for periods less than twenty-four hours per day for children under the age of eighteen.

1. Small. A home that provides family child care for up to six children, or for up to eight children if the criteria in Section 102416.5(b) of the Family Child Care Home Licensing Requirements under Title 22 are met. This includes children under the age of ten who live in the licensee’s home.

2. Large. A home that provides family child care for up to twelve children, or for up to fourteen children, if the criteria in Section 102416.5(c) of the Family Child Care Home Licensing Requirements under Title 22 are met. This includes children under the age of ten who live in the licensee’s home and the assistance provider’s children under the age of ten.

D. 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 (thirty days or more) but excludes hotels and motels, and residential care facilities.

E. Residential Care Facilities. Facilities that are licensed by the State of California to provide permanent living accommodations and twenty-four-hour primarily nonmedical 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.

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

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

3. Residential Care, Senior. A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where residents are sixty 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.

F. 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.

G. Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in Section 53260(d) of the California Health and Safety Code, and that are linked to on-site or off-site 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.

H. 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. (Ord. 1480 (Exh. D (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.40.030 Public and semi-public use classifications.
A. 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.

B. Colleges and Trade Schools, Public or Private. Public, nonprofit, 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.

C. 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.

D. 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.

E. Cultural Institutions. Public or nonprofit 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.

F. Day Care Centers. Establishments providing nonmedical care for persons on a less than twenty-four-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.

G. 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.
H. 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).

I. 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).

   1. 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.

   2. 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.

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

K. 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.

L. 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.
M. 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.

N. 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 thirty days. Specialized programs and services related to the needs of the residents may also be provided. (Ord. 1438 § 4 (Exh. A (part)), 2011)

18.40.040 Commercial use classifications.
A. 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, psychologists, 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.

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

1. 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.

2. Kennels. A commercial, nonprofit, 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 twenty-four-hour accommodation of animals receiving medical or grooming services.
3. Veterinary Services. Veterinary services for small animals. This classification allows twenty-four-hour accommodation of animals receiving medical services but does not include kennels.

C. 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.

D. 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:

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

2. 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.

3. 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.

4. 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.
5. Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

6. 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.

7. 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.

8. 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).

E. 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.

F. 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.

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

1. 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.

2. 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 five thousand 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 (outdoor ranges are prohibited); riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

3. Small-Scale. This classification includes small, generally indoor facilities that occupy less than five thousand 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.

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

1. 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.

2. 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.

3. 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.

I. 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.

J. 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.

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

1. 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.
2. 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.

L. 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).

M. 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. Cannabis nurseries may only produce clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. This classification includes wholesale and retail nurseries offering plants for sale.

N. 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).

1. 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 preparation offices.

2. 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.

3. 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.

O. 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.

P. Personal Services.

1. 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.

2. 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.

3. Repealed by Ord. 1525.
4. **Tattoo or Body Modification Parlor.** An establishment whose principal business activity is one or more of the following: (a) 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 (b) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Q. **Retail Sales.**

1. **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 ten thousand square feet in floor area or plant nurseries.

2. **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.

3. **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.

4. **General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with twenty-five thousand square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with ten thousand 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.

5. **Large-Format Retail.** Retail establishments (over twenty-five thousand square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.
6. 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.

7. 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.

8. Cannabis Dispensary. An establishment where cannabis or cannabis products are offered, either individually or in any combination for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

9. A retail establishment selling firearms or ammunition is one that conducts a business by the selling, leasing or transferring of any firearm or ammunition, or to hold one’s self out as engaged in the business of selling, leasing or otherwise transferring any firearm or ammunition, or to sell, lease or transfer firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade. (Ord. 1540 (Exh. F), 2019: Ord. 1525 § 2(1) (Exh. A (part)), 2017; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.40.050 Industrial use classifications.

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

B. 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.

C. 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; cannabis manufacturing; 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.

D. 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.

E. 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.

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

2. 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.

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

F. 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.

G. 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.

H. 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.
1. 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.

2. 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. As an ancillary use, includes storage in small individual spaces exclusively and directly accessible to a specific tenant. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

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

I. 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).

J. Cannabis Microbusiness. A business that cultivates cannabis on an area less than ten thousand square feet and acts as a licensed distributor, Level 1 manufacturer as defined by the State, and retailer, provided such licensee can demonstrate compliance with all requirements imposed by the State on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities. While the State microbusiness permit may allow retail cannabis sales, retail cannabis sales are prohibited in the City. (Ord. 1525 § 2(1) (Exh. A (part)), 2017; Ord. 1480 (Exh. D (part)), 2015; Ord. 1464 § 3 (Exh. D (part)), 2013; Ord. 1438 § 4 (Exh. A (part)), 2011)

18.40.060 Transportation, communication, and utilities use classifications.

A. 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.

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

1. 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 telecommunications 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.

C. Facilities within Buildings. Includes radio, television, or recording studios; telephone switching centers, but excludes antennas and transmission towers.

D. 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).

E. 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 ten thousand pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, nonemergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on site (see Business Services).

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

G. 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.

H. Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.
I. 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. (Ord. 1480 (Exh. D (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)