

# **CITY OF MENLO PARK**

## **ZONING ORDINANCE**



**This is a working version of the Menlo Park Zoning Ordinance. Ordinance revisions adopted by the City Council and effective as of May 30, 2014 (Ordinance No. 1002 - 1003) and as of June 13, 2014 (Ordinance No. 1004 - 1005) are included in this version. References to prior codes may be found in the codified version of the Menlo Park Municipal Code.**

**If you have any questions pertaining to the Zoning Ordinance, please contact the Planning Division at (650) 330-6702.**



# Title 16

## ZONING

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For statutory provisions pertaining to Planning in general, see Gov. Code, Title 7. For declaration of State policy and Legislative intent in the Planning Area, see Gov. Code § 65012 and 65012.1. For provisions relating to the State Development Plan, see Gov. Code § 65015.1 et seq. For provisions relating to the coordination of public works projects between federal, state and/or local agencies, see Gov. Code § 65016.3 and 65016.4. For provisions relating to state assistance in local planning, see Gov. Code § 65017.1 et seq. For provisions relating to the creation and operation of planning districts in which cities and counties may participate, see Gov. Code § 65061 et seq. and § 65063 et seq. For financial provisions relating to planning districts, see Gov. Code § 65069 et seq. For provisions relating to local planning, see Gov. Code Title 7, Chapter 3, § 65100 et seq. For provisions pertaining to the adoption and administration of zoning laws and ordinances and the implementation of such laws and ordinances, see Gov. Code Title 7, Chapter 4, § 65850 et seq. For provisions relating to the creation, modification and membership of District Planning Agencies and to the powers and duties of such agencies, see Gov. Code Title 7, Chapter 5, § 66100 et seq. For the provisions relating to Highway Interchange Districts, see Gov. Code § 66400 et seq.

## Chapter 16.02

### GENERAL PROVISIONS

#### Sections:

- 16.02.010 Zoning code adopted.
- 16.02.020 Purpose.
- 16.02.030 Short title.
- 16.02.040 Relation to previous regulations.
- 16.02.050 Interpretation by planning commission.
- 16.02.060 Validity.

**16.02.010 Zoning code adopted.** There is adopted a precise zoning plan for the city. Such plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare.

**16.02.020 Purpose.** The purpose of this title is to preserve and extend the charm and beauty inherent to the residential character of the city; to regulate and limit the density of population; encourage the most appropriate use of land; to conserve land and stabilize the value of property; to provide adequate open space for light, air and fire protection; to lessen traffic congestion; to facilitate the provision of community facilities; to encourage tree and shrub planting; to encourage building construction of pleasing design; to provide the economic and social advantages of a planned community.

**16.02.030 Short title.** This title shall be known by the following short title: "The Menlo Park Zoning Ordinance."

**16.02.040 Relation to previous regulations.** Except as specifically provided herein, this title shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulations or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement of any building or improvement; provided, however, in any instances where this chapter imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure than is imposed or required by an existing law, ordinance or regulation, the provisions of this chapter shall control.

**16.02.050 Interpretation by planning commission.** Whenever the planning commission of the city is called to determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district, the commission shall consider the following factors as criteria for their determination:

- (1) Effect upon the public health, safety, and general welfare of the neighborhood involved and the city at large;
- (2) Effect upon traffic conditions;
- (3) Effect upon the orderly development of the area in question and the city at large in regard to the general planning of the whole community.

**16.02.060 Validity.** No action of the city, its city council or planning commission shall be deemed invalid by reason of failure to comply with or conform to the provisions of this chapter, provided that the procedural requirements of the state Government Code have been met.

## Chapter 16.04

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16.04.060	Architectural control.
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**16.04.010 Generally.** For the purposes of this chapter certain terms are defined. Where terms are defined in a specific zoning district, they shall be applied accordingly. Words used in the present tense include the future; words used in the singular include the plural; "shall" is mandatory, "may" is permissive. Definitions of the terms used in this title are set forth as follows; provided, however, that terms not specifically defined in this chapter shall be as defined in the code.

**16.04.020 Administrative office.** "Administrative office" means an office for the rendering of service or general administration, but excluding retail sales and other activities generating customer traffic.

**16.04.025 Adult entertainment establishment.** An "adult entertainment establishment" shall include:

- (a) Any business activity wherein is provided for a fee or other consideration, the opportunity to feel, touch, view, photograph, or be in the presence of the unclothed body or unclothed portion of the body of another person, or to be in the presence of or to be felt, touched, viewed, or photographed by another person while unclothed in whole or in part;
- (b) Adult Theater: An "adult theater" is one in which on one hundred eighty-two days per calendar year or more, or on fifteen days per calendar month or more any motion pictures shown carry an "X" rating as determined by the Academy of Motion Picture Arts and Sciences, or to which minors are not admitted, or in which sexual intercourse, oral copulation, masturbation, or homosexual acts are actually shown or simulated;
- (c) Retail Sales of Sexual Paraphernalia, which includes: Any business activity wherein a substantial part (over ten percent of gross sales shall be deemed substantial) of the commercial operation consists of the sale or dissemination of paraphernalia and apparatus which aid or assist in the stimulation and/or performance of sexual activity;

## DEFINITIONS

**16.04.025 Adult entertainment establishment.** An "adult entertainment establishment" shall include:

- (d) **Adult Bookstore:** "Adult bookstore" means any premises in which forty percent or more of the titles offered or to which forty percent or more of the actual display area of the store (whichever is less) is devoted to, depicts or describes any of the acts set forth in subsection (c). This section does not apply to displays of up to twenty periodicals on the premises in which sales of the same are incidental to other business.

Any activity conducted by a person pursuant to and within the scope of a license issued by the state or an agency thereof which prescribes standards for and supervises such activity shall not be deemed to be an "adult entertainment establishment."

**16.04.030 Alley.** "Alley" means a public or private thoroughfare which affords only a secondary means of access to abutting property.

**16.04.035 Antenna.** The term "antenna," as used herein, means any system of wires, poles, structures, reflecting discs, dish antennae, earth stations, satellite antenna or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antenna includes devices having active and passive elements extending in any direction, and directional beam-type arrays having both elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

**16.04.040 Apartment.** "Apartment" means a single dwelling unit in an apartment building.

**16.04.050 Apartment building.** "Apartment building" means a multiple dwelling (see "dwelling, multiple").

**16.04.060 Architectural control.** "Architectural control" means approval of the appearance of buildings or structures to be built, erected, constructed, altered or relocated, based on plans and elevations of the proposed buildings or structures, or approval of the appearance of business to be conducted primarily out of doors based on site and landscape plans for the area. Architectural control shall also include approval of site planning, landscaping, signs, parking design and access and any other element of exterior appearance or relationship with streets and adjoining property.

**16.04.070 Architectural control committee.** "Architectural control committee" means a committee empowered to act for the planning commission in matters relating to architectural control.

**16.04.075 Attic.** "Attic" means a space in a building that is immediately above the top of the ceiling joist and immediately below the roof sheathing, including all roof framing.

**16.04.076 Balconies and decks.** A "balcony" is a platform which projects more than 18 inches from the wall of a building and which is required by law to be surrounded by a railing. A "deck" is a platform where the finish floor line is more than 12 inches above the average grade, either free-standing or built as part of a building which may be covered or uncovered, and which may or may not include a railing, depending on its height above the adjacent grade.

**16.04.077 Basement.** "Basement" means the part of a building that is partly or wholly below grade.

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**16.04.078 Below market rate unit.** "Below market rate unit" means a unit governed by a legal covenant or other restriction enforceable by the City restricting the availability of said unit to very low-, low- and moderate-income residents, which unit is rented or sold to a very low-, low- or moderate-income person or household.

**16.04.080 Block.** "Block" means all property fronting upon one side of a street; between intersection and intercepting streets, or between a street and a railroad right-of-way, waterway, dead end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street which it intercepts.

**16.04.090 Boardinghouse.** "Boardinghouse" means a dwelling other than a hotel, where lodging or meals for three or more persons is provided for compensation.

**16.04.100 Building.** "Building" means any structure having a roof and designed for the shelter or housing of any person, animal or property.

**16.04.110 Building, accessory.** "Accessory building" means a subordinate detached building, the use of which is incidental to that of the main building or buildings and/or the use of the land on the same lot or building site, and shall not include any building providing an area for cooking or permanent sleeping quarters. An accessory building may be attached to a secondary dwelling unit. For the purpose of an accessory building, an area containing four (4) or more plumbing fixtures, regardless of the intended use of the space, shall be defined and regulated as "living space" in the accessory building. Water supplied to washing machines and water heaters is not considered a plumbing fixture for the purposes of this section. In no case shall the "living space", as defined by this section for the purpose of minimum yard requirements, be used as a dwelling unit. An accessory building that was legally permitted and constructed with four (4) or more plumbing fixtures prior to June 13, 2014 shall not be subject to the limitations set forth in Section 16.68.030 pertaining to minimum yard requirements. The addition of plumbing fixtures would be subject to the minimum yard requirements.

**16.04.120 Building coverage.** "Building coverage" means that percentage of the building site permitted to be covered by buildings, as measured from the ground upward, exclusive of any eave not in excess of six feet.

**16.04.130 Building, main.** "Main building" means a building in which is conducted the principal use of the lot or building site on which it is situated.

**16.04.140 Building site.** "Building site" means one or more contiguous, legally created parcels of land under common ownership, meeting area and dimension requirements for the zoning district in which it is situated and having frontage on a dedicated street or approved private road.

**16.04.145 Buildings, structurally attached.** "Structurally attached buildings" means two or more structures connected by common load bearing structural members.

**16.04.150 Business, retail.** "Retail business" means the retail sale of any article, substance, or commodity, within a building, but not including the handling or sale of lumber, brick, stone or other building material of a similar nature.

## DEFINITIONS

**16.04.160 Business, wholesale.** "Wholesale business" means the wholesale handling of any article, substance or commodity, but not including the handling of lumber, brick, stone or other building material of a similar nature or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

**16.04.165 Child day care home.** "Child day care home" means a private single family residence licensed by appropriate state or county agency for the day care or instruction of no more than twelve children.

**16.04.170 Church.** "Church" means a structure intended as a meeting place for organized religious worship and related activities.

**16.04.180 Cluster housing.** "Cluster housing" means two or more attached or semi-attached single-family dwellings having open space in common.

**16.04.200 Communications equipment building.** "Communications equipment building" means a building housing operating electrical and mechanical equipment necessary for the conduct of a public communication business.

**16.04.210 Conditional use.** "Conditional use" means a special activity to be conducted on a building site, which activity is allowed by the regulations of the district wherein located, subject to obtaining a use permit therefore.

**16.04.215 Contiguous property.** "Contiguous property" means any property directly abutting any portion of a property on which a development project is proposed, but shall not include properties located across the street.

**16.04.220 Convalescent home.** "Convalescent home" means a large residential care facility or any structure occupied or intended to be occupied, for compensation, by persons recovering from injury or illness, or suffering from the infirmities of old age, and any comparable licensed care facility.

**16.04.230 District.** "District" means a portion of the city as designated in Section 16.08.010 within which certain uses of land and structures are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for structures, all as set forth and specified in this title.

**16.04.235 Drug paraphernalia.** The phrase "drug paraphernalia" includes any of the items, possession of which is prohibited by Section 11364 of the state of California Health and Safety Code, or any instrument used, designed for use, or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, or cocaine.

**16.04.240 Dwelling.** "Dwelling" means a building or a portion thereof designed and used exclusively for residential occupancy, including one family, two family dwellings and multiple family dwellings, small residential care facility, transitional and supportive housing, but not including hotels, motels or boardinghouses.

**16.04.250 Dwelling group.** "Dwelling group" means a group of two or more detached or semi-detached dwellings occupying a single parcel of land and having any yard or court in common.

## DEFINITIONS

**16.04.260 Dwelling, multiple.** "Multiple dwelling" means a building or portion thereof, used and designed as a residence for three or more families living independently of each other and doing their own cooking in such building; including apartment houses, apartment hotels and flats, but not including motels, boardinghouses and hotels.

**16.04.270 Dwelling, single family.** "Single family dwelling" means a building, containing not more than one kitchen, designed for, or used to house not more than one family, including all necessary employees of such family.

**16.04.280 Dwelling, two family or duplex.** "Two family dwelling" or "duplex" means a building containing not more than two kitchens, designed or used to house not more than two families, living independently of each other, including all necessary employees of each such family.

**16.04.290 Dwelling unit.** "Dwelling unit" means a building or portion of a building designed for the occupancy of one family.

**16.04.295 Dwelling unit, secondary.** A "secondary dwelling unit" means a dwelling unit on a residential lot which provides complete independent living facilities for one or more persons, and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation independent of the main dwelling existing on the residential lot. For purposes of a secondary dwelling unit, permanent provisions for eating and cooking include the following: 1) permanent range, 2) counters, 3) refrigerator, and 4) sink.

**16.04.297 Earth Station.** The term "earth station," as used herein, means a combination of:

- (1) Antenna or dish antenna the purpose of which is to receive communication or other extra terrestrial sources;
- (2) A low-noise amplified (LNA) which is situated at the focal point of the receiving component the purpose of which is to magnify land transfer signals;
- (3) A coaxial cable whose purpose is to carry the signals into the building.

**16.04.299 Emergency shelter.** "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e))

**16.04.300 Family.** "Family" means a group of individuals living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.

**16.04.305 Fast food restaurant.** "Fast food restaurant" means a restaurant where cooked food primarily intended for immediate consumption is available upon a short waiting time, and packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; and where the facilities for on-premises consumption of the food are insufficient for the volume of food sold in the place.

**16.04.310 Foster home.** "Foster home" means a facility, licensed by appropriate county or state agency, for the care of not more than six individuals, not requiring special medical attention.

## DEFINITIONS

### 16.04.313 Floor area.

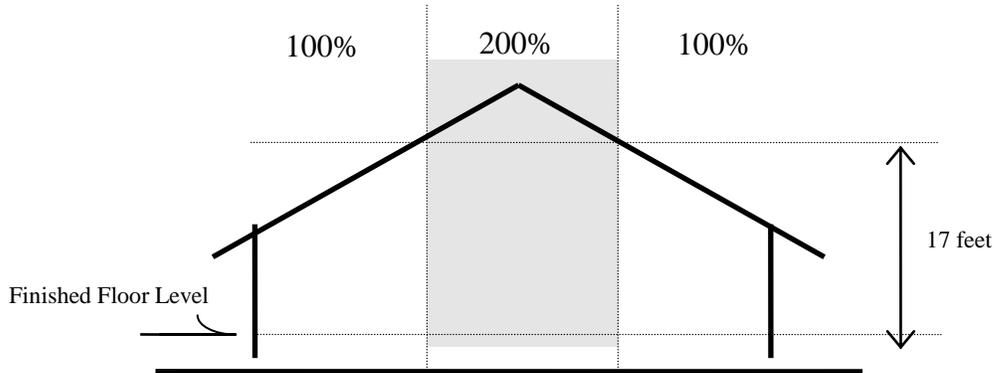
- (A) For all single-family residential and R-2 zoning districts, “floor area” means the total square footage of all stories of all structures with a solid roof that exceeds 6 feet in height above grade, as measured from the face of foundation. Floor area includes all covered parking, including garages and carports, and below grade parking.
- (B) Floor Area is measured as follows:
- (1) For single-story development in single-family residential and R-2 zoning districts, except R-1-U (LM), all floor area where the distance between the finished floor and the roof directly above it measures 17 feet or greater, shall be included at 200 percent floor area (*See Fig. 1*).
  - (2) For two-story development in single-family residential and R-2 zoning districts, except R-1-U (LM):
    - (a) Interior space that has a ceiling height greater than 12 feet from finished floor level, other than stairwells, shall be included at 200 percent floor area. This same area shall also be included at 100 percent toward the maximum allowed second floor square footage (*See Fig. 2*).
    - (b) Attic space where the distance between the top of the ceiling joist and the bottom of the roof sheathing measures 5 feet or more, shall be included at 100 percent floor area, but shall not be included as part of the second floor calculation of floor area (*See Fig. 2*). Attic space where the distance between the top of the ceiling joist and the bottom of the roof sheathing measures less than 5 feet shall be excluded from the floor area.
  - (3) For all development in the R-1-U (LM) zoning district, interior space that has a ceiling height greater than 12 feet from finished floor level to top of ceiling joist or roof framing shall be included at 200 percent floor area, with the following exceptions:
    - (a) Stairwells shall be included at 100 percent floor area;
    - (b) Interior ceiling heights greater than 12 feet for up to 20 percent of the proposed floor area of a single-story structure shall be counted at 100 percent floor area;
    - (c) Attic and other storage space located between the top of the ceiling joists and immediately below the roof sheathing and that does not include any of the following:
      - (i) finished floors, walls, or ceiling drywall coverings, (ii) access to the space from a permanent staircase or door, (iii) more than two lighting fixtures and one receptacle outlet, or (iv) heating and/or rough plumbing provided to the space shall be excluded from the calculation of floor area.
- (C) Floor Area shall exclude:
- (1) Basements under structures with a main floor level of 30 inches or less above grade in all single-family and R-2 zoning districts, with the exception of the R-1-U (LM) district where basement areas that extend beyond the footprint of the structure at grade and that do not provide code-mandated egress or exiting shall be included in the Floor Area;
  - (2) Garden structures, such as arbors and trellises with a semi-solid roof;
  - (3) Covered porches and patios structurally attached to the exterior of the main residences or detached accessory buildings, provided that one end is open and faces out from the structure;
  - (4) Bay window protrusions that do not provide foundation and that are no more than 7 feet in length;
  - (5) Chimneys and fireboxes or fireplaces; and
  - (6) Eave overhangs.
- (D) Grade is defined as the average of the highest and lowest points of the natural grade of the portion of the lot covered by the structure.

## DEFINITIONS

### 16.04.313 Floor area.

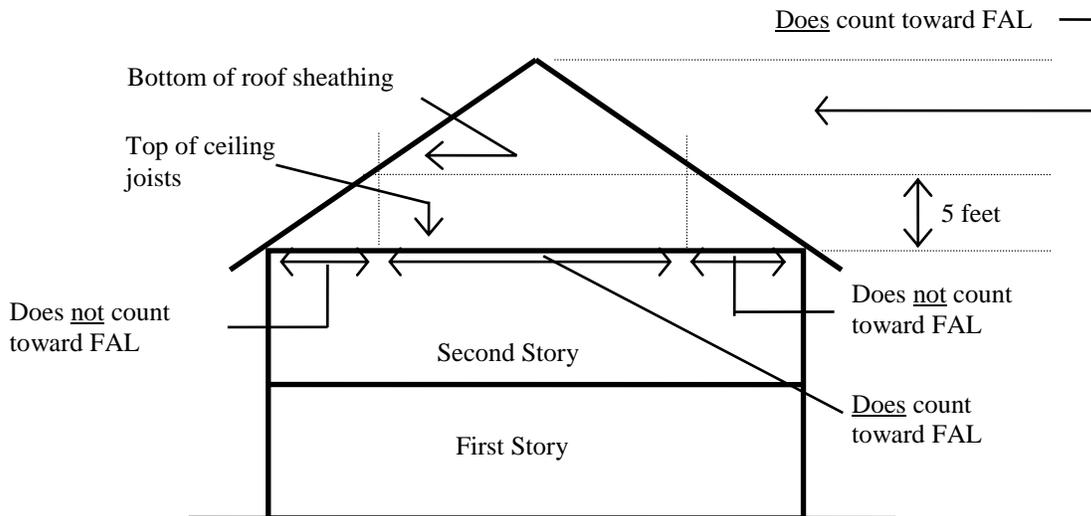
- (E) The main floor level of a split-level development is defined as the level with the largest floor area.
- (F) The finished floor level of the ground floor of any development shall be the lesser of the actual finished floor level or a point that is 18 inches above grade.

**Fig. 1--SINGLE STORY HOMES IN R-1 AND R-2 ZONING DISTRICTS, EXCEPT R-1-U (LM)**



**Fig. 1 -** All floor area where the distance between the finished floor level and the roof directly above it measures 17 feet or more, shall be counted at 200% floor area.

**Fig. 2--TWO-STORY HOMES IN R-1 AND R-2 ZONING DISTRICTS, EXCEPT R-1-U (LM)**



**Fig. 2 -** In two-story homes, the square footage of all attic space where the distance between the top of the ceiling joists and the bottom of the roof sheathing measures five feet or more, shall count as additional floor area.

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**16.04.314 Floor area limit.** "Floor area limit" means the maximum permitted floor area for a property within the single-family residential or R-2 zoning districts. For the purpose of determining the floor area limit, neither the panhandle extension of a panhandle lot, nor a private driveway or access easement across another lot to a panhandle lot, shall be included as part of the panhandle or other lot.

**16.04.315 Floor area ratio.** "Floor area ratio" applies to all zoning districts except the single-family residential and R-2 zoning districts and means the maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.

**16.04.320 Garage or carport.** "Garage" or "carport" means paved, accessible and usable covered space at least ten feet by twenty feet for storage of automobiles.

**16.04.322 Garden feature.** "Garden feature" means a free standing ornamental structure either monolithic or assembled in place as an integral part of a garden covering an area no more than thirty-six square feet, measured to the edge of the roof or its horizontal members. Overall height of the structure, as measured from the adjacent finished grade to the highest point of the structure, shall not exceed nine feet.

### **16.04.325 Gross floor area.**

- (A) "Gross floor area" applies to all zoning districts except the single-family residential and R-2 zoning districts and means the sum of the horizontal areas of all floors within the surrounding solid walls of a building covered by a roof measured to the outside surfaces of exterior walls or portions thereof subject to the clarifications in subsections (B), (C) and (D).
- (B) Gross floor area includes the following features of a building that meet the criteria of subsection (A) unless otherwise excluded in subsection (C):
- (1) Areas of a basement with a floor to ceiling height of six feet, six inches or greater;
  - (2) Mezzanines, including equipment platforms and storage platforms, but excluding vertical shelving units and catwalks;
  - (3) Areas of an attic with a floor to ceiling height of six feet, six inches or greater;
  - (4) Equipment and utility areas containing mechanical equipment, electrical panels, meters, controllers, switch boxes;
  - (5) Storage areas;
  - (6) Bay windows and similar projections or cantilevered areas; and
  - (7) Elevator shafts and stairwells.
- (C) Gross floor area excludes the following features of a building that meet the criteria of subsection (A):
- (1) Areas of a building or buildings that are designed as non-useable or non-occupiable space with unfinished walls, floors and ceilings, not to exceed 3% of the maximum allowed gross floor area of the lot. To qualify for this exclusion, such spaces must have two or more of the following characteristics: a floor to ceiling height that is less than six feet, six inches; limited access (i.e., the absence of the necessary physical space to provide a building-code-compliant stair or door); unconditioned air (i.e., the air is neither heated nor cooled); no windows or skylights; and no electricity. This exclusion may include areas of a building that would otherwise exceed the 1% maximum limitation as defined in subsection (C)(2).
  - (2) Areas of a building or buildings dedicated to the enclosure of noise generating equipment, such as building mechanical equipment and generators, not to exceed 1% of the maximum allowed gross floor area of the lot. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;

## DEFINITIONS

### 16.04.325 Gross floor area.

- (3) All areas devoted to covered parking and related circulation for automobiles and bicycles, including garages, carports, below grade parking structures, and above grade parking structures;
  - (4) Covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than 12 inches in width and walls or railings not more than 44 inches in height;
  - (5) Vent shafts, such as building mechanical air ducts and chimneys; and
  - (6) Enclosures solely for trash and recycling.
- (D) In cases where the gross floor area of an existing building, as previously determined in a project specific approval by the City of Menlo Park made prior to the enactment of this subsection (D) and on file with the City of Menlo Park, is greater than the gross floor area of an existing building would be determined to be when measured pursuant to subsections (A) through (C) of this section 16.04.325, the previously determined gross floor area shall be the "Gross floor area" for purposes of this section 16.04.325, and therefore are considered conforming. Section 16.80.110 provides a process for considering expansions of an existing building or additional construction on sites with existing buildings in cases where the gross floor area of an existing building or buildings is greater when measured pursuant to the subsections (A) through (C). The City shall consider Gross Floor Area Exemption Certificates issued in compliance with subsection 16.80.110(e) when determining the remaining gross floor area on a lot that could be used for proposals to enlarge an existing building or to construct an additional building on the same lot as an existing building. This subsection (D) shall not apply to properties annexed to the City of Menlo Park after May 21, 2009.

**16.04.330 Height of structure.** Except as otherwise provided in this chapter, "height of structure" means the vertical distance from the average level of the highest and lowest points of the natural grade of the portion of the lot covered by the structure to the topmost point of the structure, excluding elevator equipment rooms, ventilating and air conditioning equipment and chimneys.

**16.04.340 Home occupation.** "Home occupation" means any activity conducted on the premises by the occupant of the dwelling as a secondary use in connection therewith, and where there are no advertising signs, no display, no stock or commodity stored or sold on the premises, no employees in connection therewith and no mechanical equipment to be used in connection therein, other than that necessary or convenient for domestic purposes. Such activity shall not be conducted in an accessory building.

**16.04.350 Home occupation permit.** "Home occupation permit" means an annual permit, issued by the city, authorizing the use of a dwelling for a home occupation, as defined herein.

**16.04.360 Hotel.** For the definition of "hotel" see Section 16 04.470 "motel or hotel."

**16.04.370 Junkyard.** "Junkyard" means any portion of any lot or parcel of land used for the storage of junk, including scrap metals, salvage or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether for sale or storage.

**16.04.380 Kennel.** "Kennel" means any premises where three or more dogs are maintained, kept or boarded.

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**16.04.385 Light industrial uses.** "Light industrial uses" mean uses engaged in prototype development, testing, repairing, manufacturing, assembling, packaging, storage, and/or distribution of finished or semi-finished products conducted within a building, including wet labs, dry labs and/or clean rooms, and not having any noxious or hazardous character. Uses with similar characteristics of the above listed activities, such as telecommunication hub facilities, may also be considered as light industrial uses. Incidental administrative offices and sales areas occupying less than 20% of the gross floor area of the building are allowed.

**16.04.390 Lot.** For the definition of "lot" see Section 16.04.140, "building site."

**16.04.395 Lot, corner.** "Corner lot" means a lot having frontage on two public or private streets which intersect at a corner of the lot.

**16.04.396 Lot, interior.** "Interior lot" means any lot which is not a corner, through, or panhandle lot.

**16.04.400 Lot line, front.** "Front lot line" means:

- (1) in the case of an interior lot fronting on a public street, a line separating the lot from the public street,
- (2) in the case of an interior lot fronting on a private street, but not on a public street, a line separating the lot from the private street,
- (3) in the case of a corner lot fronting on two public streets, a line separating the shorter street frontage of the lot from a public street,
- (4) in the case of a corner lot fronting on one public street and one private street, a line separating the street frontage of the lot from the public street,
- (5) in the case of a corner lot fronting on two private streets, but not on a public street, a line separating the shorter street frontage of the lot from a private street, and
- (6) in the case of a panhandle lot, the shorter dimension of the lot boundaries which are contiguous to the private driveway or easement which provides access to the lot.

**16.04.405 Lot line, front; election for corner lot.** In the case of a lot fronting on two public streets, the property owner may elect that the front lot line shall be the line separating the longer street frontage of the lot from a public street. This election may be made if the lot and improvement thereon will conform to the requirements of Titles 15 and 16 if the election is made and would not otherwise be conforming. If the election is made, the minimum lot depth requirement for the lot shall be the former minimum lot width requirement and the minimum lot width requirement shall be the former minimum lot depth requirement. The election shall be in writing and shall be approved by the Director of Community Development and the election and approval shall be recorded with the County Recorder's office, a copy of which shall be filed with the Department of Community Development. The election may be revoked if the lot and improvements thereon will conform to the requirements of Titles 15 and 16 after such revocation. The revocation shall be in writing and shall be approved by the Director of Community Development and the revocation and approval shall be recorded with the County Recorder's office, a copy of which shall be filed with the Department of Community Development.

**16.04.410 Lot line.** "Lot line" means a line separating the frontage from a street; the side from a street or adjoining property; the rear or side from an alley or street or adjoining property.

**16.04.420 Lot, minimum depth.** "Minimum depth of lot" means the average distance between the front and rear property lines.

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**16.04.430 Lot, minimum width.** "Minimum width of lot" means the shortest distance between the side property lines, between the required front and rear setback lines. The shortest distance between the side property lines at rear property line shall not be less than seventy-five percent of the required minimum width.

**16.04.440 Lot line, rear.** "Rear lot line" means the lot boundary opposite or approximately opposite the front.

**16.04.450 Lot line, side.** "Side lot line" means any lot boundary not a front or rear lot line.

**16.04.455 Lot, panhandle.** "Panhandle lot" means a lot with little or no frontage on a street and to which the access is by easement or private driveway.

**16.04.460 Lot, through.** "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

**16.04.462 Market rate unit.** "Market rate unit" means a housing unit or the legal lot for such unit offered on the open market at going market rates.

**16.04.465 Massage establishment.** A "massage establishment" is an establishment having a fixed place of business where any person engages, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any massage.

"Massage" is the treatment of the external parts of the body by rubbing, stroking, kneading, or tapping with the hand or any instrument but shall exclude any activity conducted by a person pursuant to and within the scope of a license issued by the state or an agency thereof which prescribes standards for and supervises such activity.

**16.04.467 Mini-warehouse storage facility.** "Mini-warehouse storage facility" means a long-term, small-scale storage facility used for storage of belongings by the public. There shall be no outside storage or storage of automobiles or automobile parts, or property, materials, or equipment regularly used as a part of a business operation. The facility shall contain no storage unit in excess of 150 square feet.

**16.04.468 Master plan.** A "master plan" is a development plan which is not included within a conditional development permit or other permit, which establishes land use and development guidelines for the phased development of a particular site, and which is subject to approval by the City Council following recommendation by the Planning Commission. A "master plan" shall also include any master plan approved before July 15, 1988.

**16.04.469 Mezzanine.** "Mezzanine" means an intermediate level or levels between the floor and ceiling of any story designed for occupancy or other use. For purposes of this definition, mezzanine includes equipment platforms (i.e., an elevated platform used exclusively for mechanical systems or industrial process equipment) and storage platforms, but does not include vertical shelving units nor catwalks (i.e., a narrow elevated walkway used exclusively to access part of a building that would otherwise be difficult to reach).

## DEFINITIONS

**16.04.470 Motel or hotel.** "Motel" or "hotel" means a single building or group of detached or semi-detached buildings containing guest rooms or apartments, with automobile storage space provided on the site for such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers, and not containing individual cooking facilities.

**16.04.475 New construction.** "New construction" means the construction of a new building, construction of an addition to an existing building, or construction of a habitable mezzanine or second floor in an existing building. Except in the case of a new building, new construction results in a net increase in gross floor area. New construction does not include interior alterations, tenant improvements, repairs, maintenance or reconstruction of buildings destroyed by catastrophe.

**16.04.480 Nonconforming use.** "Nonconforming use" means a use or structure that does not conform to the regulations of the district in which it is situated.

**16.04.490 Nursery school.** "Nursery school" means a facility licensed by the appropriate state or county agency for the day care or instruction of seven or more children.

**16.04.500 Open space.** "Open space" means that portion of the building site open, unobstructed and unoccupied from the ground upward; including walkways, landscaping, uncovered patios and uncovered recreation facilities.

**16.04.510 Parking space.** "Parking space" means an accessible, paved and usable space on the building site, or adjacent lot, for the parking of a standard automobile.

**16.04.520 Permitted use.** "Permitted use" means a regular activity to be conducted on a building site, which activity is allowed by the regulations of the district wherein located, without a use permit.

**16.04.530 Person.** "Person" includes any individual, city, county, partnership, corporation, cooperative, association, trust or any other legal entity, including the state and the federal government.

**16.04.535 Personal services.** "Personal services" means barber shops, beauty salons, laundrettes, dry cleaning, shoe repair and other similar service businesses.

**16.04.540 Professional office.** "Professional office" means an office for the conduct of the following types of uses: Accountant, architect, attorney, chiropractor, optometrist, chiropodist, engineer, surveyor, drafting service, designer, dentist, physician and surgeon.

**16.04.550 Research and development.** "Research and development" means a scientific or engineering investigation leading to the manufacture of new material or equipment and including the making of prototypes but not including the manufacture of such material or equipment.

**16.04.554 Residential care facility, large.** "Large residential care facility" means any facility, place, or building that is maintained and operated to provide twenty-four (24)-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual and licensed by the state of California for occupation by seven (7) or more persons.

## DEFINITIONS

**16.04.555 Residential care facility, small.** "Small residential care facility" means any facility, place, or building that is maintained and operated to provide twenty-four (24)-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual and licensed by the state of California for occupation by six (6) or fewer persons.

**16.04.560 Rest home.** For the definition of "rest home" see Section 16.04.220, "Convalescent home."

**16.04.565 Retail sales establishment.** "Retail sales establishment" means a commercial establishment engaged in business activities which generate sixty percent or more of its gross income from the sale of commodities or goods on display either by unit or in small quantities directly to the consumer in transactions which are subject to sales tax.

**16.04.570 Roominghouse.** For the definition of "roominghouse" see Section 16.04.090, "boardinghouse."

**16.04.580 Sanatorium.** "Sanatorium" means a health station or retreat or other place where patients are housed, and where treatment is given, but excluding mental institutions, or institutions for treatment of persons addicted to the use of drugs.

**16.04.590 School.** "School" means a public or private educational facility which meets state standards for compulsory education.

**16.04.592 Secondhand store.** A "secondhand store" is a retail establishment purchasing and/or selling secondhand goods. Secondhand goods shall not include motor vehicles registered by the state, rags, bottles, or other materials subject to recycling, nor shall it include wearing apparel, coins, stamps, gold, silver, art work, antiques, books, lamps, stoves, phonograph records or household or office furniture with the exception of sewing machines, musical instruments, tape recorders, speakers, stereo equipment, calculators, dictating machines, typewriters, radios and television sets.

A retail store selling secondhand goods shall not be considered a secondhand store if (i) more than one-half of its inventory is customarily obtained by donation and (ii) the store is operated by a nonprofit corporation organized under the laws of the state, or (iii) if more than fifty percent of the gross income of the establishment is derived from the sale of new merchandise.

**16.04.595 Senior citizen day care facility.** "Senior citizen day care facility" means a day care facility licensed by the appropriate state or county agency for the day care of adults.

**16.04.597 Service station.** "Service station" means a facility that sells automotive fuel and provides ancillary services such as automotive repair, car wash, and/or mini mart.

**16.04.600 Setback line.** "Setback line" means a line established by this chapter to govern the placement of buildings or structures with respect to lot lines on the site and which is established by measuring from the lot lines and/or access easements on the site at an angle perpendicular to the lot line. The setback line shall be parallel with the lot line.

**16.04.620 Sign.** "Sign" means any advertising display, symbol or structure.

## DEFINITIONS

**16.04.625 Solar access.** "Solar access" means the right of a particular parcel of real property to receive solar radiation without hindrance from structures or vegetation on adjacent or nearby property.

**16.04.626 Solar envelope.** "Solar envelope" means that zone beyond which restrictions on the structures and vegetation on a particular parcel are necessary to protect nearby or adjacent property from shadows blocking exposure to the sun during the hours from ten a.m. to two p.m. PST above the height of twenty feet in the property line of the nearby or adjacent property in residential zones R-1-U, R-1-S, R-E-S, R-E and R-2 and the O-S-C zone, and above the height of twenty-two feet in all other zones; provided, however, that if a shadow falls within the setback area of nearby or adjacent property, the structure causing that shadow shall not be deemed to have penetrated the solar envelope.

**16.04.628 Story.** "Story" means a space in a building between the surface of any floor and the top of the ceiling joists or roof framing above. A single-family dwelling shall be considered two-story if any portion of the dwelling contains more than one vertically stacked story with the exception that any space defined as a basement in accordance with Section 16.04.077 and that is excludable from floor area according to Subsection 16.04.313(C)(1) and any space defined as an attic in accordance with Section 16.04.075 and that is excludable from floor area according to Subsections 16.04.313(B)(2)(b) or 16.04.313(B)(3)(c) shall not constitute a story.

**16.04.630 Street.** "Street" means a public thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined herein.

**16.04.635 Street, private.** "Private street" means any street, avenue, etc., not accepted by the City Council for maintenance or public use. "Private street" does not include an easement or private driveway which provides access only to panhandle lots.

**16.04.640 Street line.** "Street line" means the boundary between a street right-of-way and property.

**16.04.650 Structural alteration.** "Structural alteration" means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

**16.04.660 Structure.** "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground, including swimming pools; excluding driveways, uncovered patios, parking spaces, and uncovered walkways, but including elevated decks. Where an existing structure is remodeled and expanded to the extent greater than fifty (50) percent of the existing FAL (Floor Area Limit) on the property, such structure shall be deemed to be a new structure.

**16.04.661 Structure, accessory.** "Accessory structure" means a separate and subordinate structure, which is open in nature and the use of which is incidental to that of the main building or buildings and/or use of the land on the same lot or building site. Examples of such structures include, but are not limited to arbors, trellises, play structures, built-in barbecues, outdoor fireplaces, and water features. Unenclosed ground mounted mechanical equipment and fences/walls are not considered accessory structures.

## DEFINITIONS

**16.04.662 Supportive housing.** "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

**16.04.665 Transitional housing.** "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

**16.04.670 Use.** "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which land or structure is or may be occupied or maintained.

**16.04.680 Use, accessory.** "Accessory use" means a use incidental or subordinate to, and devoted exclusively to, the main use of a lot or a building located on the same lot.

**16.04.690 Veterinary clinic.** "Veterinary clinic" means any premises used for the treatment or grooming of animals, but not including boarding or hospitalization.

**16.04.700 Veterinary hospital.** "Veterinary hospital" means any premises used for the treatment, care, boarding or grooming of animals, with all such operations to be conducted within a building unless otherwise specified in the use permit.

**16.04.710 Yard.** "Yard" means required open space on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in Section 16.08.060 or Chapters 16.58, or 16.68.

**16.04.720 Yard, front.** "Front yard" means a yard extending across the front of the lot and measured from the front line of the lot to the front setback line; provided, however, that if any official plan line has been established for the street upon which the lot abuts, the yard measurement shall be taken from such official plan line to the nearest line of the building.

**16.04.730 Yard, rear.** "Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear setback line.

**16.04.740 Yard, side.** "Side yard" means a yard between the side line of the lot and the side setback line and extending from the front yard to the rear yard.

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## Chapter 16.06

### ENFORCEMENT

#### Sections:

- 16.06.010 Duty of city manager or designated representative.
- 16.06.020 Declaration of public nuisance.
- 16.06.030 Violation constitutes misdemeanor.

**16.06.010 Duty of city manager or designated representative.** It shall be the duty of the city manager or his/her designated representative to enforce the provisions of this title, pertaining to the use of land or buildings and the erection, construction, reconstruction, moving, alteration, or addition to any building or structures. Any permit or license of any type issued by any department or officer of the city, issued in conflict with the provisions of this title, is to be null and void.

**16.06.020 Declaration of public nuisance.** Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title and any use of land or buildings operated or maintained contrary to the provisions of this title, are declared to be public nuisances. The city attorney, upon order of the city council, shall commence the necessary action or proceedings for the abatement, removal and enjoining thereof in the manner prescribed by law in the courts which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for in this section shall be in addition to any other remedy or remedies or penalties provided in this title or any other law or ordinance.

**16.06.030 Violation constitutes misdemeanor.** Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title is guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Section 1.12.010.

## Chapter 16.08

### DISTRICTS ESTABLISHED--GENERAL REGULATIONS

#### Sections:

- 16.08.010 Districts established-Designated.
- 16.08.030 Land and use regulations generally.
- 16.08.040 Regulations subject to general rules.
- 16.08.050 Ambiguity.
- 16.08.060 Increase in building height in C-3, C-4 and M-2 districts.
- 16.08.070 Cluster housing.
- 16.08.080 Home occupations.
- 16.08.085 Child day care home.
- 16.08.090 Debris and refuse areas.
- 16.08.095 Roof-Mounted Equipment.
- 16.08.100 Excavating.

## DISTRICTS ESTABLISHED--GENERAL REGULATIONS

**16.08.010 Districts established--Designated.** There are established several districts into which the city is divided and which are designated as follows:

R-E	Residential Estate District
R-E-S	Residential Estate Suburban District
R-1-S	Single Family Suburban Residential District
R-1-S (FG)	Single Family Suburban Residential District (Felton Gables)
R-1-U	Single Family Urban Residential District
R-1-U (LM)	Single Family Urban Residential District (Lorelei Manor)
R-2	Low Density Apartment District
R-3	Apartment District
R-4	High-Density Residential District
R-4-S	High Density Residential, Special
R-3-A	Garden Apartment Residential District
R-3-C	Apartment - Office District
R-L-U	Retirement Living Units District
C-1	Administrative and Professional District, Restrictive
C-1-A	Administrative and Professional District
C-1-C	Administrative, Professional and Research District, Restrictive
C-2-S	Neighborhood Commercial District, Special
C-2	Neighborhood Shopping District
C-2-A	Neighborhood Shopping District, Restrictive
C-2-B	Neighborhood Commercial District, Restrictive
C-4	General Commercial District
M-2	General Industrial District
M-3	Commercial Business Park
OSC	Open Space and Conservation District
P-F	Public Facilities District
FP	Flood Plain District
P	Parking District
H	Historic Site District
AAGP	Allied Arts Guild Preservation District
X	Conditional Development District
SP-ECR/D	El Camino Real/Downtown Specific Plan
AHO	Affordable Housing Overlay

**16.08.030 Land and use regulations generally.** Except as provided in this chapter, no land shall be used and no structure shall be erected, used, reconstructed, enlarged, altered or moved except as hereinafter specifically provided and allowed in the districts in which such land and structures are located. Subject to the provisions in Sections 16.08.040 through 16.08.090 and Chapters 16.58 through 16.62 and 16.66 through 16.78, none but the uses specified in this chapter, or uses which in the opinion of the planning commission are similar in nature, will be allowed. Developments in the designated flood hazard area shall be designed consistent with the provisions of Chapter 12.04 and Chapters 15.04 and 15.16 relating to flood-plain management.

## DISTRICTS ESTABLISHED--GENERAL REGULATIONS

**16.08.040 Regulations subject to general rules.** All regulations in this title pertaining to the districts established in Section 16.08.010 are subject to the general provisions, conditions, and exceptions contained in Sections 16.08.040 through 16.08.090.

**16.08.050 Ambiguity.** If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this chapter, or with respect to matters of height, area requirements or district boundaries as set forth herein, the planning commission shall ascertain all pertinent facts and by resolution set forth its findings and interpretations and thereafter such interpretations shall prevail, subject to rights of appeal, as set forth in Chapter 16.86.

**16.08.060 Increase in building height in C-3, C-4 and M-2 districts.** Subject to obtaining a conditional development permit as provided in this title, any building in a C-3, C-4, or M-2 district may be erected to a height exceeding that specified for such districts; provided:

- (1) In C-3 districts, the minimum building site shall be twenty thousand square feet.
- (2) In C-4 and M-2 districts, the minimum building site shall be one acre.
- (3) Off-street parking, as required in this title, shall be provided on or adjacent to the building site.

**16.08.070 Cluster housing.** Subject to obtaining a conditional development permit, cluster housing may be permitted in "R" districts when parcel area is one acre or more.

**16.08.080 Home occupations.** Home occupations, as defined in Section 16.04.340, may be permitted in residential districts and in residences within the SP-ECR/D district, provided a permit is obtained from the department of community development. Such permits shall be valid for a period of one year, shall be subject to the conditions contained therein and shall be subject to the payment of a fee, as established by the city council.

Any home occupation permit may be denied or revoked after issuance by order of the director of community development upon his/her finding that the establishment or continuance of the use or occupation would be detrimental to the health, safety, and general welfare of the persons residing in the neighborhood or would be injurious or detrimental to property in the neighborhood or to the general welfare of the city, or on his finding that the conditions of the home occupation permit were violated. Any revocation of such permit shall be made only after a hearing, held after reasonable notice to the permit holder.

**16.08.085 Child day care home.** A child day care home, as the same is defined in this title, may be a home occupation and as such is a permitted use in any residential district; provided, however, that written notification of an application for such a child day care home permit shall be given to residents of property adjoining said proposed child day care home.

The permit, when granted by the department of community development, is effective ten days after the giving of said written notification. If within said ten-day period written objection is made to the issuance of the permit, a hearing on said objection shall be held by the director of community development, or his/her designee, after which she/he may affirm, reverse or modify the action. Any decision by the director shall be appealable as if it were action of the planning commission.

## DISTRICTS ESTABLISHED--GENERAL REGULATIONS

**16.08.090 Debris and refuse areas.** Areas occupied by debris and refuse, or containers therefor, in all C and M and multiple residential districts shall be within a building or screened from view from any public area or adjacent buildings.

**16.08.095 Roof-mounted equipment.** Mechanical equipment, such as air conditioning equipment, ventilation fans, vents, ducting, or similar equipment may be placed on the roof of a building provided that such equipment shall be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D District which has unique screening requirements, and all sounds emitted by such equipment shall not exceed 50 decibels at a distance of 50 feet from such equipment.

**16.08.100 Excavating.** Within residential districts, except for the R-1-U (LM) District, excavating into the required setbacks shall not be permitted unless a use permit for this purpose is obtained from the planning commission in accordance with Chapter 16.82 of this Title. Such use permit shall not be required for normal landscaping, tree planting, new utility installation, existing utility maintenance, foundations for accessory buildings, and pools and spa construction. As used in this section, excavating shall mean the act of digging, scooping or removing the earth to a depth greater than one foot below the existing grade.

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## Chapter 16.10

### R-E RESIDENTIAL ESTATE DISTRICT

#### Sections:

- 16.10.010 Permitted uses.
- 16.10.020 Conditional uses.
- 16.10.030 Development regulations.

**16.10.010 Permitted uses.** The following uses are permitted in the R-E district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.10.020 Conditional uses.** Conditional uses allowed in the R-E district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.10.030 Development regulations.** Development regulations in the R-E district are as follows:

- (1) Minimum lot area: 20,000 square feet;
- (2) Minimum land area per dwelling unit: 20,000 square feet;
- (3) Minimum lot dimensions:
  - (a) 110 feet width;
  - (b) 130 feet depth;
- (4) Minimum yards:
  - (a) 20 feet front;
  - (b) 20 feet rear;
  - (c) 30 feet total with a minimum of 10 feet on any one side, except street sides of corner lots which shall be a minimum of 15 feet;
- (5) Maximum building coverage:
  - (a) Single-story development:
    - (1) Building coverage for lots with an area of 7,000 square feet or less shall be 40 percent;
    - (2) Building coverage for lots with an area of between 7,000 and 10,500 square feet shall decrease on an even gradient from 40 percent for a lot of 7,000 square feet to 35 percent for a lot with 10,500 square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
    - (3) Building coverage for lots with an area greater than 10,500 square feet shall be 35 percent;
  - (b) Development of two or more stories: 30 percent
- (6) Floor Area Limit (FAL):
  - (a) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
    - (1) FAL for lots with less than 5,000 square feet of area shall be determined by a use permit;
    - (2) FAL for lots with an area of between 5,000 and 7,000 square feet shall be 2,800 square feet;

**R-E RESIDENTIAL ESTATE DISTRICT**

**16.10.030 Development regulations.**

- (3) FAL for lots with greater than 7,000 square feet of area shall be 2,800 square feet plus 25 percent of the difference between the lot area and 7,000 square feet.
- (b) The maximum second floor FAL shall be 50 percent of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of 1,400 square feet or:

$\frac{\text{width (measured at the front setback line)}}{\text{length (average of both sides)}} \times \text{the floor area limit}$
--

- (7) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit.
  - (a) Lots with less than 20,000 square feet of area: 28 feet;
  - (b) Lots with 20,000 or more square feet of area: 30 feet
- (8) Daylight Plane: The daylight plane established in Chapter 16.67 shall apply to all properties in the R-E district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations.

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## Chapter 16.12

### R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

#### Sections:

- 16.12.010 Permitted uses.
- 16.12.020 Conditional uses.
- 16.12.030 Development regulations.

**16.12.010 Permitted uses.** The following uses are permitted in the R-E-S district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.12.020 Conditional uses.** Conditional uses allowed in the R-E-S district, subject to obtaining use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.12.030 Development regulations.** Development regulations in the R-E-S district are as follows:

- (1) Minimum lot area: 15,000 square feet; provided however, that lots of less than 15,000 square feet may be permitted, but only in an approved subdivision with the following conditions:
  - (a) No lot shall be less than 11,000 square feet in area;
  - (b) The average lot size in the subdivision shall not be less than 15,000 square feet;
- (2) Minimum land area per dwelling unit: 15,000 square feet;
- (3) Minimum lot dimensions:
  - (a) 100 feet width;
  - (b) 100 feet depth;
- (4) Minimum yards:
  - (a) 20 feet front;
  - (b) 20 feet rear;
  - (c) 25 feet total with a minimum of 10 feet on any one side, except street sides of corner lots which shall be a minimum of 15 feet;
- (5) Maximum building coverage:
  - (a) Single-story development:
    - (1) Building coverage for lots with an area of 7,000 square feet or less shall be 40 percent;
    - (2) Building coverage for lots with an area of between 7,000 and 10,500 square feet shall decrease on an even gradient from 40 percent for a lot of 7,000 square feet to 35 percent for a lot with 10,500 square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
    - (3) Building coverage for lots with an area greater than 10,500 square feet shall be 35 percent;
  - (b) Development of two or more stories: 30 percent

**R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT**

**16.12.030 Development regulations.**

- (6) Floor Area Limit (FAL):
  - (a) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
    - (1) FAL for lots with less than 5,000 square feet of area shall be determined by a use permit;
    - (2) FAL for lots with an area of between 5,000 and 7,000 square feet shall be 2,800 square feet;
    - (3) FAL for lots with greater than 7,000 square feet of area shall be 2,800 square feet plus 25 percent of the difference between the lot area and 7,000 square feet.
  - (b) The maximum second floor FAL shall be 50 percent of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of 1,400 square feet or:

$\frac{\text{width (measured at the front setback line)}}{\text{length (average of both sides)}} \times \text{the floor area limit}$
--

- (7) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit.
  - (a) Lots with less than 20,000 square feet of area: 28 feet;
  - (b) Lots with 20,000 or more square feet of area: 30 feet
- (8) Daylight Plane: The daylight plane established in Chapter 16.67 shall apply to all properties in the R-E-S district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations.

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## Chapter 16.14

### R-1-S SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT

#### Sections:

- 16.14.010 Permitted uses.
- 16.14.020 Conditional uses.
- 16.14.030 Development regulations.

**16.14.010 Permitted uses.** The following uses are permitted in the R-1-S district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.14.020 Conditional uses.** Conditional uses allowed in the R-1-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.14.030 Development regulations.** Development regulations in the R-1-S district are as follows:

- (1) Minimum lot area: 10,000 square feet;
- (2) Minimum land area per dwelling unit: 10,000 square feet;
- (3) Minimum lot dimensions:
  - (a) 80 feet width;
  - (b) 100 feet depth;
- (4) Minimum yards:
  - (a) 20 feet front;
  - (b) 20 feet rear;
  - (c) 10 feet side, except street sides of corner lots which shall be a minimum of 12 feet;
- (5) Maximum building coverage:
  - (a) Single-story development:
    - (1) Building coverage for lots with an area of 7,000 square feet or less shall be 40 percent;
    - (2) Building coverage for lots with an area of between 7,000 and 10,500 square feet shall decrease on an even gradient from 40 percent for a lot of 7,000 square feet to 35 percent for a lot with 10,500 square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
    - (3) Building coverage for lots with an area greater than 10,500 square feet shall be 35 percent;
  - (b) Development of two or more stories: 35 percent
- (6) Floor Area Limit (FAL):
  - (a) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
    - (1) FAL for lots with less than 5,000 square feet of area shall be determined by a use permit;
    - (2) FAL for lots with an area of between 5,000 and 7,000 square feet shall be 2,800 square feet;
    - (3) FAL for lots with greater than 7,000 square feet of area shall be 2,800 square feet plus 25 percent of the difference between the lot area and 7,000 square feet.

**R-1-S SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT**

**16.14.030 Development regulations.**

- (b) The maximum second floor FAL shall be 50 percent of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of 1,400 square feet or:

$\frac{\text{width (measured at the front setback line)}}{\text{length (average of both sides)}} \times \text{the floor area limit}$
--

- (7) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit.
  - (a) Lots with less than 20,000 square feet of area: 28 feet;
  - (b) Lots with 20,000 or more square feet of area: 30 feet
- (8) Daylight Plane: The daylight plane established in Chapter 16.67 shall apply to all properties in the R-1-S district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations.

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## Chapter 16.15

### R-1-S (FG) SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

#### Sections:

- 16.15.010 Permitted uses.
- 16.15.020 Conditional uses.
- 16.15.030 Development regulations.

**16.15.010 Permitted uses.** The following uses are permitted in the R-1-S (FG) district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.15.020 Conditional uses.** Conditional uses allowed in the R-1-S (FG) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.15.030 Development regulations.** Development regulations in the R-1-S (FG) district shall be the same as those in the R-1-S district except for the following:

- (1) Maximum building coverage: 35 percent;
- (2) Maximum Floor Area Limit (FAL): 2,800 square feet plus 20 percent times (lot area minus 7,000 square feet);
- (3) Daylight plane: A daylight plane for the main dwelling unit shall begin at each side property line, shall extend directly upwards above the natural grade of each side property line for a distance of 20 feet minus the width of the adjacent required yard, and shall then slope inwards towards the interior of the lot at a 34-degree angle. As used in this section, the natural grade of a side property line is the average grade of the highest and lowest points of the natural grade of the lot at the side property line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, antennae, flues, and solar collectors.

Gables and dormers may intrude into the daylight plane of a lot that is 10,000 square feet or less. The permitted intrusion shall decrease on an even gradient from 10 feet in the case of a 5 foot required side setback to no permitted intrusion in the case of an 8 foot required side setback. Thus the permitted intrusion will be 6 feet, 8 inches in the case of a 6 foot required side setback, 5 feet in the case of a 6.5 foot required side setback, and 3 feet, 4 inches in the case of a 7 foot required side setback. Calculations of the permitted intrusion shall include fractional computations when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:

- (a) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;
- (b) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed 30 feet; and
- (c) The triangle must be entirely within the maximum building height.

## Chapter 16.16

### R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT

#### Sections:

- 16.16.010 Permitted uses.
- 16.16.020 Conditional uses.
- 16.16.030 Development regulations.

**16.16.010 Permitted uses.** The following uses are permitted in the R-1-U district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.16.020 Conditional uses.** Conditional uses allowed in the R-1-U district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.16.030 Development regulations.** Development regulations in the R-1-U district are as follows:

- (1) Minimum lot area: 7,000 square feet;
- (2) Minimum land area per dwelling unit: 7,000 square feet;
- (3) Minimum lot dimensions:
  - (a) 65 feet width;
  - (b) 100 feet depth;
- (4) Minimum yards:
  - (a) 20 feet front;
  - (b) 20 feet rear;
  - (c) 10 percent of minimum lot width for sides but not less than 5 feet or more than 10 feet, except street sides of corner lots which shall be a minimum of 12 feet;
- (5) Maximum building coverage:
  - (a) Single-story development:
    - (1) Building coverage for lots with an area of 7,000 square feet or less shall be 40 percent;
    - (2) Building coverage for lots with an area of between 7,000 and 10,500 square feet shall decrease on an even gradient from 40 percent for a lot of 7,000 square feet to 35 percent for a lot with 10,500 square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
    - (3) Building coverage for lots with an area greater than 10,500 square feet shall be 35 percent;
  - (b) Development of two or more stories: 35 percent
- (6) Floor Area Limit (FAL):
  - (a) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
    - (1) FAL for lots with less than 5,000 square feet of area shall be determined by a use permit;
    - (2) FAL for lots with an area of between 5,000 and 7,000 square feet shall be 2,800 square feet;

**R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT**

**16.16.030 Development regulations.**

- (3) FAL for lots with greater than 7,000 square feet of area shall be 2,800 square feet plus 25 percent of the difference between the lot area and 7,000 square feet.
- (b) The maximum second floor FAL shall be 50 percent of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of 1,400 square feet or:

$\frac{\text{width (measured at the front setback line)}}{\text{length (average of both sides)}} \times \text{the floor area limit}$
--

- (7) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit.
  - (a) Lots with less than 20,000 square feet of area: 28 feet;
  - (b) Lots with 20,000 or more square feet of area: 30 feet
- (8) Daylight Plane: The daylight plane established in Chapter 16.67 shall apply to all properties in the R-1-U district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations.

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## Chapter 16.17

### R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

#### Sections:

- 16.17.010 Permitted uses.
- 16.17.020 Conditional uses.
- 16.17.030 Development regulations.

**16.17.010 Permitted uses.** The following uses are permitted in the R-1-U (LM) district:

- (1) Single family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.17.020 Conditional uses.** Conditional uses allowed in the R-1-U (LM) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340.

**16.17.030 Development regulations.** Development regulations in the R-1-U (LM) district are as follows:

- (1) Minimum lot area: 4,900 square feet for lots in existence prior to June 1, 2006 and a minimum of 7,000 square feet for any lot created or subdivided after June 1, 2006;
- (2) Minimum land area per dwelling unit: 4,900 square feet;
- (3) Minimum lot dimensions:
  - (a) 40 feet width;
  - (b) 75 feet depth;
- (4) Minimum yards:
  - (a) Below ground:
    - (1) 15 feet front;
    - (2) 15 feet rear;
    - (3) 5 feet interior sides, except that an interior side yard of 3 feet may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;
    - (4) 12 feet street sides of corner lots;
  - (b) Above ground:
    - (1) 20 feet front;
    - (2) 20 feet rear;
    - (3) 5 feet for ground floor interior sides, except that a ground floor interior side yard of 3 feet for up to a maximum 20 foot length may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;
    - (4) 10 feet for second floor interior sides;
    - (5) 12 feet for street sides of corner lots;

**R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)**

**16.17.030 Development regulations.**

- (c) Yard encroachments: Permitted yard encroachments are as follows:
  - (1) Architectural features on the single-family dwelling, such as cornices, eaves, canopies, fireplaces and bay windows in accordance with the following:
    - (a) Where the required yard is 12 feet or greater, cornices, eaves, canopies, fireplaces, and bay windows 7 feet or less in length and which do not provide foundation may extend up to a maximum of 3 feet into the required yard, with the exception that bay windows are limited to no more than 2 per building elevation for a cumulative total length of not more than 30 percent of the length of the building wall on which the bay windows are located;
    - (b) Where the required yard is 5 feet, cornices, eaves, canopies, fireplaces, and bay windows 4 feet or less in length and which do not provide foundation may extend up to a maximum of 18 inches into the required yard, with the exception that bay windows are limited to no more than 2 per building elevation for a cumulative total length of not more than 30 percent of the length of the building wall on which the bay windows are located;
    - (c) Where the required yard is less than 5 feet, no yard encroachments are permitted;
  - (2) Porches, decks, landing places or stairways, if open and uncovered, may project a maximum of 5 feet into any required above ground front or rear yard;
  - (3) Balconies may be permitted in accordance with Section 16.60.020;
- (5) Maximum impervious surface area: 75 percent of the lot area;
- (6) Maximum building coverage:
  - (a) Single-story development:
    - (1) Building coverage for lots with an area of 7,000 square feet or less shall be 40 percent;
    - (2) Building coverage for lots with an area of between 7,000 and 10,500 square feet shall decrease on an even gradient from 40 percent for a lot of 7,000 square feet to 35 percent for a lot with 10,500 square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
    - (3) Building coverage for lots with an area greater than 10,500 square feet shall be 35 percent;
  - (b) Development of two or more stories: 35 percent;
- (7) Floor Area Limit (FAL):
  - (a) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
    - (1) FAL for lots with an area of between 4,900 and 7,000 square feet shall be 2,800 square feet;
    - (2) FAL for lots with greater than 7,000 square feet shall be 2,800 square feet plus 25 percent of the difference between the lot area and 7,000 square feet;
  - (b) The maximum second floor FAL shall be 40 percent of the maximum FAL allowed on the property, except that a second floor FAL of 50 percent may be allowed subject to written approval of all owner(s) of contiguous properties or a use permit in accordance with Chapter 16.82;

## R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

### 16.17.030 Development regulations.

- (8) Horizontal wall length of second floor side wall: 30 feet unless articulated by a minimum 3 foot step back in wall alignment for a minimum of 5 feet, except that the wall may extend on a continuous plane beyond 30 feet subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the extended side wall or a use permit in accordance with Chapter 16.82;
- (9) Second floor windows: Second floor windows and windows located in stair landings, except those fronting on a public street, shall either have a minimum 5 foot sill height as measured from the finished floor level of the second floor or stair landing or shall use fixed textured or other image-distorting glass for the portion of the window placed less than 5 feet above the finished floor level of the second floor or stair landing. Subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the second floor or stair landing windows or a use permit in accordance with Chapter 16.82, these window requirements may be modified or eliminated;
- (10) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit:
  - (a) One-story single-family development: 20 feet;
  - (b) Two-story single-family development: 28 feet;
- (11) Daylight Plane: A daylight plane for the main dwelling unit shall begin a minimum of 5 feet from the side property line and extend directly upwards from the grade of the property for a distance of 15 feet, 6 inches (vertical plane), and then slope inwards towards the interior of the lot at a 45-degree angle. The vertical plane may be extended to a maximum height of 19 feet, 6 inches above grade subject to written approval of the owner(s) of contiguous property abutting the extended vertical plane or a use permit in accordance with Chapter 16.82. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, flues and eave overhangs. Solar collectors and antennae may intrude subject to written approval of the owner(s) of contiguous property abutting the intrusion or a use permit in accordance with Chapter 16.82;

Gables and dormers may intrude into the daylight plane. The permitted intrusion shall decrease on an even gradient from 10 feet in the case of a 5 foot required above ground side yard to no permitted intrusion at an 8 foot required above ground side yard. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. The intrusion shall be measured along the uppermost horizontal roofline of the gable or dormer. The gable or dormer intrusion must not extend beyond a triangle in the plane of the building face described as follows:

- (a) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;
- (b) The aggregate length of the bases of all triangles intruding into the daylight planes must not exceed 30 feet, of which no more than 12 feet may occur at an interior side yard;
- (c) The triangle is limited to a maximum peak height of 24 feet above grade;

**R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)**

**16.17.030 Development regulations.**

- (12) Mechanical equipment, ground mounted: Mechanical equipment may be constructed with or subsequent to the construction of a single-family dwelling subject to the following requirements when ground mounted:
- (a) The mechanical equipment shall be located in the rear half of the lot, except that equipment that is screened from view may be located in the front half of the lot subject to written approval of the owner(s) of contiguous property abutting the location of the equipment or a use permit in accordance with Chapter 16.82;
  - (b) The mechanical equipment shall be located a minimum of 5 feet from any property line;
  - (c) The mechanical equipment shall not exceed 50 dBA as measured at the nearest property line;
- (13) Parking: Two spaces per single-family dwelling, at least one of which shall be a covered space in accordance with the following:
- (a) A covered space is a paved and accessible space covered by a solid roof for the storage of automobiles including garages and carports. The space shall have clear interior dimensions of 9 feet in width by 19 feet in depth;
  - (b) An uncovered space is an accessible space paved or surfaced with an all-weather, weed-free, fire-resistant surface for the parking of an automobile. The space shall be 8 feet, 6 inches in width by 18 feet, 6 inches in depth, with a one-foot increase in width if adjacent to an obstruction located less than 3 feet from the required space;
  - (c) Tandem parking within a fully enclosed garage may be used to meet the parking requirement. An uncovered space shall not be in tandem with any other required space;
  - (d) The required parking shall not be located in a required front yard;
  - (e) The required parking shall be located a minimum of three feet from any side or rear property line;
- (14) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations.

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## Chapter 16.18

### R-2 LOW DENSITY APARTMENT DISTRICT

#### Sections:

- 16.18.010 Permitted uses.
- 16.18.020 Conditional uses.
- 16.18.030 Development regulations.

**16.18.010 Permitted uses.** The following uses are permitted in the R-2 district:

- (1) Single-family dwellings;
- (2) Duplexes and projects of three or more dwelling units;
- (3) Accessory buildings;
- (4) Accessory structures.

**16.18.020 Conditional Uses.** Conditional uses allowed in the R-2 district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340;
- (5) Foster homes;
- (6) Boardinghouses;
- (7) Convalescent homes;
- (8) Senior day care facilities.

**16.18.030 Development regulations.** Development regulations in the R-2 district are as follows:

- (1) Minimum lot area -- Seven thousand square feet;
- (2) Minimum land area per dwelling unit -- Three thousand five hundred square feet;
- (3) Minimum lot dimensions -- Sixty-five feet width; one hundred feet depth;
- (4) Required minimum yards -- Twenty feet front; twenty feet rear; interior sides ten percent of lot width but not less than five or more than ten feet; street side of corner lots twelve feet;
- (5) Land cover by all structures shall not exceed thirty-five percent of building site;
- (6) The maximum building height at any one point on the property shall be the lower of either 28 feet from the average grade or 28 feet from the grade directly beneath any portion of the building. Chimneys are excluded from this height limit. Average grade is defined as the average of the highest and lowest points of the natural grade of the portion of the lot covered by the structure;
- (7) Floor area -- The floor area of all buildings on the lot shall not exceed 40% of the square footage of the lot. The floor area of the second stories of all buildings on the lot shall not exceed 15% of the square footage of the lot;
- (8) Daylight planes -- The daylight planes established by Chapter 16.67 shall apply to R-2 lots;
- (9) Not less than 40% of the building site shall be occupied by appropriate landscaping;
- (10) In the case of conditional uses, additional regulations may be required by the planning commission.

## Chapter 16.20

### R-3 APARTMENT DISTRICT

#### Sections:

- 16.20.010 Permitted uses
- 16.20.020 Conditional uses
- 16.20.030 Development regulations
- 16.20.040 Mitigation monitoring

**16.20.010 Permitted uses.** The following uses are permitted in the R-3 (Apartment) district:

- (1) Single-family dwellings;
- (2) Duplexes;
- (3) Three or more units on lots 10,000 square feet or more;
- (4) Accessory buildings;
- (5) Accessory structures.

**16.20.020 Conditional Uses.** Conditional uses allowed in the R-3 district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Three or more dwelling units on lots less than 10,000 square feet;
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Private schools and churches in accordance with Chapter 16.78;
- (4) Child day care centers in accordance with Chapter 16.78;
- (5) Home occupations in accordance with Section 16.04.340;
- (6) Foster homes;
- (7) Boardinghouses;
- (8) Convalescent homes;
- (9) Senior day care facilities.

#### **16.20.030 Development regulations.**

Development regulations are as follows in the R-3 district:

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**R-3 APARTMENT DISTRICT**

**16.20.030 Development regulations.**

**Table 1**

		<b>All R-3 zoned Properties Except for Lots 10,000 sq. ft. or More in the Area Around the El Camino Real/Downtown Specific Plan Area</b>	<b>Lot Area of 10,000 sq. ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area<sup>1</sup></b>	
<b>Minimum Lot Area</b>		7,000 sq. ft.	10,000 sq. ft.	
<b>Minimum Lot Dimensions</b>		70 ft. wide by 100 ft. deep (lots < 10,000 sq. ft. in area) 80 ft. wide by 100 ft. deep (lots ≥ 10,000 sf. ft. in area)	80 ft. wide by 100 ft. deep	
<b>Land Area Required Per Dwelling Unit</b>		See Table 2 below	Minimum	3,333 sq. ft.
			Maximum	1,452 sq. ft.
<b>Minimum Yards</b>	<b>Front</b>	15% of lot width; min. 20 ft.	20 ft.	
	<b>Interior Side</b>	10 ft.	10 ft.	
	<b>Corner Side</b>	15 ft.	15 ft.	
	<b>Rear</b>	15% of lot width; min. 15 ft.	15 ft.	
	<b>Distance between main buildings on same lot</b>	1/2 sum of the height of the buildings, 20 ft. min.	N/A	
	<b>Distance between main buildings located on one property and adjacent property</b>	20 ft.	N/A	
<b>Maximum Floor Area Ratio</b>		45%	Floor area ratio shall decrease on an even gradient from 75% for 30 du/ac to 35% for 13.1 du/ac	
<b>Maximum Building Coverage</b>		30%	40%	
<b>Maximum Driveways and Open Parking Areas (Paving)<sup>2</sup></b>		20%	35%	
<b>Minimum Open Space (Landscaping)</b>		50%	25%	
<b>Height</b>		35 ft.	13.1 du/ac	35 ft.
			20 du/ac or greater	40 ft.
<b>Building Profile</b>		None	Starting at a height of 28 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property or public park.	
<b>Parking</b>		2 spaces per unit, one of which must be covered, and not located in a required front or side yard	2 or more bedrooms per unit	2 spaces
			Up to 1 bedroom per unit	1.5 spaces
			Each unit must have at least one covered space. Parking spaces cannot be located in the required front yard	

<sup>1</sup>For the purposes of Chapter 16.20.030, the area around the Downtown/El Camino Real is defined in three distinct areas as follows, and is only applicable to properties zoned R-3 that are 10,000 sq. Ft. Or more.

Area 1: Area bounded by University Avenue, Valparaiso Avenue, El Camino Real and Oak Grove Avenue.

Area 2: Area bounded by Arbor Road, Santa Cruz Avenue, El Camino Real and Middle Avenue.

Area 3: Area generally bounded by San Antonio Street and Alma Street, Encinal Avenue, Marcussen Drive and Ravenswood Avenue.

<sup>2</sup> Permeable pavers may count as 50 percent towards the paving requirement, except for on lots 10,000 sq. ft. or more located around the El Camino Real/Downtown Specific Plan Area.

**R-3 APARTMENT DISTRICT**

**16.20.030 Development regulations.**

<b>TOTAL LOT AREA</b>	<b>LAND AREA REQUIRED PER DWELLING UNIT</b>
7,000 - 19,999 sq. ft.	3,333 sq. ft.
20,000 - 29,999 sq. ft.	3,100 sq. ft.
30,000 - 39,999 sq. ft.	2,900 sq. ft.
40,000 - 59,999 sq. ft.	2,700 sq. ft.
60,000 - 69,999 sq. ft.	2,600 sq. ft.
70,000 - 79,999 sq. ft.	2,500 sq. ft.
80,000 - 89,999 sq. ft.	2,400 sq. ft.
90,000 sq. ft. or more	2,350 sq. ft.

- (1) Notwithstanding the provisions of Table 1 herein, any given lot in excess of five thousand square feet in area shall be permitted a minimum of two units;
- (2) Any development containing twenty or more units, or encompassing one acre or more, may be expected to include a quantity of moderate and/or low cost units, ranging from five percent to twenty percent of the total units, depending on the specific development;
- (3) In the case of conditional uses, additional regulations may be required by the planning commission.

**16.20.040 Mitigation Monitoring.**

All development on lots 10,000 square feet or more and located within the identified areas around the El Camino Real/Downtown Specific Plan area shall comply, at a minimum, with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. 6149 associated with the Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment prepared for the Housing Element adopted on May 21, 2013.

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## Chapter 16.22

### R-4 HIGH-DENSITY RESIDENTIAL DISTRICT

#### Sections:

- 16.22.010 Purpose.
- 16.22.020 Permitted Uses.
- 16.22.030 Conditional Uses.
- 16.22.040 Development Regulations.

**16.22.010 Purpose.** The purpose of the R-4 District is to provide housing opportunities adjacent to and having good access to public transit and major transportation corridors in the city and to carry out the goals and policies of the General Plan. Developments in the R-4 District must be compatible with the surrounding land uses and properly integrated into the area.

**16.22.020 Permitted Uses.** The following uses are permitted in the R-4 District:

- (1) Single-family dwellings
- (2) Duplexes
- (3) Accessory buildings;
- (4) Accessory structures.

**16.22.030 Conditional Uses:** Conditional uses allowed in the R-4 district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Three or more dwelling units;
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Private schools and churches in accordance with Chapter 16.78;
- (4) Child day care centers in accordance with Chapter 16.78;
- (5) Home occupations in accordance with Section 16.04.340;
- (6) Foster homes;
- (7) Boardinghouses;
- (8) Convalescent homes;
- (9) Senior day care facilities.

**16.22.040 Development Regulations.** City must make findings that any conditional use shall be consistent with the purpose as set forth in Section 16.22.010. Development regulations are as follows in the R-4 District:

- (1) Minimum lot area - Twenty thousand square feet; maximum lot area - One acre;
- (2) Minimum lot dimensions - one hundred feet width and one hundred feet depth;
- (3) Setbacks - Twenty feet front; fifteen feet rear; ten feet side except the street side of a corner lot, which shall be at least fifteen feet;
- (4) Land cover by all structures shall not exceed forty percent;
- (5) Height of structures shall not exceed forty feet; including roof mounted equipment and roof screens;
- (6) Driveways and paved open parking areas shall not exceed thirty-five percent of lot areas;
- (7) Landscaping, courtyards, open patios, and other open spaces, not including driveways and open parking areas, shall occupy not less than thirty percent of lot area;
- (8) Floor area ratio - The total gross floor area of all the buildings shall not exceed 100 percent of the total lot area;
- (9) Density - Maximum number of forty dwelling units per net acre density; density bonus for below market rate units may be allowed above the forty dwelling units per net acre density.

## Chapter 16.23

### R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL

#### Sections:

- 16.23.010 Purpose.
- 16.23.020 Permitted uses.
- 16.23.030 Conditional uses.
- 16.26.040 Nonconforming uses.
- 16.23.050 Development regulations.
- 16.23.055 Substandard parcel.
- 16.23.060 Mitigation monitoring.
- 16.23.070 Design standards and guidelines.
- 16.23.080 Compliance review procedure.

#### **16.23.010 Purpose.**

The purpose of the R-4-S is to create opportunities for higher density housing in suitable locations deemed appropriate in Menlo Park. Development is intended to blend and enhance existing neighborhoods with application of site development regulations and design standards to minimize impacts to adjacent uses and provide a quality living environment for its residents. Permitted densities in the R-4-S district range from a minimum of 20 dwelling units per acre up to 30 dwelling units per acre.

**16.23.020 Permitted uses.** The following uses are permitted in the R-4-S district:

- (1) Multiple dwellings;
- (2) Accessory buildings;
- (3) Accessory structures.

**16.23.030 Conditional uses.** Conditional uses allowed in the R-4-S district, subject to obtaining a use permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340;
- (5) Foster homes;
- (6) Boardinghouses;
- (7) Convalescent homes;
- (8) Senior day care facilities.
- (9) Ancillary neighborhood serving commercial uses up to five (5) percent of the site area or 10,000 square feet, whichever is less, that is part of a mixed-use development and the number of dwelling units for the site is in accordance with the anticipated number of units identified in the Housing Element.

#### **16.22.040 Nonconforming uses.**

No legal use of any parcel existing as of the effective date of adoption of an ordinance rezoning the parcel to R-4-S shall be required to obtain a use permit to continue operating such existing use on the parcel, which use became non-conforming solely as a result of such rezoning.

#### **16.23.050 Development regulations.**

Development regulations are as follows in the R-4-S district:

**R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL**

**16.23.050 Development regulations.**

		<b>Regulation<sup>1</sup></b>	<b>Notes</b>
<b>Minimum Lot Area</b>		20,000 sf	
<b>Minimum Lot Width</b>		100 ft.	See Zoning Ordinance Section 16.04.430 for definition.
<b>Minimum Lot Depth</b>		100 ft.	See Zoning Ordinance Section 16.04.420 for definition.
<b>Density</b>	<b>minimum</b>	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	<b>maximum</b>	30 du/ac	
<b>Minimum Yards</b>	<b>Front</b>	10 ft.	See Zoning Ordinance Section 16.04.720 for definition.
	<b>Interior Side</b>	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Zoning Ordinance Section 16.04.740 for definition.
	<b>Corner Side</b>	10 ft.	
	<b>Rear</b>	10 ft.	See Zoning Ordinance Section 16.04.730 for definition.
<b>Maximum Floor Area Ratio</b>		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Zoning Ordinance Section 16.04.315 and 16.04.325 for definitions.
<b>Maximum Building Coverage</b>		40%	See Zoning Ordinance Section 16.04.120 for definition
<b>Minimum Open Space (Landscaping)</b>		25%	See Zoning Ordinance Section 16.04.500 for definition.
<b>Height</b>	<b>Maximum building height</b>	40 ft.	See Zoning Ordinance Section 16.04.330 for definition of height of structure.
<b>Building Profile</b>		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	
<b>Parking</b>	<b>Vehicular</b>	2 spaces for units w/ 2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio. Spaces cannot be located in required front yard setbacks or in tandem.	
	<b>Electric Vehicle</b>	A minimum of 3 percent of the required number of parking spaces shall provide dedicated electric vehicle/plug-in hybrid electric charging stations and a minimum of 2 percent of the required number of parking spaces shall be pre-wired for such equipment.	
	<b>Bicycle</b>	Long term – 1 space per unit where a private garage (per unit) is not provided  Short term (visitor) – 1 space per every 10 units	

<sup>1</sup>A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Section 16.82.

## R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL

### 16.23.055 Substandard parcel.

Notwithstanding anything in this Title to the contrary, any parcel whose lot area is less than 20,000 square feet as of the effective date of adoption of an ordinance rezoning the parcel to R-4-S or R-4-S(AHO) shall not be required to obtain a use permit to develop the parcel in accordance with the zoning. However, all other development regulations of the R-4-S or R-4-S(AHO) zoning, other than minimum lot size, shall apply to the parcel. This section shall not apply where action is taken to reduce the minimum lot size of the parcel to less than 20,000 square feet after the effective date of the ordinance rezoning the parcel.

### 16.23.060 Mitigation monitoring.

All development within the R-4-S zoning district shall comply, at a minimum, with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. 6149 associated with the Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment prepared for the Housing Element adopted on twenty-first day of May, 2013.

### 16.23.070 Design standards and guidelines.

Construction of a new building, additions to an existing building, and exterior alterations of an existing building occurring within the R-4-S district shall adhere to the Development Standards and Guidelines.

The R-4-S zoning district establishes a combination of development standards and design guidelines to guide the development of higher density housing in a comprehensive and cohesive manner in appropriate locations. **Standards** are objective and measurable rules required for new development. **Guidelines** suggest means for enhancing building design, attractiveness and neighborhood fit, as well as residential comfort and usefulness.

Design standards are open to modification subject to Architectural Control established in Section 16.68.020.

### (1) Building Setbacks and Projections within Setbacks

#### (a) Standards

- (1) Front, side and rear setback areas shall be developed with a variety of landscaping.
  - (a) A minimum average of one (1) 15 gallon container grown tree per 20 linear feet for the length of the property frontage along a public right-of-way is required.
  - (b) Existing trees located in the public right-of-way along the property frontage shall count towards the minimum tree requirement for that property frontage.
  - (c) For other setback areas not along a public right-of-way, a minimum average of one (1) 15 gallon container grown tree per 40 linear feet for the length of the property line is required.

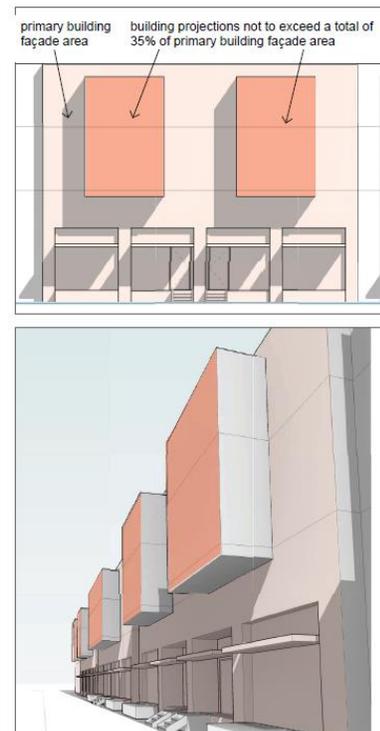


Figure 1

## R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL

### 16.23.70 Design standards and guidelines.

- (2) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of 5 feet into the setback area.
- (3) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
- (4) The total area of all horizontal and vertical building projections shall not exceed 35% of the building façade area, and no one projection shall exceed 15% of the façade area on which the projections are located. Where such projections enclose interior living space, 85 percent of the vertical surface of the projection shall be windows or glazed. (See Figure 1)

### (2) Façade Modulation and Treatment

#### (a) Standards

- (1) Building façades facing public rights-of-way or public open spaces shall not exceed 50 feet in length without a minor building façade modulation. At a minimum of every 35 feet of façade length, the **minor vertical façade modulation** shall be a minimum 2 feet deep by 5 feet wide recess or a minimum 2 foot setback of the building plane from the primary building façade.
- (2) Building façades facing public rights-of-way or public open spaces shall not exceed 100 feet in length without a major building facade modulation. At a minimum of every 75 feet of façade length, a **major vertical façade modulation** shall be a minimum of 6 feet deep by 20 feet wide recess or a minimum 6 foot setback of building plane from primary building façade for the full height of the building.
- (3) In addition, the major building façade modulation shall be accompanied with a 4 foot minimum height modulation and a major change in fenestration pattern, material and/or color.

#### (b) Guidelines

- (1) Minor façade modulation may be accompanied with a change in fenestration pattern, and/or material, and/or color, and/or height.
- (2) Blank walls at ground floor are discouraged and should be minimized. When unavoidable, continuous lengths of blank wall at the street should use other appropriate measures such as landscaping, additional architectural enhancement, or artistic intervention such as murals.
- (3) Entries should be prominent and visually distinctive from the rest of the façade with creative use of scale, materials, glazing, projecting or recessed forms, architectural details, color, and/or awnings.
- (4) The use of articulation, setbacks and varying materials are encouraged to minimize bulk and massing and provide visual interest.
- (5) Architectural details and elements such as reveals, score-lines, trim, and/or other architectural elements and features should be scaled appropriately based on viewing distance (i.e. finer grain details from pedestrian view points and large scale details from more distant view points).
- (6) Where a building intersects a street, consider providing a break in the building to provide view corridors.

## R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL

### 16.23.070 Design standards and guidelines.

#### (3) Building Profile

##### (a) Standards

- (1) The façade of a building shall be limited to one major step back. (See Figure 2)
- (2) Horizontal building and architectural projections, like balconies, bay windows, dormer windows beyond the 45-degree building profile shall comply with the standards for Building Setbacks & Projection within Setbacks section and shall be architecturally integrated into the design of the building. (See Figure 3)
- (3) Vertical building projections like parapets and balcony railings shall not extend more than 4 feet beyond the 45-degree building profile and shall be architecturally integrated into the design of the building.
- (4) Rooftop elements that may need to extend beyond the 45-degree building profile due to their function, such as stair and elevator towers, shall be architecturally integrated into the design of the building.

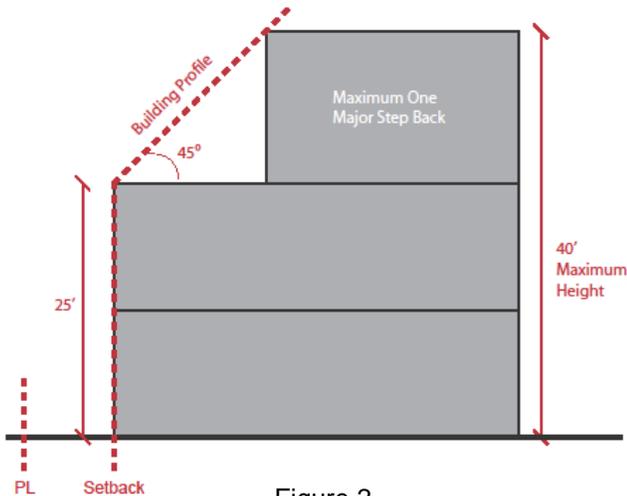


Figure 2

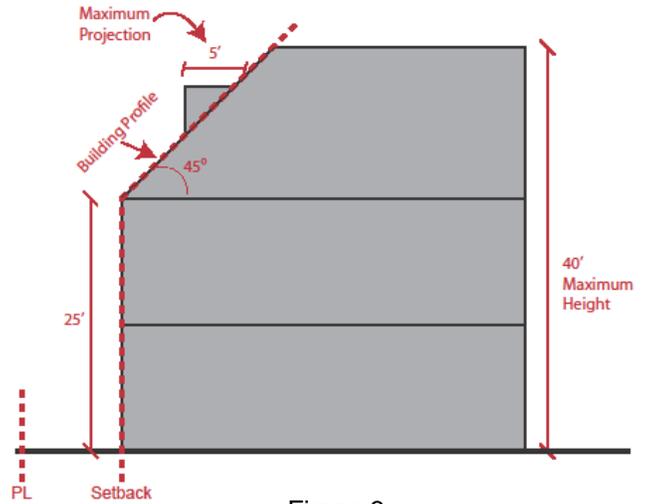


Figure 3

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## **R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL**

### **16.23.070 Design standards and guidelines.**

#### **(4) Height**

##### *(a) Standards*

- (1) Vertical building projections such as parapets and balcony railings may extend up to 4 feet beyond the maximum building height, and shall be architecturally integrated into the design of the building.
- (2) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed 14 feet beyond the maximum building height. Such rooftop elements shall be architecturally integrated into the design of the building.
- (3) Towers, cupolas, spires, chimneys, and other architectural features not exceeding 10 percent of the roof area may exceed the maximum building height limit by a maximum of 10 feet. Such rooftop elements shall be architecturally integrated into the design of the building.

#### **(5) External Materials**

##### *(a) Standards*

- (1) Buildings shall be designed and incorporate materials that discourage graffiti. Windows, doors, and small architectural features are exempt from this requirement.
- (2) All external stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
- (3) Stucco on the external façade shall be limited to no more than 80% of the entire area of an elevation, inclusive of all windows and doors.
- (4) All external windows where in solid walls shall be inset by a minimum of 2 inches from the face of the external finishes.
- (5) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.

##### *(b) Guidelines*

- (1) Materials should be selected to reinforce architectural character, building articulation and add visual interest.
- (2) Changes in material and/or color should be used to articulate building elements such as building entries; base, body and parapet caps; or bays and arcades.
- (3) Changes in material and/or colors should occur at appropriate façade locations to appear integral with the building massing.
- (4) High quality materials that are distinctive from the main external wall finish of the building, such as decorative concrete, masonry or tile, should be used at important locations to articulate the building facade, providing visual interest as well as durable performance.

## **R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL**

### **16.23.070 Design standards and guidelines.**

#### **(6) Building Entries**

##### *(a) Standards*

- (1) When a residential building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.

##### *(b) Guidelines*

- (1) Building entries are allowed to be recessed from the primary façade.
- (2) Entries should be prominent and visually distinctive from the rest of the façade through creative use of materials, scale, glazing, projecting or recessed forms, architectural details, color and/or canopies.
- (3) Multiple entries at street level are encouraged where appropriate.
- (4) Ground floor residential units are encouraged to have their entry from the street.
- (5) Stoops and entry steps from the street are encouraged when compliant with applicable accessibility codes. Stoops associated with landscaping create visually attractive, inviting and usable transitions from private spaces to the street.

#### **(7) Open Space**

##### *(a) Standards*

- (1) Residential developments shall have a minimum of 100 square feet of open space per unit created as common open space or a minimum of 80 square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of 6 feet by 6 feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to 1.25 square feet for each one square foot of private open space that is not provided.
- (2) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
  - i. 10-50 units: Minimum of one space, 20 feet minimum dimension (400 sf total, minimum).
  - ii. 51-100 units: Minimum of one space, 30 feet minimum dimension (900 sf total, minimum).
  - iii. 101 or more units: Minimum of one space, 40 feet minimum dimension (1,600 sf total, minimum)

##### *(b) Guidelines*

- (1) Private and/or common open spaces are encouraged in all developments as part of building modulation and articulation to enhance building façade.
- (2) Private open space should be designed as an extension of the indoor living area, providing an area that is usable and has some degree of privacy.

## **R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL**

### **16.23.70 Design standards and guidelines.**

- (3) Landscaping in setback areas should define and enhance pedestrian and open space areas. It should provide visual interest to streets and sidewalks, particularly where building façades are long.
- (4) Landscaping of open spaces should be attractive, durable and drought-resistant.
- (5) Common open space should be accessible and located convenient to residents.
- (6) Open space should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses.

### **(8) Parking**

#### *(a) Standards – None*

#### *(b) Guidelines*

- (1) The location, number and width of parking should be limited to minimize breaks in building design, sidewalk curb cuts and potential conflicts with streetscape elements.
- (2) Surface parking should be visually attractive, address security and safety patterns, and provide landscaping and canopy trees for shade.
- (3) To minimize or eliminate their visibility and impact from the street and other significant public spaces, parking garages should be underground, wrapped by other uses and/or screened from view through architectural and/or landscape treatment.
- (4) Whether free-standing or incorporated into overall building design, garage facades should be designed with a modulated system of vertical openings and pilasters, with design attention to an overall building façade that fits comfortably and compatibility into the pattern, articulation, scale and massing of surrounding building character.
- (5) Introduce safe pedestrian pathways, connecting the parking lot to building entries and public sidewalks, using elements such as marked crossings, clear signage and supplementary lighting.
- (6) To reduce water consumption and heat island effect, incorporate shade, use indigenous plant materials and use permeable materials, where appropriate.
- (7) A mix of tree types should be incorporated into the planting palette, where at least 50 percent of the trees have a mature height of at least 30 feet.
- (8) Trees should be appropriately spaced and installed to allow for growth and prevent root damage to parking lot surfaces.
- (9) Parking lot lighting should not conflict with the location or growth of the trees.
- (10) Parking lot light standards no greater than 16 feet in height are strongly encouraged.

## **R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL**

### **16.23.070 Design standards and guidelines.**

#### **(9) Bicycle Parking**

##### *(a) Standards*

- (1) Each long term bicycle parking space shall consist of a locker or locked enclosure, such as a secure room or controlled access area, providing protection for each bicycle from theft, vandalism and weather. A private locked storage unit that can accommodate a bicycle satisfies this requirement. Within a common residential building garage, bicycle parking shall be located within 40 feet of common access points into the building.
- (2) Short-term bicycle parking shall consist of a bicycle rack or racks at street level and is meant to accommodate visitors.
- (3) Bicycle parking facilities shall not impede pedestrian or vehicular circulation.

##### *(b) Guidelines*

- (1) Visitor bicycle racks should be positioned in areas with active visual surveillance and night lighting, and protected from damage from nearby vehicles.
- (2) Bicycle racks for short term parking should be located in convenient locations to each building's main entries.
- (3) The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.
- (4) Racks should be located with at least 30 inches of clearance in all directions from any obstruction, including but not limited to other racks, walls and landscaping.

#### **(10) Shade and Shadow**

##### *(a) Standards*

- (1) Development shall be designed so that shadow impacts on adjacent shadow-sensitive uses (e.g. residential, recreational, churches, schools, outdoor restaurants, historic buildings, and pedestrian areas) are minimized to the best extent possible. Shadow-sensitive uses shall not be shaded by project-related structure for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October).

#### **(11) Lighting**

##### *(a) Standards*

- (1) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
- (2) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

## R-4-S HIGH DENSITY RESIDENTIAL, SPECIAL

### 16.23.070 Design standards and guidelines.

#### (b) Guidelines

- (1) Energy-efficient and color-balanced outdoor lighting, at the lowest lighting levels possible, are encouraged to provide for safe pedestrian and auto circulation.
- (2) Installation of high-efficiency lighting systems with advanced lighting control, including motion sensors tied to dimmable lighting controls or lighting controlled by timers set to turn off at the earliest practicable hour, are recommended.

**16.23.080 Compliance review procedure.** Each development proposed under the R-4-S zoning requires review for compliance with Sections 16.23.050 and 16.23.070 prior to submittal of a building permit for any new structure containing residential dwelling units.

- (1) **Application.** Requests for compliance review shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposal per submittal guidelines established by the Community Development Director.
- (2) **Noticing.** Upon receipt of an application, a notice shall be mailed to all property owners and building occupants within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City. The notice shall include a description of the proposal, methods for providing comments, and date and time of a public meeting.
- (3) **Public meeting.** Prior to making a determination of compliance, the Planning Commission shall conduct a study session. The review by the Planning Commission shall be advisory and non-binding and shall be limited to the architectural design of the proposal relative to the Design Standards and Design Guidelines.
- (4) **Compliance determination.** The Community Development Director or his or her designee shall make a determination of compliance in writing after reviewing the project plans and considering any comments received. The determination of the Community Development Director is final and not subject to appeal.

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## Chapter 16.24

### R-3-A GARDEN APARTMENT RESIDENTIAL DISTRICT

#### Sections:

- 16.24.010 Permitted uses.
- 16.24.020 Conditional uses.
- 16.24.030 Development regulations.

**16.24.010 Permitted uses.** The following uses are permitted in the R-3-A district:

- (1) Single-family dwellings;
- (2) Duplexes;
- (3) Accessory buildings.

**16.24.020 Conditional Uses.** Conditional uses allowed in the R-3-A district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Three or more dwelling units;
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Private schools and churches in accordance with Chapter 16.78;
- (4) Child day care centers in accordance with Chapter 16.78;
- (5) Home occupations in accordance with Section 16.04.340;
- (6) Foster homes;
- (7) Boardinghouses;
- (8) Convalescent homes;
- (9) Senior day care facilities.

**16.24.030 Development regulations.** Development regulations are as follows in the R-3-A district:

- (1) Minimum lot area -- ten thousand square feet;
- (2) Minimum land area per dwelling unit -- same as R-3 district;
- (3) Minimum lot dimensions -- eighty feet width; one hundred feet depth;
- (4) Required minimum yards -- fifteen feet front, ten feet rear; interior side twenty-five percent height of main building but not less than five feet; corner side ten feet;
- (5) Land cover by all structures shall not exceed thirty percent of building site;
- (6) Height of structures shall not be limited; provided, however, that for each foot of height above thirty-five feet, each required yard shall be increased one foot in width;
- (7) In the case of conditional uses, additional regulations may be required by the planning commission.
- (8) Floor Area Ratio - The sum of the gross floor area of all buildings shall not exceed 45% of the total lot area.

## Chapter 16.26

### R-3-C APARTMENT - OFFICE DISTRICT

#### Sections:

16.26.010 Uses generally.

**16.26.010 Uses generally.** Permitted uses, conditional uses and development regulations are as specified in the R-3 district; provided that offices may be permitted subject to obtaining a use permit therefor, and further provided the C-1-A regulations shall be conformed to. It is the intention in this district to permit apartments and offices, but not on the same property or in the same building.

## Chapter 16.28

### R-L-U RETIREMENT LIVING UNITS DISTRICT

#### Sections:

16.28.005 Purpose.  
16.28.010 Permitted uses.  
16.28.020 Conditional uses.  
16.28.030 Development regulations.

**16.28.005 Purpose.** The purpose of the R-L-U district is to provide a floating zoning district to be applied at any location found to be appropriate by the city council and held to be consistent with the housing element of the comprehensive plan.

**16.28.010 Permitted uses.** The only permitted use in the R-L-U zoning district is accessory structures.

**16.28.020 Conditional uses.** Conditional uses allowed in the R-L-U district, subject to obtaining a use permit are as follows:

- (1) Retirement rental housing designed to be occupied by persons over sixty years of age and to meet the housing and social needs of the elderly, done in accordance with a planned housing program under the auspices, ownership, and continued management of a responsible charitable, nonprofit organization. In considering any application for R-L-U zoning and use permit, the planning commission and city council will consider various off-site support needs of prospective elderly residents such as, but not limited to, access to transportation, medical facilities, shopping areas, and appropriate social activity centers; and various on-site facilities such as, but not limited to, dining, laundry and recreation facilities;
- (2) Accessory buildings.

**16.28.030 Development regulations.** Development regulations in the R-L-U district are as follows:

- (1) Minimum lot area -- twenty thousand square feet;
- (2) Minimum land area per dwelling unit -- eight hundred square feet; provided that on sites forty thousand square feet or more in area and subject to obtaining a conditional development permit, density may exceed one dwelling unit per eight hundred square feet, to a maximum of one dwelling unit for four hundred fifty square feet, and shall be as specified in the conditional development permit;
- (3) Minimum lot dimensions -- one hundred feet width; one hundred feet depth;

## R-L-U RETIREMENT LIVING UNITS DISTRICT

### 16.28.030 Development regulations.

- (4) Required minimum yards -- twenty-five feet front; twenty feet rear; thirty feet total side; ten feet minimum either side;
- (5) Land cover by all structures shall not exceed thirty-five percent of building site;
- (6) Height of structures shall not exceed thirty-five feet; provided that on sites forty thousand square feet or more in area, and subject to obtaining a conditional development permit, height of structures may exceed thirty-five feet;
- (7) Where appropriate, a condition in the deed to the ultimate owner shall be created, specifying that the land zoned R-L-U is to be used only pursuant to the provisions of this section and Section 16.28.020 and the use permit granted pursuant thereto. When created, this condition shall be conveyed to the city on terms which permit it to re-enter upon violation of the condition;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission.
- (9) Floor Area Ratio - The total gross floor area of all buildings shall not exceed 150% of the total lot area.

## Chapter 16.30

### C-1 ADMINISTRATIVE AND PROFESSIONAL DISTRICT, RESTRICTIVE

#### Sections:

- 16.30.010 Permitted uses.
- 16.30.020 Conditional uses.
- 16.30.030 Development regulations.

**16.30.010 Permitted uses.** There are no permitted uses in the C-1 district.

**16.30.020 Conditional uses.** Conditional uses allowed in the C-1 district, subject to obtaining a use permit are as follows:

- (1) Professional, executive and administrative offices;
- (2) Research facilities;
- (3) Public utilities in accordance with Chapter 16.76;
- (4) Special uses in accordance with Chapter 16.78;

**16.30.030 Development regulations.** Development regulations in the C-1 district are as follows:

- (1) Minimum lot area -- two acres;
- (2) Minimum lot dimensions -- one hundred fifty feet width and depth;
- (3) Required minimum yards -- thirty feet front; twenty feet rear; twenty feet side;
- (4) Land cover by all structures shall not exceed forty percent of building site;
- (5) Height of structures shall not exceed thirty-five feet;
- (6) In the case of conditional uses, additional regulations may be required by the planning commission.
- (7) The floor area ratio shall not exceed 30%.

## Chapter 16.32

### C-1-A ADMINISTRATIVE AND PROFESSIONAL DISTRICT

#### Sections:

- 16.32.010 Permitted uses.
- 16.32.020 Conditional uses.
- 16.32.030 Development regulations.

**16.32.010 Permitted uses.** The following uses are permitted in the C-1-A district:

- (1) Professional, administrative and executive offices;
- (2) General offices.

**16.32.020 Conditional Uses.** Conditional uses allowed in the C-1-A district, subject to obtaining a use permit are as follows:

- (1) Convalescent homes provided that office use on the same site thereof shall not be permitted and that the minimum parking requirement for convalescent homes shall be one space per four beds, not in any required front or side yard;
- (2) Banks, savings and loan associations and other similar financial institutions;
- (3) Public utilities in accordance with Chapter 16.76;
- (4) Special uses in accordance with Chapter 16.78.

**16.32.030 Development regulations.** Development regulations in the C-1-A district are as follows:

- (1) Minimum lot area -- ten thousand square feet;
- (2) Minimum lot dimensions -- seventy feet width, one hundred feet depth;
- (3) Required minimum yards -- fifteen feet front; ten feet rear; interior side twenty-five percent of building height but not less than five feet; corner side ten feet;
- (4) Land cover by all structures shall not exceed forty percent of building site;
- (5) Height of structures shall not exceed thirty-five feet;
- (6) In the case of conditional uses, additional regulations may be required by the planning commission;
- (7) The floor area ratio shall not exceed forty percent.

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## Chapter 16.36

### C-1-C ADMINISTRATIVE, PROFESSIONAL AND RESEARCH DISTRICT, RESTRICTIVE

#### Sections:

- 16.36.010 Permitted uses.
- 16.36.020 Conditional uses.
- 16.36.030 Development regulations.

**16.36.010 Permitted uses.** There are no permitted uses in the C-1-C district.

**16.36.020 Conditional uses.** Conditional uses allowed in the C-1-C district, subject to obtaining a use permit, are as follows:

- (1) Professional, administrative, and executive offices;
- (2) Research and development facilities;
- (3) Convalescent homes;
- (4) Public utilities in accordance with Chapter 16.76;
- (5) Special uses in accordance with Chapter 16.78.

**16.36.030 Development regulations.** Development regulations in the C-1-C district are as follows:

- (1) Minimum lot area -- three acres;
- (2) Minimum lot dimensions -- two hundred feet width and depth;
- (3) Required minimum yards -- seventy-five feet front; seventy-five feet rear when abutting a residential district, otherwise forty feet; interior side thirty feet; corner side seventy-five feet;
- (4) Land cover by all structures shall not exceed twenty percent of building site;
- (5) Not less than thirty percent of building site shall be occupied by appropriate landscaping;
- (6) Height of structures shall not exceed thirty-five feet;
- (7) In the case of conditional uses, additional regulations may be required by the planning commission;
- (8) The floor area ratio shall not exceed twenty-five percent.

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## Chapter 16.37

### C-2-S NEIGHBORHOOD COMMERCIAL DISTRICT, SPECIAL

#### Sections:

- 16.37.010 Permitted uses.
- 16.37.020 Conditional uses.
- 16.37.030 Development regulations.

**16.37.010 Permitted uses.** Permitted uses in the C-2-S district, all within a building, are as follows:

- (1) Retail sales;
- (2) Financial services including, but not limited to, bank, realty, insurance;
- (3) Professional offices;
- (4) Personal services;
- (5) Restaurants including full service and fast food, but excluding (a) restaurants serving beer, wine, or alcoholic beverages of any type, and (b) restaurants providing live music or entertainment;
- (6) Other similar and compatible neighborhood commercial uses; and
- (7) Residential dwelling units.

**16.37.020 Conditional uses.** Conditional uses allowed in the C-2-S district, subject to obtaining a use permit, are as follows:

- (1) Service stations, with or without automotive repair, car wash and/or mini-mart;
- (2) Cafes, restaurants or other retail establishments where beer, wine, or alcoholic beverages of any type are sold;
- (3) Restaurants providing live music or entertainment;
- (4) Special uses in accordance with Chapter 16.78;
- (5) Uses conducted outside of a building; and
- (6) Public utilities in accordance with Chapter 16.76.

**16.37.030 Development regulations.** Development regulations in the C-2-S district are intended to be flexible and to encourage innovative site and design solutions that will accommodate the uses allowed in this district.

- (1) Minimum district size: twenty five thousand square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-S district shall be no less than twenty five thousand square feet;
- (3) Minimum lot dimensions: none;
- (4) The maximum number of residential dwelling units shall not exceed 18.5 dwelling units per acre;
- (5) In the case of conditional uses, additional regulations may be required by the Planning Commission;
- (6) The floor area ratio shall not exceed 50 percent; and
- (7) General Requirements: Setbacks, building heights, distances between buildings, lot coverage, parking requirements, and landscaping requirements shall be established by the Planning Commission for each development. A development plan shall be submitted for preliminary review by the Community Development Director and for final review and approval by the Planning Commission. The development plan shall include the following:
  - (a) The development plan submitted for the project shall be consistent with the Willow Road Design Guidelines available at the Community Development Department. Adequate parking shall be provided for the uses proposed. All development plans shall include provisions for reciprocal parking among the tenants of the affected properties, and if multiple parcels are involved, among the owners of the parcels;

## C-2-S NEIGHBORHOOD COMMERCIAL DISTRICT, SPECIAL

- (b) A plot plan map which shows:
  - i. Existing and proposed public street and sidewalk improvements,
  - ii. Lot design,
  - iii. Areas proposed to be dedicated or reserved for any public use including, but not limited to, public utility easements, public buildings and public land uses,
  - iv. Parking and interior traffic flow, including parking ratios,
  - v. Land use within five hundred feet of the external boundary of the proposed development;
- (c) Site details for the proposals, including:
  - i. Preliminary building plans, including generalized elevations,
  - ii. Building heights,
  - iii. Lot or area coverages,
  - iv. Distance between structures,
  - v. Setbacks from interior lot lines,
  - vi. Setbacks from street rights-of-way,
  - vii. Landscaping, screening, lighting, utilities, and trash enclosures,
  - viii. Floor area ratio of structures;
- (d) Development schedule, including date of commencement of construction, annual accomplishment, and completion of development; and
- (e) Any other reasonable related information necessary for the Planning Commission to act.

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## Chapter 16.38

### C-2 NEIGHBORHOOD SHOPPING DISTRICT

#### Sections:

- 16.38.010 Permitted uses.
- 16.38.020 Conditional uses.
- 16.38.030 Development regulations.

**16.38.010 Permitted uses.** Permitted uses in the C-2 district, all within buildings, intended primarily to serve the immediate neighborhood, are as follows:

- (1) Retail services such as food, drugs, apparel, hardware, variety, restaurant;
- (2) Financial services such as bank, realty;
- (3) Professional services such as medical, dental, legal;
- (4) Personal services such as barber, beauty, laundrette, dry cleaning, shoe repair.

**16.38.020 Conditional uses.** Conditional uses allowed in the C-2 district, subject to obtaining a use permit, are as follows:

- (1) Service stations;
- (2) Special outside events such as sales and displays;
- (3) Public utilities in accordance with Chapter 16.76;
- (4) Special uses in accordance with Chapter 16.78.

**16.38.030 Development regulations.** Development regulations in the C-2 district are as follows:

- (1) Minimum lot area -- three acres;
- (2) Minimum lot dimensions -- two hundred feet width and depth;
- (3) Required minimum yards -- fifteen feet front; twenty feet rear; twenty feet side;
- (4) Land cover by all structures shall not exceed fifty percent of building site;
- (5) Not less than ten percent of building site shall be occupied by appropriate landscaping;
- (6) Height of structures shall not exceed fifteen feet within seventy-five feet of any residential district, otherwise thirty feet;
- (7) In the case of conditional uses, additional regulations may be required by the planning commission;
- (8) The floor area ratio shall not exceed forty percent.

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## Chapter 16.39

### C-2-A NEIGHBORHOOD SHOPPING DISTRICT, RESTRICTIVE

#### Sections:

- 16.39.010 Permitted uses.
- 16.39.015 Administratively permitted uses.
- 16.39.020 Conditional uses.
- 16.39.030 Development regulations.

**16.39.010 Permitted uses.** Permitted uses in the C-2-A district, all within buildings and not requiring new construction thereof, intended primarily to serve the immediate neighborhood, and limited strictly to the hours of eight a.m. and eight p.m., including loading and unloading of any kind, are as follows:

- (1) Retail services, such as food, drugs, apparel, hardware and variety;
- (2) Financial services such as bank, realty, unless an administrative permit is required pursuant to Section 16.39.015;
- (3) Professional services such as medical, dental, legal, unless an administrative permit is required pursuant to Section 16.39.015;
- (4) Personal services such as barber, beauty, laundrette, dry cleaning, shoe repair;
- (5) Restaurants, excluding (a) fast food restaurants, (b) drive-in restaurants, (c) restaurants serving beer, wine or alcoholic beverages of any type, and (d) restaurants providing live music or entertainment.

**16.39.015 Administratively permitted uses.** Uses allowed in the C-2-A district, subject to obtaining an administrative permit, are as follows:

- (1) Financial services such as bank, realty, when there is a structural alteration and a change in use to said use;
- (2) Professional services such as medical, dental, legal, when there is a structural alteration and a change in use to said use.

**16.39.020 Conditional uses.** Conditional uses allowed in the C-2-A district are as follows:

- (1) The above specified uses between the hours of eight p.m. and eight a.m., and all of the uses listed in Section 16.39.010 for which new construction is required;
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Special uses in accordance with Chapter 16.78.

**16.39.030 Development regulations.** Development regulations in the C-2-A district are as follows:

- (1) Minimum district size -- twenty-five thousand square feet;
- (2) Minimum lot area -- none, except that the cumulative lot area of all property within the C-2-A district shall be no less than twenty-five thousand square feet;
- (3) Minimum lot dimensions -- none;
- (4) Required minimum yards -- front, fifteen feet; side, none; rear, none; except when abutting a residential district where a twenty-foot yard shall be provided;
- (5) Land covered by all structures shall not exceed fifty percent of building site;
- (6) Not less than ten percent of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed one story;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio shall not exceed forty percent.

## Chapter 16.40

### C-2-B NEIGHBORHOOD COMMERCIAL DISTRICT, RESTRICTIVE

#### Sections:

- 16.40.010 Permitted uses.
- 16.40.015 Administratively permitted uses.
- 16.40.020 Conditional uses.
- 16.40.030 Development regulations.

**16.40.010 Permitted uses.** Permitted uses in the C-2-B district, all within a building and not requiring new construction thereof, and intended primarily to serve the immediate neighborhood and limited strictly to the hours between eight a.m. and eight p.m., including loading and unloading of any kind, are as follows:

- (1) Retail services;
- (2) Financial services, unless an administrative permit is required pursuant to Section 16.40.015;
- (3) Professional services, unless an administrative permit is required pursuant to Section 16.40.015;
- (4) Personal services;
- (5) Restaurants, excluding (a) fast food restaurants, (b) drive-in restaurants, (c) restaurants serving beer, wine or alcoholic beverages of any type, and (d) restaurants providing live music or entertainment.

**16.40.015 Administratively permitted uses.** Uses allowed in the C-2-B district, subject to obtaining an administrative permit, are as follows:

- (1) Financial services, when there is a structural alteration and a change in use to said use;
- (2) Professional services, when there is a structural alteration and a change in use to said use.

**16.40.020 Conditional uses.** Conditional uses allowed in the C-2-B district, subject to obtaining a use permit, are as follows:

- (1) All of the uses listed in Section 16.40.010, for which new construction is required;
- (2) All of the above specified uses between the hours of eight p.m. and eight a.m., or when not intended to serve primarily the immediate neighborhood;
- (3) Service stations;
- (4) Automotive repair with service station;
- (5) Offices;
- (6) Mortuaries;
- (7) Convalescent homes;
- (8) Mini-warehouse storage facility for storage of personal belongings;
- (9) Cafes and restaurants where beer, wine, or alcoholic beverages of any type are served;
- (10) Public utilities in accordance with Chapter 16.76;
- (11) Special uses in accordance with Chapter 16.78.

## **C-2-B NEIGHBORHOOD COMMERCIAL DISTRICT, RESTRICTIVE**

**16.40.030 Development regulations.** Development regulations in the C-2-B district are as follows:

- (1) Minimum district size: twenty-five thousand square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten feet; side, none; rear, none; except when abutting a residential district where twenty-foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent of building site;
- (6) Not less than ten percent of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed thirty feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio shall not exceed 40%, except that 50% may be allowed with use permit approval and a minimum lot size of 20,000 square feet.

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## Chapter 16.42

### C-4 GENERAL COMMERCIAL DISTRICT

#### Sections:

- 16.42.010 Permitted uses.
- 16.42.015 Administratively permitted uses.
- 16.42.020 Conditional uses.
- 16.42.030 Development regulations.

**16.42.010 Permitted uses.** Permitted uses in the C-4 district, all within a building and not requiring new construction therefor, are as follows:

- (1) Retail stores;
- (2) Financial establishments, unless an administrative permit is required pursuant to Section 16.42.015;
- (3) Professional and administrative offices, unless an administrative permit is required pursuant to Section 16.42.015;
- (4) Personal services;
- (5) Cafes and restaurants not serving liquor.

**16.42.015 Administratively permitted uses.** Uses allowed in the C-4 district, subject to obtaining an administrative permit, are as follows:

- (1) Financial establishments, when there is a structural alteration and a change in use to said use;
- (2) Professional and administrative offices, when there is a structural alteration and a change in use to said use.

**16.42.020 Conditional uses.** Conditional uses allowed in the C-4 district, subject to obtaining a use permit are as follows:

- (1) All of the uses listed in Section 16.42.010, for which new construction is required;
- (2) Automotive sales and repair;
- (3) Service stations;
- (4) Cafes and restaurants where liquor or live entertainment are provided.
- (5) Commercial recreation;
- (6) Motels;
- (7) Mortuaries;
- (8) Veterinary hospitals;
- (9) Public utilities in accordance with Chapter 16.76;
- (10) Special uses in accordance with Chapter 16.78.

**16.42.030 Development regulations.** Development regulations in the C-4 district are as follows:

- (1) Minimum lot area, none;
- (2) Minimum lot dimensions, none;
- (3) Required minimum yards, none;
- (4) Maximum land coverage, none;
- (5) Not less than five percent of building site shall be occupied by appropriate landscaping;
- (6) Height of structures shall not exceed thirty feet;
- (7) In the case of conditional uses, additional regulations may be required by the planning commission;
- (8) The floor area ratio shall not exceed forty percent.

## Chapter 16.46

### M-2 GENERAL INDUSTRIAL DISTRICT

#### Sections:

- 16.46.010 Permitted uses.
- 16.46.015 Administratively permitted uses.
- 16.46.020 Conditional uses.
- 16.46.030 Development regulations.

**16.46.010 Permitted uses.** Permitted uses in the M-2 district, all within a building and not requiring new construction or structural alterations therefor (except for those structural alterations enumerated below) and not having any noxious or hazardous character, are as follows:

- (1) General industrial uses including but not limited to warehousing, manufacturing, printing, assembling;
- (2) Offices;
- (3) All of the uses listed above involving any of the following structural alterations:
  - (a) seismic or Americans with Disabilities Act (ADA) compliant upgrades,
  - (b) structural alterations that affect 10,000 square feet or less of gross floor area of a building during a 12-month period measured from final inspection to building permit issuance, or
  - (c) structural alterations that affect more than 10,000 square feet of gross floor area of a building, where said alterations do not both change the use and increase the intensity of a building.

**16.46.015 Administratively permitted uses.** Uses allowed in the M-2 district, subject to obtaining an administrative permit, are as follows:

- (1) Any outside storage of material, equipment or vehicles associated with the main use.

**16.46.020 Conditional uses.** Conditional uses allowed in the M-2 district, subject to obtaining a use permit, are as follows:

- (1) All of the uses listed in Section 16.46.010, for which new construction or structural alterations are required, except for the structural alterations permitted therein;
- (2) Activities similar to those listed in Section 16.46.010, but involving the use of hazardous material, provided there are adequate safeguards therefor;
- (3) Cafes, intended to serve the employees of the immediate area;
- (4) Convenience stores to serve the employees of the immediate area and limited to hours of operation between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday;
- (5) Personal services such as barber, beauty, laundrette, dry cleaning and shoe repair meant to serve the employees of the immediate area and limited to hours of operation between 7:00 a.m. and 7:00 p.m., Monday through Saturday;
- (6) Day care facilities to serve the employees of the immediate area;
- (7) Public utilities in accordance with Chapter 16.76;
- (8) Special uses in accordance with Chapter 16.78.

## M-2 GENERAL INDUSTRIAL DISTRICT

**16.46.030 Development regulations.** Development regulations in the M-2 district are as follows:

- (1) Minimum lot area -- Twenty-five thousand square feet;
- (2) Minimum lot dimensions -- One hundred feet width; one hundred feet depth;
- (3) Required minimum yards -- Twenty feet front; rear, none except twenty feet where abutting residential districts; side, ten feet, except that side yard may be reduced to zero feet provided the side yard is correspondingly increased;
- (4) Land cover by all structures shall not exceed fifty percent of building site;
- (5) Height of structures shall not exceed thirty-five feet; however, additional height may be permitted subject to obtaining a conditional development permit;
- (6) In the case of conditional uses, additional regulations may be required by the planning commission.
- (7) The floor area ratio shall not exceed fifty-five percent for general industrial uses, including but not limited to, warehousing, manufacturing, printing, assembling, related office and laboratory uses, and shipping and receiving, and forty-five percent for offices.

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## Chapter 16.47

### M-3 COMMERCIAL BUSINESS PARK

#### Sections:

- 16.47.010 Purpose
- 16.47.015 Applicability
- 16.47.020 Permitted Uses
- 16.47.030 Conditional Uses
- 16.47.040 Development Regulations

**16.47.010 Purpose.** The purpose and intent of the M-3 district is to:

- (1) Provide for zoning that would accommodate uses ranging from office to light industrial, including research & development businesses, allowing for modern business practices that often lead to shifts in primary business functions over time.
- (2) Provide an area that accommodates hotel uses to serve local and regional demand.
- (3) Allow supportive commercial services for nearby employment and hotel uses.
- (4) Provide a benefit to the City of Menlo Park that is negotiated through a Development Agreement in exchange for an increase in Floor Area Ratio (FAR) in order for the City to obtain enhanced revenue or a specific use that provides consistent revenue that would otherwise not be accomplished without the bonus FAR or that the bonus provides an amenity or promotes a City goal that would not otherwise be feasible or achievable.

**16.47.015 Applicability.** The district shall be limited to two areas with boundaries delineated by: (1) the Bayshore Freeway (US101), Independence Drive, and Chrysler Drive; and (2) the Bayfront Expressway (SR84), Independence Drive, Constitution Drive, and Chrysler Drive.

**16.47.020 Permitted Uses.** Permitted uses in the M-3 district are as follows:

- (1) Administrative and Professional Offices, excluding medical/dental offices;
- (2) Research & Development;
- (3) Light Industrial;

**16.47.030 Conditional Uses.** Conditional uses allowed in the M-3 district, subject to obtaining a conditional development permit or a use permit are as follows:

- (1) A range of commercial uses, such as hotels, health and fitness centers, and uses that provide services to the surrounding community, such as restaurants, retail, personal services, financial establishments, and child care that provide services to the surrounding business community.
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Special uses in accordance with Chapter 16.78;
- (4) Activities involving the incidental use of hazardous materials, and provided there are adequate safeguards therefor.

## M-3 COMMERCIAL BUSINESS PARK

**16.47.040 Development regulations.** Development regulations in the M-3 district are as follows,

- (1) Minimum lot area: 3 acres;
- (2) Minimum lot dimensions: 200 feet by 200 feet;
- (3) Minimum yards: 20 feet front, rear, and sides.
- (4) Land cover by all structures shall not exceed 45%
- (5) Minimum open space (landscaping) shall be 35%;
- (6) Maximum floor area ratio (FAR) shall not exceed 45% except, except through a Development Agreement on project areas greater than 10 acres in aggregate, in which case the maximum cannot exceed 137.5% total, with office-type uses limited to 100%. Provided the overall FAR is not exceeded for the applicable project area, the maximum FAR may be exceeded on a per parcel basis as set forth in the Conditional Development Permit.
- (7) Maximum height of structures shall be 45 feet.
- (8) In the case of conditional uses, the Planning Commission may require additional regulations.

### Chapter 16.48

#### OSC OPEN SPACE AND CONSERVATION DISTRICT

**Sections:**

- 16.48.010 Purpose.
- 16.48.020 Definitions.
- 16.48.030 Permitted uses.
- 16.48.040 Conditional uses.
- 16.48.050 Development regulations.

**16.48.010 Purpose.** The purpose and intent of this district is:

- (1) To protect the public health, safety and welfare;
- (2) To protect and preserve open space land as a limited and valuable resource;
- (3) To assure its continued availability for the following: As agricultural land, scenic land, recreation land, conservation or natural resource land; for the containment of urban sprawl and the structuring of urban development, and for the retention of land in its natural or near natural state to protect life and property in the community from the hazards of fire, flood and seismic activity; and
- (4) To coordinate with and carry out federal, state, regional, county and city open space plans.

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## OSC OPEN SPACE AND CONSERVATION DISTRICT

**16.48.020 Definitions.** As used in this chapter and the implementation thereof, unless otherwise apparent from the context, the following definitions shall apply:

- (1) "Conservation or natural resource" includes, but is not necessarily limited to, streams, watersheds, ground water recharge, soils, wildlife habitat, as defined herein, special land forms, natural vegetation;
- (2) "Conservation or natural resource land" means land which possesses or encompasses conservation or natural resources;
- (3) "Open space and conservation district" means any area of land or water designated "OSC" and subject to all of the terms and regulations of this chapter;
- (4) "Open space land" means any parcel or area of land essentially unimproved or in its natural state, and devoted to an open space use as defined herein, and which is designated in the open space and conservation element for an open space use;
- (5) "Open space use" means the use of land for:
  - (a) Public recreation,
  - (b) Enjoyment of scenic beauty,
  - (c) Conservation or use of natural resources,
  - (d) Managed resource production,
  - (e) Public safety,
  - (f) Structuring urban growth;
- (6) "Recreation land" means any area of land or water susceptible to recreational uses;
- (7) "Scenic land" means any area of land or water which possesses scenic qualities worthy of preservation;
- (8) "Wildlife habitat" means any area of land or water valuable or necessary to the preservation or enhancement of wildlife resources.

**16.48.030 Permitted uses.** The only permitted use in the OSC zoning district is accessory structures.

**16.48.040 Conditional uses.** Conditional uses which may be allowed in the OSC district, subject to obtaining a use permit are as follows:

- (1) Public or private recreation facilities;
- (2) Public buildings;
- (3) Salt evaporation ponds for salt extraction;
- (4) Agricultural uses;
  - (a) Animal husbandry,
  - (b) Crop, wine or tree farm, greenhouse, horticulture,
  - (c) Dairying,
  - (d) Livestock farming;
- (5) Botanical conservatories, outdoor nature laboratories and similar facilities;
- (6) Native wildlife sanctuaries;
- (7) Accessory buildings and accessory uses.

**16.48.050 Development regulations.** Development regulations in the OSC district are as specified in the use permit. The total gross floor area of all buildings shall not exceed 2.5% of the total lot area.

## Chapter 16.49

### P-F PUBLIC FACILITIES DISTRICT

#### Sections:

- 16.49.010 Purpose.
- 16.49.020 Permitted uses.
- 16.49.030 Conditional uses.
- 16.49.040 Development regulations.

**16.49.010 Purpose.** The purpose and intent of this district is to accommodate governmental public utility and educational facilities.

**16.49.020 Permitted uses.** The following uses are permitted in the P-F district:

- (1) All public facilities used and operated for government purposes by the city of Menlo Park, the county of San Mateo, the state of California, and the government of the United States;
- (2) All public facilities, as to which the Menlo Park Zoning Ordinance has been made inapplicable pursuant to Government Code Section 53094, by any public school district.

**16.49.030 Conditional uses.** The following uses may be allowed subject to obtaining a use permit:

- (1) All uses of existing facilities and/or property by entities other than the above-mentioned governmental agencies and school districts, or said entities for nongovernmental purposes;
- (2) All facilities of any public utility.

**16.49.040 Development regulations.** Except for a maximum floor area ratio of 30%, there are no development regulations, except for conditional uses as specified in the use permit.

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## Chapter 16.50

### FP FLOOD PLAIN DISTRICT

#### Sections:

- 16.50.010 Permitted uses.
- 16.50.020 Conditional uses.
- 16.50.030 Development regulations.

**16.50.010 Permitted uses.** The following uses are permitted in the FP district:

- (1) Agricultural uses;
- (2) Accessory buildings;
- (3) Accessory structures;
- (4) Extraction of chemicals from sea water;
- (5) Dredging.

**16.50.020 Conditional uses.** Conditional uses allowed in the FP district, subject to obtaining a use permit, are as follows:

- (1) Public or private recreation facilities;
- (2) Sanitary landfill;
- (3) Kennels.

**16.50.030 Development regulations.** Except for the requirement that the total gross floor area of all buildings on a property shall not exceed 5,000 square feet, there are no development regulations, except for conditional uses, as specified in the use permit.

## Chapter 16.52

### P PARKING DISTRICT

#### Sections:

- 16.52.010 Permitted uses.
- 16.52.020 Conditional uses.
- 16.52.030 Development regulations.

**16.52.010 Permitted uses.** The following uses are permitted in the P district: Landscaped off-street parking lots.

**16.52.020 Conditional uses.** There are no conditional uses, subject to obtaining a use permit in the P district.

**16.52.030 Development regulations.** Development regulations in the P district are as follows:

- (1) Where abutting a residential district, the parking area shall be screened by a six foot high solid fence or wall, protected by a planter or bumper;
- (2) Plans shall be approved by the city engineer prior to development.

## Chapter 16.54

### H HISTORIC SITE DISTRICT

#### Sections:

- 16.54.010 Purpose.
- 16.54.020 Powers and duties of planning commission.
- 16.54.030 Designation of landmarks.
- 16.54.040 Procedure for designation of landmarks.
- 16.54.050 Conformity and building permits.
- 16.54.060 Suspension of action.
- 16.54.070 Unsafe or dangerous conditions.
- 16.54.080 Duty of repair.
- 16.54.090 Uses of H district sites.

**16.54.010 Purpose.** The purpose of this legislation is to promote the general welfare of the public through:

- (1) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived;
- (2) The development and maintenance of appropriate settings for such structures, sites or areas;
- (3) The enhancement of property values, the stabilization of neighborhoods and the increase of economic and financial benefits to the city and its residents;
- (4) The enrichment of the cultural and educational dimensions of human life by encouraging study and enjoyment of our historical heritage.

**16.54.020 Powers and duties of planning commission.** The planning commission:

- (1) Shall recommend to the city council an initial group of landmarks to be covered by this chapter, and
- (2) Shall review and make recommendations to the city council, after public hearing, concerning applications for designation as a landmark structure, site or area.

**16.54.030 Designation of landmarks.** The city council may, by ordinance, designate a structure or feature or integrated groups of structures or features on a single lot or site or man-made or natural landscape elements, having a special character or historical, architectural, or aesthetic interest or value as a landmark and shall designate a landmark site for each landmark. The designating ordinance shall include a description and photos of the characteristics of the landmark which justify its designation and shall include the location and boundaries of the landmark site and a description of the features to be preserved.

**16.54.040 Procedure for designation of landmarks.**

- (1) Initiation of designation proceedings shall be by resolution of the city council or by written application of the owners of the property or their authorized agent, or by civic groups, public agencies or interested citizens. Application for designation shall be filed with the department of community development upon forms prescribed by the director of the department and shall be accompanied by a fee set by the city council.
- (2) Upon receipt of an application, the secretary of the planning commission shall set a date for a public hearing on such application. Notice of such hearing shall be given as set forth in Chapter 16.84. If the planning commission approves the designation, it shall transmit the application to the city council with the recommendation of the commission.

## H HISTORIC SITE DISTRICT

### 16.54.040 Procedure for designation of landmarks.

- (3) Upon receipt of the proposal for designation and the recommendation of the planning commission, the city clerk shall set a date for a public hearing thereon, following which the ordinance may be adopted.
- (4) Amendments or rescission of the designating ordinance may be initiated pursuant to a procedure similar to adoption of the designation ordinance.
- (5) In the event that the planning commission disapproves or modifies the application for designation, the applicant may appeal the decision to the city council. The method, provisions for notice, report of facts and reasons, and council action shall be the same as those provided in Chapter 16.86.

**16.54.050 Conformity and building permits.** No person shall carry out or cause to be carried out on a designated landmark structure, site or area, nor shall the department of community development approve or issue a permit for any construction, alteration, removal or demolition of a structure, feature or site, or for a change in use of a structure, site or area, except in conformity with this chapter and the provisions of Chapter 16.68.

**16.54.050 Conformity and building permits.** Requests to make changes in the interior or minor repairs to the exterior, such as painting, replacement of windows, awnings or nonstructural items may be approved by the department of community development, but only if the department determines that the proposal is not potentially detrimental to the landmark site, area or structure and that there would be no significant impact or detriment thereto. In that event, the department shall approve the request; otherwise, such requests shall be treated as an application for architectural control.

**16.54.060 Suspension of action.** If the application for architectural control proposes alterations, demolition or removal of a landmark, the planning commission may approve the application or suspend action on the application for a period not to exceed one hundred eighty days. The city council by resolution may, for good cause shown, extend the suspension for an additional period not to exceed one hundred eighty days, if the resolution is adopted not more than ninety days and not less than thirty days prior to expiration of the original one hundred eighty-day period.

**16.54.070 Unsafe or dangerous conditions.** None of the provisions of this chapter shall be construed to prevent any reasonable measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure or feature thereof where such condition has been declared unsafe or dangerous as per Uniform Building Code Section 203, and the Uniform Fire Code Section 1.207, by the building official or the fire chief and where the proposed measures are declared necessary by the above officials to correct the condition.

**16.54.080 Duty of repair.** The owner, lessee or other person in actual charge of a landmark shall comply with all applicable codes, laws and regulations governing the maintenance of the property. Such person shall keep in good repair all exterior portions of the property and all interior portions whose maintenance is necessary to prevent deterioration of any exterior portion or which are subject to control as specified in this chapter.

### 16.54.090 Uses of H district sites.

- (1) Permitted Uses. There are no permitted uses in the H District.
- (2) Conditional Uses. All uses in the H district are conditional uses, subject to obtaining a use permit.
- (3) Development Regulations. Except for a maximum floor area ratio of 45%, there are no development regulations, except those that are specified in the use permit.

## Chapter 16.55

### AAGP ALLIED ARTS GUILD PRESERVATION DISTRICT

#### Sections:

- 16.55.010 Purpose.
- 16.55.020 Allied Arts Guild Preservation Permit.
- 16.55.030 Permitted Uses.
- 16.55.040 Conditional Uses.
- 16.55.050 Development Regulations.

**16.55.010 Purpose.** The purpose and intent of the Allied Arts Guild Preservation District is to protect and enhance the historic character and function of the Allied Arts Guild in a manner that will perpetuate the historic and cultural significance of the properties and structures and enhance the residential neighborhood in which the Guild is located.

**16.55.020 Allied Arts Guild Preservation Permit.** The uses and development regulations shall be established through an Allied Arts Guild Preservation Permit (“Permit”). The Permit requires review and recommendation by the Planning Commission and review and approval by the City Council through public hearings in accordance with Chapter 16.84. All modifications to this Ordinance or to the Permit, unless specifically provided to the contrary in the Permit, require review and recommendation by the Planning Commission and review and approval by the City Council through public hearings in accordance with Chapter 16.88 and applicable law.

**16.55.030 Permitted Uses.** Permitted uses in the Allied Arts Guild Preservation District are established through the Allied Arts Guild Preservation Permit.

**16.55.040 Conditional Uses.** Conditional uses in the Allied Arts Guild Preservation District are established through the Allied Arts Guild Preservation Permit.

**16.55.050 Development Regulations.** Development regulations, including off-street parking requirements, in the Allied Arts Guild Preservation District are as specified in the Allied Arts Guild Preservation Permit. In no event, shall the maximum Floor Area Ratio exceed 15 percent.

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## Chapter 16.56

### X CONDITIONAL DEVELOPMENT DISTRICT

#### Sections:

- 16.56.005 Establishment of the X conditional development district.
- 16.56.010 Permitted uses.
- 16.56.020 Conditional uses.
- 16.56.030 Development regulations.

**16.56.005 Establishment of the X conditional development district.** The Conditional Development District, also referred to as "Combining District," is a zoning district specifically established for the purpose of combining special regulations or conditions with one of the zoning districts as set forth in Section 16.08.010.

**16.56.010 Permitted uses.** There are no permitted uses in the X district.

**16.56.020 Conditional uses.** Conditional uses allowed in the X district are all uses allowed in the district with which the X is combined.

**16.56.030 Development regulations.** Development regulations in the X district are as specified in the conditional development permit. In no event shall the number of dwelling units, Floor Area Ratio (FAR), or Floor Area Limit (FAL), exceed the development regulations as set forth in the zoning district with which the X - Conditional Development District is combined.

## Chapter 16.58

### SP-ECR/D EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN

#### Sections:

- 16.58.010 Purpose.
- 16.58.020 El Camino Real/Downtown Specific Plan.

**16.58.010 Purpose.** The purpose and intent of the El Camino Real/Downtown Specific Plan District is to preserve and enhance community life, character and vitality through public space improvements, mixed use infill projects sensitive to the small-town character of Menlo Park and improved connectivity.

**16.58.020 El Camino Real/Downtown Specific Plan.** Uses, development regulations, guidelines, definitions, off-street parking requirements, and other parameters for public and private development are established through the El Camino Real/Downtown Specific Plan. All modifications to this Ordinance or to the El Camino Real/Downtown Specific Plan require review and recommendation by the Planning Commission and review and approval by the City Council through public hearings in accordance with Chapter 16.88 and applicable law.

## Chapter 16.59

### LOTS

#### Sections:

- 16.59.010 Substandard lots.
- 16.59.020 Exclusion of easement area.
- 16.59.030 Improvement of lands not included in subdivision.

**16.59.010 Substandard lots.** Subject to the granting of a conditional use permit, any substandard lot may be used as a building site, provided that all other regulations of the applicable zoning district shall apply. Substandard lots are defined below.

(A) Single-family residential zoning districts, except for the R-1-U (LM) District:

- (1) For single-story development, substandard lots are those lots with less than 5,000 square feet of area;
- (2) For development of two or more stories, substandard lots are those lots which do not meet the minimum required lot width, depth and/or area of the zoning district in which the lot is located.

(B) For all other zoning districts, including the R-1-U (LM) district, substandard lots are those lots that do not meet the minimum required lot width, depth and/or area of the zoning district in which the lot is located.

**16.59.020 Exclusion of easement area.** For the purpose of determining minimum lot size and the number of units to be constructed on a particular building site, the planning commission shall have the discretion to include or exclude any portion of such building site occupied by any easement, depending upon the extent to which it impairs the use of the property.

**16.59.030 Improvement of lands not included in subdivision.** No parcel of land not part of a recorded subdivision shall be developed or improved and no building permit shall be issued for the erection of any structure thereon until a use permit therefor has been issued by the planning commission. When approving such use permit, the commission may require such improvements, dedications or conditions as may be required by the city subdivision ordinance (Title 15), as well as any other conditions deemed necessary to achieve the purposes of this title.

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## Chapter 16.60

### ENCROACHMENTS AND BALCONIES

#### Sections:

- 16.60.010 Permitted -- Into yards.
- 16.60.020 Balconies.

**16.60.010 Permitted -- Into yards.** Unless otherwise provided for a specific zoning district, architectural features on the main building, such as cornices, eaves, canopies and fireplaces may not extend more than three feet into any required yard where the setback is ten feet or greater, and not more than eighteen inches where the setback is less than ten feet; provided, however, that subject to architectural control, canopies over walkways to multiple dwellings may extend to the property line. Porches, decks, landing places or stairways, if open and uncovered, may project to within four feet of any side lot line, and not exceeding six feet into any required rear yard or front yard.

**16.60.020 Balconies.** A balcony is a platform which projects more than 18 inches from the wall of a building and which is required by law to be surrounded by a railing.

In the single family residential districts, balconies and/or decks above the first floor shall be located 20 feet or more from the side property lines and 30 feet or more from the rear property line. *(See Case 1).*

In the residential districts other than single family, balconies and/or decks above the first floor may be located at the building setback line, except when abutting a single family residential district where balconies and/or decks above the first floor on any side directly abutting a single family district shall be located 20 feet or more from the side property lines and 30 feet or more from the rear property line; notwithstanding, subject to obtaining a use permit, balconies and/or decks may be located at the building setback lines. *(See Cases 2 and 3).*

#### **16.60.020 Balconies.**

In the commercial and/or industrial districts balconies and/or decks above the first floor may be located at the building setback line, except when abutting a single family residential district where balconies and/or decks above the first floor on any side directly abutting a single family district shall be located 20 feet or more from the side property lines and 30 feet or more from the rear property line; notwithstanding, subject to obtaining a use permit balconies and/or decks may be located at the building setback lines. *(See Cases 4, 5 and 6).*

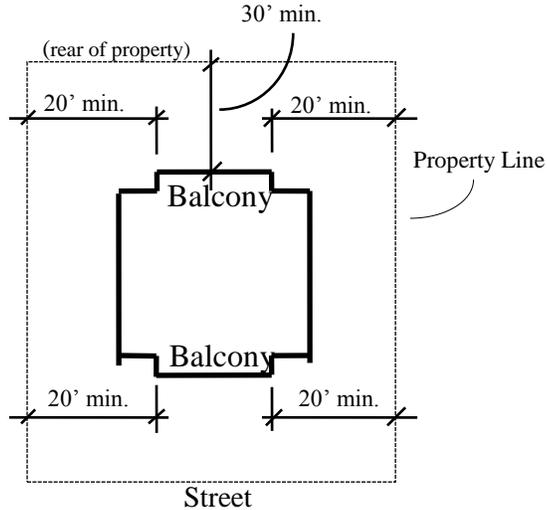
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## ENCROACHMENTS AND BALCONIES

### 16.60.020 Balconies.

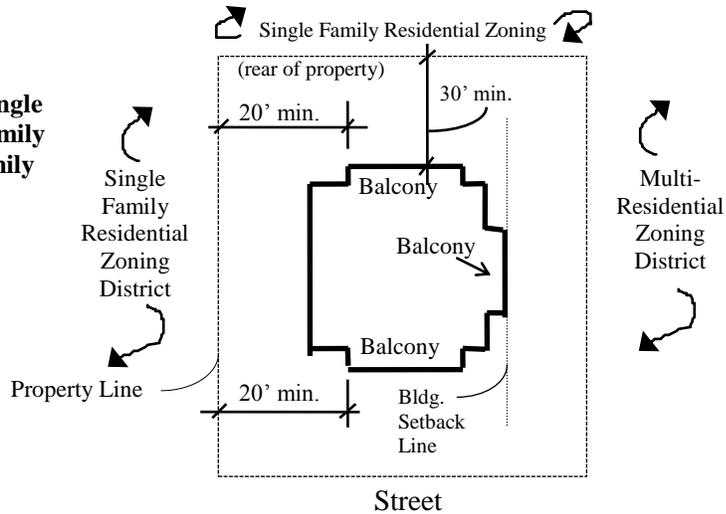
**CASE 1** Case 1 delineates the applicability of the ordinance in the single family residential districts, where balconies or decks are not allowed closer than 20 feet from the side property lines and 30 feet from the rear property line.

**CASE 1**  
**Single Family Residential**  
**Property Surrounded by Single**  
**Family Residential Properties**



**CASE 2** Case 2 applies to a condition where multiple residential property abuts single family residential zoning on one side, multiple residential zoning on the opposite side and single family residential zoning at the rear of the property. Under this condition, balconies or decks are not allowed closer than 20 feet from the side property lines and 30 feet from the rear property lines on the sides abutting the single family residential districts. On the side abutting the multiple residential zoning district, balconies and decks are allowed to be placed at the building setback line.

**CASE 2**  
**Residential, Other Than Single**  
**Family, Abutting Single Family**  
**Residential and Multi-Family**  
**Residential Districts**

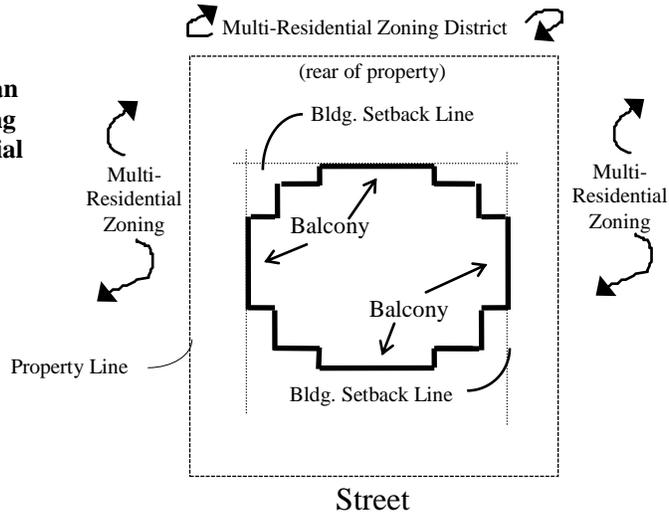


## ENCROACHMENTS AND BALCONIES

### 16.60.020 Balconies.

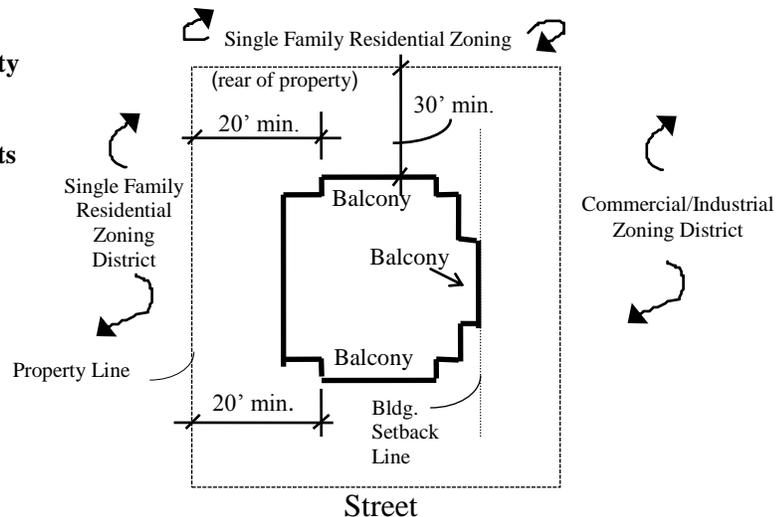
**CASE 3** Case 3 depicts property surrounded by multiple residential zoning. Under these conditions, balconies and decks are allowed to be placed at the building setback line.

**CASE 3**  
Residential, Other Than  
Single Family, Abutting  
Multi-Family Residential  
Districts



**CASE 4** Case 4 describes the conditions where commercial and/or industrial property abuts single family residential on one side, commercial and/or industrial on the opposite and single family residential zoning at the rear of the property. Under these conditions, balconies or decks are not allowed closer than 20 feet from the side property lines and 30 feet from the rear property line on the side abutting the single family residential district. Along the side where the property abuts either commercial or industrial zoning, balconies and/or decks are allowed to be placed at the building setback line.

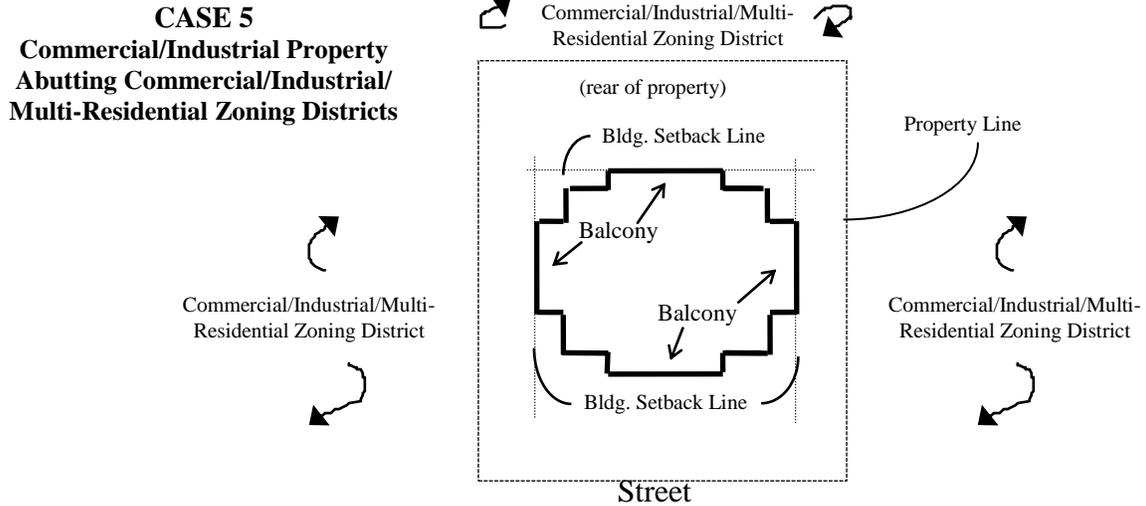
**CASE 4**  
Commercial/Industrial Property  
Abutting Single Family  
Residential and  
Commercial/Industrial Districts



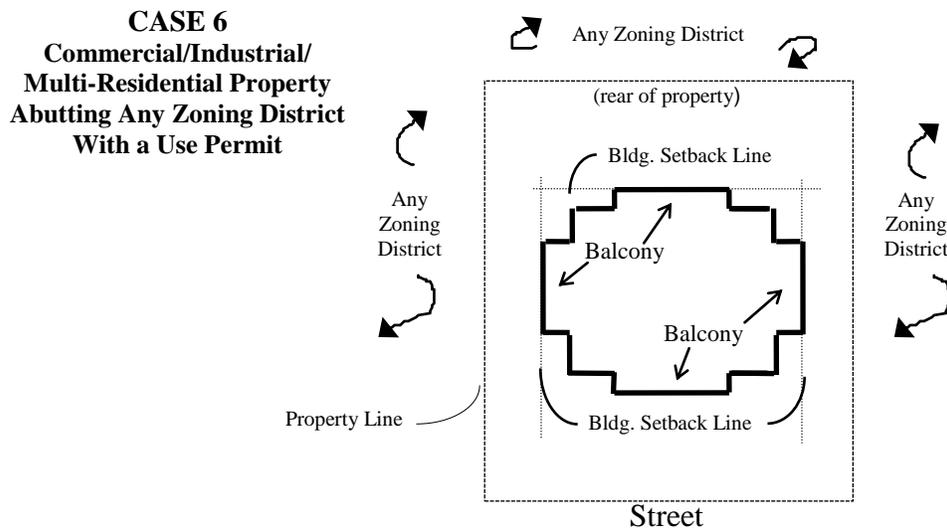
## ENCROACHMENTS AND BALCONIES

### 16.60.020 Balconies.

**CASE 5** Case 5 illustrates a condition where property is surrounded by multiple residential, commercial or industrial zoning. Under these conditions, balconies and/or decks are allowed to be placed at the building setback line.



**CASE 6** Case 6 illustrates conditions where property could be surrounded by any type of zoning. Under these conditions, balconies and/or decks may be allowed to be placed at the building setback line provided a use permit is obtained from the Planning Commission. Under these conditions, the Planning Commission has the discretion of whether or not to allow the placement of decks at the building setback line.



## Chapter 16.62

### YARDS

#### Sections:

- 16.62.010 Setback from plan lines.
- 16.62.020 Dwelling groups.

**16.62.010 Setbacks from plan lines.** Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no case shall the provisions of this chapter be construed as permitting any encroachment upon any official plan line.

**16.62.020 Dwelling groups.** Dwelling groups shall be constructed so that the following minimum distances are provided:

- (1) Minimum of ten feet between buildings;
- (2) Minimum of twelve feet between side yard line and access side of single row dwelling groups;
- (3) Minimum of twenty feet between access side of buildings in double rows.

## Chapter 16.64

### FENCES, WALLS, TREES AND HEDGES

#### Sections:

- 16.64.010 Permits for fences, walls, hedges or similar structures in non-residential districts.
- 16.64.020 Height of fences, walls, hedges or similar structures in residential districts.
- 16.64.030 Procedures for exceeding height limits for fences, walls, hedges or similar structures on residential properties fronting Santa Cruz Avenue.
- 16.64.035 Design criteria for residential properties fronting Santa Cruz Avenue.
- 16.64.040 Required trimming of trees, shrubs and hedges adjacent to street corners.
- 16.64.050 Violation deemed private nuisance.
- 16.64.060 Trimming growth to avoid interference with use of sidewalks and roadways.
- 16.64.070 Unlawful growth – Notice to owner.
- 16.64.080 Removal of growth by City.
- 16.64.090 Cost of removal to be lien against property.
- 16.64.100 Dangerous trees.
- 16.64.110 Solar Access.

**16.64.010 Permits for fences, walls, hedges or similar structures in non-residential districts.** Except in a residential district, no person shall erect, construct, or maintain a fence, wall, hedge or similar structure on that portion of the parcel which is bounded by the front lot line, the side lot lines and an imaginary line drawn parallel to and through the wall of the building which is closest to the front lot line without the prior written approval of the Director of Community Development or his or her designee. Such approval shall not be required if such fence, wall, hedge or similar structure is included within a use permit, architectural control or other approval. The director shall grant or deny approval based on consideration of the following factors: 1) structural stability; 2) aesthetics; 3) general health, safety and welfare of the community; 4) clear lines of sight for vehicular and pedestrian traffic or other safety factor. The decision of the director shall be final unless appealed to the Planning Commission within 15 days after mailing the notice of the decision. Each appeal shall be accompanied by a fee set by the City Council. The appeal shall be set for public hearing before the Planning Commission.

## FENCES, WALLS, TREES AND HEDGES

### 16.64.020 Height of fences, walls, hedges or similar structures in residential districts.

- (A) The maximum height of fences, walls, hedges, or similar structures shall not exceed 4 feet in the required front setback. Otherwise the fence, wall, hedge or similar structure shall not exceed 7 feet in height. Height shall be measured from the finished grade at the location of the fence, wall, hedge or similar structure. If the finished grade varies on the two sides of the fence, the height shall be measured from the lower of the two finished grades.
- (B) The maximum height of fences, walls, hedges, or similar structures on corner lots shall not exceed 3 feet within the triangular area bounded on two sides by the right-of-way lines of the intersecting streets and the third side by a line joining points on the right-of-way lines at a distance of 35 feet from their point of intersection. Height shall be measured from the lowest edges of the constructed roadways or shoulders.
- (C) With the exception of residential properties fronting Santa Cruz Avenue, the height of fences, walls, hedges or similar structures in excess of the limitations stated in Subsections 16.64.020(A) and (B) may be allowed upon obtaining a use permit in accordance with the procedures and standards of Chapter 16.82. Heights in excess of these limitations for residential properties fronting Santa Cruz Avenue may be allowed in accordance with the provisions and standards of Section 16.64.030.

### 16.64.030 Procedures for exceeding height limits for fences, walls, hedges or similar structures on residential properties fronting Santa Cruz Avenue. Heights for fences, walls, hedges or similar structures as stated in Subsections 16.64.020 (A) and (B) may be exceeded for residential properties fronting on Santa Cruz Avenue in accordance with the following procedures:

- (A) Requests for exceeding height limitations shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed fence, wall, hedge or similar structure.
- (B) Upon receipt of an application, a notice shall be mailed 10 days prior to action being taken on the application to all property owners and residents within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll of the City. The notice shall include a copy of the proposed plans, the pending date of action, and the appeal procedure.
- (C) The Chief Planner or designee shall review all applications for compliance with design criteria as specified in Section 16.64.035 for safety considerations and with consideration of all comments received from the public. If the proposed fence, wall, hedge or similar structure is in compliance with the design criteria, does not create a safety hazard, and there are no substantial objections from the public, the application may be deemed approved. If the fence does not conform with the design criteria, creates a safety hazard, or there are substantial public objections, the application may be conditionally approved, denied or forwarded to the Planning Commission through the use permit process in accordance with the procedures and standards of Chapter 16.82.
- (D) All administrative decisions of the Chief Planner or designee shall be reported in writing to the Planning Commission and City Council and made available to the general public.
- (E) Any person may appeal a decision of the Chief Planner or designee to the Planning Commission. The appeal shall be made in writing and filed with the Chief Planner within 15 days following the final decision of the Chief Planner or designee. The appeal shall be accompanied by a fee, as set by the City Council, and shall clearly state the reason for the appeal. Upon receipt of an appeal, the Chief Planner shall set a time, which insofar as practicable shall be within 45 days after receipt of such appeal, for a public hearing on such appeal. Any person may appeal any order, requirement, decision or determination of the Planning Commission to the City Council in accordance with the provisions of Chapter 16.86.

## FENCES, WALLS, TREES AND HEDGES

**16.64.035 Design criteria for residential properties fronting Santa Cruz Avenue.** All requests for fences exceeding the height limitations as stated in Sections 16.64.020(A) and (B) for residential properties fronting on Santa Cruz Avenue shall adhere to the following design criteria:

- (A) **Materials.** Fence and wall materials and colors shall be compatible with the streetscape and surrounding environment. Use of chain link and barbed wire fencing shall be prohibited.
- (B) **Height and Setbacks.** The maximum height of the fence, wall, hedge or similar structure shall be determined by the setback distance between the front property line and the location of the fence, wall, hedge or similar structure. The maximum height of a fence, wall, hedge, or similar structure with a front setback of less than 2 feet shall be 4 feet. The maximum height of a fence, wall, hedge or similar structure with a front setback of 2 feet, but less than 6 feet, shall be 5 feet. Beginning with a 6 foot front setback, the maximum height of the fence, wall, hedge or similar structure shall increase on an even gradient from a maximum of 6 feet in height at a 6-foot front setback to 7 feet in height at a 20-foot front setback. Decorative columns or posts may be allowed to exceed the height of the primary portion of the fence.
- (C) **Landscaped Area.** All areas located between the front property line and fence, wall, hedge or similar structure shall be required to be irrigated and landscaped. If drought tolerant landscape material is used, irrigation will not be required.
- (D) **Design Variation.** All proposals for fences, walls, hedges and similar structures in excess of 4 feet in height shall incorporate design variation for a minimum of 20 % of the length of the fence, wall, hedge or similar structure. Design variations may include changes in height and/or the depth of setbacks for a portion of the length of the fence. The intent of the requirement for variation is to create visual interest.
- (E) **Entryway Identification.** All entryways onto the property, including, but not limited to front doors and driveways, shall be identified by gateways, openings in the fence, wall, hedge or similar structure, or by other architectural features.

**16.64.040 Required trimming of trees, shrubs and hedges adjacent to street corners.** All trees, shrubs and hedges located within the triangular area described in Section 16.64.020(B) and within the public right-of-way, shall be so trimmed that they will not materially restrict the line of sight of drivers approaching the intersection.

**16.64.050 Violation deemed private nuisance.** Any violation of the provisions of this chapter or of this title as such relates to hedges, shrubs or trees (except as it may relate to “street corners”) shall be presumed to be a private nuisance unless the City Council determines that such violation is one which affects at the same time an entire community or neighborhood or any considerable number of persons, in which case the City Council may declare it to be a public nuisance and cause the same to be abated by the persons and in the manner authorized by this code or other ordinances of the City.

**16.64.060 Trimming growth to avoid interference with use of sidewalks and roadways.** Any owner or occupant of a building, lot or premises shall keep trees, hedges and other growth on said premises properly trimmed in such a manner that the same shall not interfere with the free use of sidewalks, sidewalk areas and roadways.

## FENCES, WALLS, TREES AND HEDGES

**16.64.070 Unlawful growth – Notice to owner.** Whenever the owner or occupant of a building, lot or premises in the city fails to remove or to trim the trees, growth or hedges as herein before provided, the City Manager may give written notice of such failure to comply with the provisions of this chapter to the owner, if known, or to the occupant if there be any or, if the owner is not known and there is no occupant, to post such notice conspicuously on the property. The notice shall briefly describe the work to be done, shall refer to this chapter and shall contain a notification that unless the work shall be done within 10 days after the service or posting of the notice, the City Manager will cause such work to be done and that the costs and expenses thereof will be charged and made a lien against the property.

**16.64.080 Removal of growth by City.** If the work provided for by Section 16.64.070 is not done within 10 days after the services or posting of the notice the City Manager shall be authorized to do work and put the property in the condition required by this chapter.

**16.64.090 Cost of removal to be lien against property.** As soon as the work provided for by Sections 16.64.070 and 16.64.080 is completed, the City Manager shall render a statement showing the cost thereof and the property charged and thereafter deliver the same to the tax collector and thereafter the amount shall be a lien against the property, and shall be collected at the same time and in the same manner as other City taxes.

**16.64.100 Dangerous trees.** Any owner or occupant of a building, lot or premises shall remove any dead, diseased, infested or dying tree located on any private property so near to any street as to constitute a danger to street trees, streets, or portions thereof, or persons using said streets.

**16.64.110 Solar Access.** Trees, shrubs or bushes shall not be permitted to grow outside of the solar envelope of the parcel on which they are planted. Such trees, shrubs or bushes growing beyond the solar envelope as of the effective date of this section shall be excluded from the operation of this section.

## Chapter 16.65

### SOLAR ACCESS

#### Sections:

- 16.65.010 Protection of solar access.
- 16.65.020 Defining solar envelope.
- 16.65.030 Cluster housing.
- 16.65.040 Variance.

**16.65.010 Protection of solar access.** Neither architectural control nor a building permit shall be granted for the construction or remodeling of a structure if such construction or remodeling shall cause said structure to penetrate the solar envelope as established for the parcel on which the structure is located.

**16.65.020 Defining solar envelope.** The building department may, as a condition of granting a building permit, require the applicant to provide an appropriate survey to define the solar envelope for the particular parcel.

## SOLAR ACCESS

**16.65.030 Cluster housing.** Two or more residential units that are connected, attached or are part of the same building shall be deemed to occupy a single parcel for purposes of this chapter and as such shall be contained within the same solar envelope.

**16.65.040 Variance.** The requirements of this chapter shall be subject to the variance procedures set forth in this Title 16.

If the owner of the nearby or adjacent property protected by this chapter (servient tenement) conveys to the owner of the dominant tenement the right to penetration of the solar envelope of the dominant tenement to the detriment of the solar access of the servient tenement, no further conditions to the granting of the variance need be established.

## Chapter 16.66

### STREET IMPROVEMENTS AND DEDICATIONS

#### Sections:

16.66.010 Generally.

**16.66.010 Generally.** Whenever an official plan line has been established for any street abutting property zoned other than single family residential the city may, as a condition of granting a building permit for such property, require the improvement and dedication of any portion of such property between the plan line and the existing property line. This requirement also may be applied as a condition of rezoning of such property.

## Chapter 16.67

### DAYLIGHT PLANES

#### Sections:

16.67.010 Daylight planes in the R-E, R-E-S and R-2 zoning districts.

16.67.020 Daylight planes in the R-1-S and R-1-U zoning districts.

**16.67.010 Daylight planes in R-E, R-E-S and R-2 zoning districts.** Daylight planes for the main dwelling unit are established for each lot as follows:

- (A) Daylight plane: A daylight plane shall begin at a horizontal line at a certain distance directly above each side setback line of each lot and shall slope inwards at a 45 degree angle. The distance between the side setback line and the horizontal line directly above it shall be 19 feet, 6 inches above the grade of the side setback line. For an addition to an existing structure, such distance shall be the higher of:
- (1) 19 feet, 6 inches above the grade of the side setback line; or
  - (2) 18 feet above the underside of the actual first floor, measured at the side wall, or 20 feet, 6 inches above the grade of the sidewall, whichever is lower.

- (B) Gable and dormer intrusions: Gables and dormers may intrude into the daylight plane of a lot that is 10,000 square feet or less. The permitted intrusion shall decrease on an even gradient from 10 feet in the case of a 5 foot required side setback to no permitted intrusion in the case of an 8 foot required side setback. Thus the permitted intrusion will be 6 feet, 8 inches in the case of a 6 foot required side setback, 5 feet in the case of a 6.5 foot required side setback, and 3 feet, 4 inches in the case of a 7 foot required side setback. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:
- (1) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;
  - (2) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed 30 feet;
  - (3) The triangle must be entirely within the maximum building height.

**16.67.020 Daylight planes in R-1-S and R-1-U zoning districts.** Daylight planes for the main dwelling unit are established for each lot as follows:

- (A) Daylight plane: A daylight plane shall begin at a horizontal line at a certain distance directly above each side setback line of each lot and shall slope inwards at a 45 degree angle. The distance between the side setback line and the horizontal line directly above it shall be as follows:
- (1) Single-story development: 12 feet, 6 inches above the grade of the side setback line;
  - (2) Development of two or more stories: 19 feet, 6 inches above the grade of the side setback line. For an addition to an existing structure, such distance shall be the higher of:
    - (a) 19 feet, 6 inches above the grade of the side setback line; or
    - (b) 18 feet above the underside of the actual first floor, measured at the side wall, or 20 feet, 6 inches above the grade of the side wall, whichever is lower.

As used in this section, an "addition to an existing structure" does not include construction over a new foundation or construction cantilevered beyond a new or existing foundation, "grade of the side wall" means the average grade of the highest and lowest points of the natural grade of the portion of the lot covered by the side wall, and "grade of the side setback line" means the average grade of the highest and lowest points of the natural grade of the portion of the lot directly below the side setback line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided in Section 16.67.020(B) and chimneys, vents, flues and solar collectors.

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## DAYLIGHT PLANES

### 16.67.020 Daylight planes in R-1-S and R-1-U zoning districts.

- (B) Gable and dormer intrusions: Gables and dormers may intrude into the daylight plane of a lot as follows:
- (1) Single-story development: No permitted gable or dormer intrusions.
  - (2) Development of two or more stories: Gables and dormers may intrude into the daylight plane of a lot that is 10,000 square feet or less. The permitted intrusion shall decrease on an even gradient from 10 feet in the case of a 5 foot required side setback to no permitted intrusion in the case of an 8 foot required side setback. Thus the permitted intrusion will be 6 feet, 8 inches in the case of a 6 foot required side setback, 5 feet in the case of a 6.5 foot required side setback, and 3 feet, 4 inches in the case of a 7 foot required side setback. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:
    - (a) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;
    - (b) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed 30 feet;
    - (c) The triangle must be entirely within the maximum building height.

## Chapter 16.68

### BUILDINGS

#### Sections:

- 16.68.010 Height of public buildings.
- 16.68.020 Architectural control.
- 16.68.030 Accessory buildings and/or structures.

**16.68.010 Height of public buildings.** In any district with a height limit of less than seventy-five feet, public buildings, schools, churches, hospitals and communications equipment buildings permitted in such district may be erected to a height not exceeding seventy-five feet, provided that the front, rear and side yards shall be increased one foot for each one foot by which such building exceeds the height limit herein before established for such district.

## BUILDINGS

### **16.68.020 Architectural control.**

When an application is made for a building permit for the construction, alteration or remodeling of any building other than a single family dwelling, duplex and accessory building, or for any structure, dwelling or duplex on land designated as a historic landmark site, it shall be accompanied by architectural drawings showing elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to, required parking facilities. Such drawings shall be considered by the planning commission, architectural committee, or community development director which shall approve said application if the following findings are made:

- (1) That the general appearance of the structures is in keeping with character of the neighborhood;
- (2) That the development will not be detrimental to the harmonious and orderly growth of the city;
- (3) That the development will not impair the desirability of investment or occupation in the neighborhood;
- (4) That the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking;
- (5) That the development is consistent with any applicable Specific Plan.

The community development director shall be limited to approving minor modifications to buildings located in the M-2 General Industrial District. For purposes of this Section, a minor modification is considered one in which there is no increase in gross floor area.

Each request to alter a site or area and each application for a building permit to do work on a historic landmark site shall include plans and specifications showing the proposed landscaping or planting changes, exterior appearance, color and texture of materials, and architectural design and detail; drawings or photographs showing the property or site in the context of its surroundings may also be required. The application shall be considered by the planning commission or architectural committee which shall approve said application if the following findings are made:

- (1) That the proposed work is appropriate to and consistent with the purposes of Chapter 16.54, historic landmark site district;
- (2) That the proposed work will preserve, enhance or restore, and shall not damage or destroy (a) the exterior architectural features of the landmark, and (b) the major interior architectural features of a publicly owned landmark.

No building permit shall be issued in any case herein above mentioned until such findings have been made by the planning commission. All buildings, structures, alterations and other improvements shall be constructed in accordance with the approved drawings.

Notwithstanding the foregoing, this section shall not apply to building permits for the construction of multiple dwelling units in the R-4-S zoning district and no architectural control findings shall be required for any such permit, unless an applicant seeks to modify one or more of the design standards set forth in Section 16.23.070.

## BUILDINGS

### 16.68.030 Accessory buildings and accessory structures.

- (1) **Purpose.** The purpose of this section is to set forth regulations to control the development of accessory buildings and accessory structures to ensure their orderly development and compatibility of such uses with surrounding uses and properties, and to minimize impacts associated with such buildings and structures, which are purely ancillary and/or ornamental to the main building or use of the site.
- (2) **Requirements generally.** Unless otherwise provided for in a specific zoning district, requirements for accessory buildings and accessory structures in all zoning districts shall be stated in this section; except in non-residential zoning districts, accessory structures not meeting the development regulations may be permitted through approval of a use permit, architectural control, or other discretionary process as part of the project development, or through the approval of the Community Development Director provided the proposed accessory structure is consistent with the use of the site, is compatible with the site and surrounding land uses, and does not add gross floor area.
- (3) **Development Regulations.** Development regulations for accessory buildings (living and non-living space) and accessory structures are as follows:

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**Accessory Buildings and Accessory Structures**

<b>Size</b>	Building	The combined square footage of all levels of all accessory buildings and accessory structures shall not exceed 25 percent of the square footage of all levels of the main building or 700 square feet, whichever is greater. The size may be increased subject to a use permit and recordation of a condition and covenant relative to the use of the building.
	Structure	
<b>Minimum Yard (Front)</b>	Building	An accessory building shall be located on the rear half of the lot, except in the R-4-S zoning district where the minimum front setback is 50 feet. A use permit may be requested to modify the front setback requirement, so long as the minimum setback established for the main building as established by the zoning district in which the building is located is maintained.
	Structure	Minimum setback established for the main building as established by the zoning district in which it is located.
<b>Minimum Yard (Side, Interior)</b>	Building; Non-Living Space	Minimum 3 feet; 5 feet if abutting an alley
	Building; Living Space	Minimum setback established for the main building as established by the zoning district in which it is located. The minimum setback may be decreased subject to a use permit and recordation of a condition and covenant relative to the use of the building.
	Structure	Front half of lot: Minimum setback established for the main building as established by the zoning district in which it is located. Rear half of lot: Minimum 3 feet; 5 feet if abutting an alley
<b>Minimum Yard (Side, Corner)</b>	Building	Setback of adjacent lot
	Structure	Setback of adjacent lot
<b>Minimum Yard (Rear)</b>	Building; Non-Living Space	Minimum 3 feet; 5 feet if abutting an alley
	Building; Living Space	Minimum 10 feet; 5 feet if abutting an alley. The minimum setback may be decreased subject to a use permit and recordation of a condition and covenant relative to the use of the building.
	Structure	Minimum 3 feet, 5 feet if abutting an alley
<b>Separation Between Buildings</b>	Building	Minimum 10 feet from any dwelling on lot or adjacent lot, unless attached to a secondary dwelling unit
	Structure	None
<b>Height</b>	Building	Overall height – 14 feet See also Daylight Plane
	Structure	
<b>Daylight Plane</b>	Building	A daylight plane shall begin at a horizontal line 9 feet, 6 inches above the average natural grade at a line three feet from the side property lines and shall slope inwards at a 45 degree angle. There are no permitted intrusions into the daylight plane. Average natural grade means the average of the highest and lowest points of the natural grade of the portion of the lot directly below a line three feet from the side property lines.
	Structure	

## Chapter 16.70

### SWIMMING POOLS

#### Sections:

- 16.70.010 General requirements.
- 16.70.020 Filters, pumps and motors – Lot coverage.

**16.70.010 General requirements.** Swimming pools shall be subject to the requirements of Chapter 12.36 and shall not be constructed in any required front yard or closer than five feet to any rear lot line or side line. On the street side of any corner lot, where the rear lot line abuts a side lot line, no pool shall be located closer than ten feet to such side lot line.

**16.70.020 Filters, pumps and motors -- Lot coverage.** All sound producing equipment, such as filters, pumps and motors for such pools shall be contained in a soundproof enclosure. No pool shall occupy over forty percent of the required rear yard. A swimming pool shall not be considered in measuring maximum lot coverage unless actually covered by a roof. All pools shall be enclosed as required by the code.

## Chapter 16.72

### OFF-STREET PARKING

#### Sections:

- 16.72.010 Requirements generally.
- 16.72.020 R district uses.
- 16.72.030 Professional district uses.
- 16.72.040 C-2, C-2-A, C-2-B and C-4 district uses.
- 16.72.050 M-2 district uses.
- 16.72.060 Public utility facilities.
- 16.72.080 Other uses.

**16.72.010 Requirements generally.** Unless otherwise provided for a specific zoning district, off-street parking requirements in all districts and for all uses shall be as stated in this chapter; except in the single family residential districts, subject to approval of the planning commission, a portion of required parking area may be developed with appropriate landscaping. All required parking spaces and access thereto shall conform to City parking standards, as adopted by the city council. Assessment district, or other cooperative method approved by the city council, may be used in lieu of the stated requirements. Reductions in parking requirements for commercial and industrial land uses may be allowed through an Administrative Permit as outlined in Chapter 16.82.

**16.72.020 R district uses.** R district parking uses are as follows:

- (1) Dwellings: Two spaces per unit, not in any required front or side yard, at least one of which shall be in a garage or carport, unless otherwise specified. However, when required parking is provided in a detached garage or carport, the parking space may be located in the interior side yard, but not closer than three feet from the property line. Any garage or carport entrance fronting on any lot line, except an alley, shall be a minimum of 20 feet from such line. For alleys, the minimum setback for an entrance facing an alley is five feet.
- (2) Retirement living units: Adequate parking for the character of the occupancy but not less than one garage space per three units;

- (3) Boardinghouses: One space per two occupants, not in any required front or side yard. At least half of the required spaces shall be in a garage or carport;
- (4) Rest home, convalescent home: One space per four beds, not in any required front or side yard;
- (5) Churches: One space per five seats, not in any required front or side yard;
- (6) Offices: One space per two hundred square feet of gross floor area, not in any required yard abutting a street.
- (7) R-4 District. Units with two or more bedrooms require two off-street parking spaces per unit; one bedroom units require one and one-half off-street parking spaces per unit; studio units require one off-street parking space per unit; required off-street parking spaces cannot be located in any required front or side yard setback; each unit shall have at least one covered off-street parking space; one guest off-street parking space for every three units shall be provided on the site.

**16.72.030 Professional district uses.** Professional district uses are as follows:

- (1) C-1 and C-1-A districts: One space per two hundred square feet of gross floor area, not in any required yard abutting a street;
- (2) C-1-C district: One space per two hundred fifty square feet of gross floor area, not in any required yard abutting a street and not in the exterior one-half of any required yard abutting an R district.

**16.72.040 C-2, C-2-A, C-2-B and C-4 district uses.** C-2, C-2-A, C-2-B and C-4 district uses are as follows: six spaces per one thousand square feet of gross floor area, not in any required yard or loading area.

**16.72.050 M-2 and M-3 district uses.** M-2 and M-3 district uses are as follows: one parking space shall be provided for every 300 square feet of gross floor area not in the front one-quarter of any required front yard.

**16.72.060 Public utility facilities.** For public utility substations, pumping stations, equipment buildings and similar facilities, off-street parking shall be provided in the ratio of one space for each two employees on the maximum working shift, plus one space for each company vehicle permanently assigned to the facility. Where such facility is unmanned, no spaces need be provided.

**16.72.080 Other uses.** Other uses are as follows:

- (1) Well patient/short stay facility for surgery, medical and post operative care, requiring overnight stay: 1.25 spaces per bed plus 1 space per employee on the largest shift.

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## Chapter 16.74

### PARKING LOTS\*

#### Sections:

16.74.010 In residential districts.

**16.74.010 In residential districts.** Subject to obtaining a use permit, landscaped public or private parking lots may be located in residential districts on property adjacent to commercial districts.

\*For parking regulations near train stops, see section 16.76.050.

## Chapter 16.76

### PUBLIC UTILITIES

#### Sections:

16.76.010 Utility transmission -- Distribution facilities.

16.76.020 New, remodeled or existing structures -- Service connections to be underground when.

16.76.030 Location of substations, pumping stations and similar facilities.

16.76.040 Railroad-owned land -- Use permit required for use or development.

16.76.050 Parking near train stops.

16.76.060 Utility meters.

**16.76.010 Utility transmission distribution facilities.** Subject to obtaining a use permit, utility transmission facilities shall be allowed in all districts, without limitation as to height except as determined by the use permit.

Utility distribution facilities, including but not limited to electric, communications and cable television, shall be allowed in all districts, without limitation as to height; provided, however, that such facilities located in an established underground district or underground subdivision shall be placed underground, except equipment appurtenant to underground facilities such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

**16.76.020 New, remodeled or existing structures - Service connections to be underground when.**

Electric and communication service connections supplying service to any new structure, remodeled structure where the main service is changed, or existing structure where use permit is required, shall be placed underground. The owner of such structure shall be responsible for compliance with this requirement and shall submit evidence that necessary arrangements have been made with the public utility companies prior to obtaining a use permit or building permit.

Where compliance with this section would cause undue hardship, the planning commission may, upon application of the owner, permit other arrangements for electric or communication service; provided that facilities for future underground service are installed in the building.

The provisions of this section shall not be applicable to M-2 uses, single family dwellings or duplexes not located in an underground district or subdivision.

## PUBLIC UTILITIES

**16.76.030 Location of substations, pumping stations and similar facilities.** Public utility substations, pumping stations, equipment buildings and similar facilities may be located in any district, subject to obtaining a use permit, which shall be approved if it is found that the facility is necessary and designed in a manner compatible with the neighborhood wherein it is proposed to be located.

**16.76.040 Railroad-owned land -- Use permit required for use or development.** Any land owned by a railroad company, which land is adjacent to a railroad right-of-way, together with any portion of such right-of-way not occupied by tracks, shall not be used or developed in any manner without first obtaining a use permit therefor.

**16.76.050 Parking near train stops.** Adequate land area in the vicinity of any regularly scheduled train stop shall be reserved for the parking of vehicles driven by train passengers. Such land shall be reserved without charge or fee for such parking except as fees or charge may be required by the Public Utility Commission of the state.

**16.76.060 Utility meters.** Public utility meters in all districts shall be placed within a building or screened from view from any public area or adjacent buildings.

## Chapter 16.78

### SPECIAL USES

#### Sections:

- 16.78.010 Generally.
- 16.78.020 Consideration factors prior to permit issuance.
- 16.78.030 Uses designated.

**16.78.010 Generally.** All of the uses listed in this chapter, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their inclusion in any class or use set forth in the various districts herein defined, and therefore the authority for and location of the operation of any of the uses designated herein shall be subject to the issuance of a use permit in accordance with the provision of Chapter 16.82.

**16.78.020 Consideration factors prior to permit issuance.** In addition to the criteria for determining whether or not a use permit should be issued as set forth in Chapter 16.82, the planning commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with uses permitted in surrounding areas:

- (1) Damage or nuisance from noise, smoke, odor, dust or vibration;
- (2) Hazard from explosion, contamination or fire;
- (3) Hazard occasioned by unusual volume or character of traffic or the congregation of a large number of people or vehicles.

## SPECIAL USES

**16.78.030 Uses designated.** The uses referred to in this chapter are as follows:

- (1) Heliports, except in residential zoning districts;
- (2) Cemeteries, except in residential zoning districts;
- (3) The mining of natural mineral resources, together with the necessary building and appurtenances incident thereto, except in residential zoning districts;
- (4) Removal or deposit of earth other than excavations or deposits in connection with construction of buildings, roadways or public improvements, except in residential zoning districts;
- (5) Secondhand stores, except in residential zoning districts;
- (6) Adult entertainment establishments, except in residential zoning districts;
- (7) Retail sale of beer, wine, alcoholic beverages off sale or on sale except in residential zoning districts;
- (8) Massage establishments, except in residential zoning districts;
- (9) Retail sale of drug paraphernalia, except in residential zoning districts;
- (10) Storage for recreational vehicles, except in residential zoning districts;
- (11) Recycling centers for empty beverage containers pursuant to California Beverage Container Recycling and Litter Redemption Act, except in residential zoning districts;
- (12) Well patient/short stay facility for surgery, medical and post operative care, requiring overnight stay, except in residential zoning districts;
- (13) Recreational facilities privately operated, except in single-family residential and R-2 zoning districts;
- (14) Private schools and churches. Churches shall have a minimum site area of twenty thousand square feet;
- (15) Emergency services facilities, except in residential zoning districts;
- (16) Child care centers;
- (17) Retail sale or wholesale of firearms, cannons, guns, pistols, revolvers, rifles, airguns, BB guns or pellet guns or any instruments of any kind, character or description which throw or project bullets or missiles of any kind to any distance by means of elastic force, air or any explosive substance; ammunition or any projectiles that can be projected or propelled; and related merchandise, except within 150 feet of residential zoning districts.

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## Chapter 16.79

### SECONDARY DWELLING UNITS

#### Sections:

- 16.79.010 Purpose.
- 16.79.020 Permitted use.
- 16.79.030 Conditional use.
- 16.79.040 Development regulations.
- 16.79.045 Conversion of accessory buildings.
- 16.79.050 Mitigation monitoring.

**16.79.010 Purpose.** The purpose of this chapter is to set forth criteria and regulations to control the development of secondary dwelling units within the single-family residential zoning districts.

**16.79.020 Permitted use.** A secondary dwelling unit developed within the main dwelling or structurally attached to the main dwelling as defined in Section 16.04.145 Buildings, structurally attached, or a secondary dwelling unit detached from the main dwelling, are permitted in a single-family residential zoning district, subject to the provisions set forth in Section 16.79.040.

**16.79.030 Conditional use.** A secondary dwelling unit that is either attached or detached and requesting modification to the development regulations, except for items (2) density and (3) subdivision, as established in Chapter 16.79.040.

**16.79.040 Development regulations.** Development regulations for a secondary dwelling unit are as follows:

- (1) Minimum lot area: 6,000 square feet;
- (2) Density: No more than one (1) secondary dwelling unit may be allowed on any one (1) lot;
- (3) Subdivision: A lot having a secondary dwelling unit may not be subdivided in a manner that would allow for the main dwelling and secondary dwelling unit to be located on separate lots that do not meet the minimum lot area, width and/or depth required by the single-family zoning district in which the lot is located;
- (4) Minimum yards:
  - (a) Structurally attached secondary dwelling units: Secondary dwelling units developed within the main dwelling or structurally attached to the main dwelling as defined in Section 16.04.145 Buildings, structurally attached, shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located;

## SECONDARY DWELLING UNITS

### 16.79.040 Development regulations.

- (b) Detached secondary dwelling units: Detached secondary dwelling units shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located, with the exception that the minimum rear yard is 10 feet. Furthermore, the interior side and rear yards may be reduced to five (5) feet, subject to written approval of the owner(s) of the contiguous property abutting the portion of the encroaching structure. If the contiguous interior side or rear property line is an alley, the minimum setback is five (5) feet. The provision of 16.62.020(1) shall not apply to a detached secondary dwelling unit.
- (5) Unit size:
  - (a) The square footage of all levels of the secondary dwelling unit shall not exceed 640 square feet, except buildings complying with all aspects of the disabled access requirements for kitchens, bathrooms, and accessible routes established in the California Building Code for adaptable residential dwelling units shall have a maximum square footage of 700 square feet. The maximum square footage does not include the square footage of an attached accessory building for which there is no internal connection to the secondary dwelling unit;
  - (b) Secondary dwelling units shall be limited to studio or one-bedroom units and one bathroom.
- (6) Height: The maximum total height is 17 feet.
- (7) Daylight Plane: A daylight plane shall begin at a horizontal line 9 feet, 6 inches above the average natural grade at a line 3 feet from the side property lines and shall slope inwards at a 45 degree angle. There are no permitted intrusions into the daylight plane. Average natural grade means the average of the highest and lowest points of the natural grade of the portion of the lot directly below a line three feet from the side property lines.
- (8) Parking: One (1) off-street parking space, in addition to the required parking for the main dwelling unit, that may be provided in the following configurations and areas in addition to the areas allowed for the main dwelling:
  - (a) In tandem, meaning one car located directly behind another car, including a single-car driveway leading to two required parking spaces for the main dwelling;
  - (b) Within required interior side yards;
  - (c) Within required front yards if no more than 500 square feet of the required front yard is paved for motor vehicle use (inclusive of the main residence driveway and parking areas) and a minimum setback of 18 inches from the side property lines is maintained.

The required off-street parking can be provided in either a covered or uncovered space, but all covered parking shall comply with the setback requirements of the main dwelling, if the parking is attached, or the accessory building regulations, if the parking is detached.
- (9) Consistency: All secondary dwelling units shall comply with all applicable development regulations for the single-family zoning district in which the lot is located and building code requirements set forth in Title 12 Building and Construction of the Municipal Code unless otherwise provided for in this section;
- (10) Aesthetics: The secondary dwelling unit shall have colors, materials, textures and architecture similar to the main dwelling.

## SECONDARY DWELLING UNITS

### 16.79.040 Development regulations.

- (11) Tenancy: Either the main dwelling or the secondary dwelling unit shall be occupied by the property owner when both units are occupied as dwellings units. If a property owner does not occupy one of the dwelling units, the property owner may apply for a non-tenancy status for a term of one (1) year through a registration process established by the Community Development Director. To be eligible for the registration process, a property owner must have lived at the subject property for a minimum of two (2) years of the previous five (5) years from the date of application. The property owner may renew the registration annually, not to exceed four (4) years in total, subject to the review and approval of the Community Development Director, pursuant to the following criteria and process established by the Community Development Director.
- (a) The application for the registration and renewal(s) shall be accompanied by a fee, set by the City Council.
  - (b) The application for registration and renewal shall state the reason for the request and provide supporting documentation. The registration shall be approved for any of the following reasons: 1) temporary job relocation, with the intent to return, 2) relocation for school (e.g. mid-year career change), and 3) physically unable to live in the house.
  - (c) The application shall provide a property management plan that includes the name and contact information to address issues or concerns about the use of the property should they arise. The plan should also include information about parking, including 1) a site plan with the parking layout for the property, 2) how parking will be assigned between tenants, and 3) an action plan that demonstrates how parking issues will be resolved effectively and efficiently between tenants if tandem parking is provided.
  - (d) A use permit is required for non-tenancy status longer than four (4) years or for waiver of the requirement that the owner reside in the unit for not less than two (2) of the previous five (5) years prior to the date of application or for a reason other than those stated in item 2 above.

### 16.79.045 Conversion of accessory buildings.

- (1) An accessory building may be eligible to convert into a secondary dwelling unit, subject to meeting criteria as outlined in Section 16.79.045(2) and approval of an administrative permit per Chapter 16.82.
- (2) Eligibility: The following criteria must be met in order to be eligible for the conversion of an accessory building:
  - (a) The accessory building must have received building permits and commenced construction prior to June 13, 2014. Other supporting documentation to show the building was legally built may be substituted for a building permit subject to review by the Community Development Director.
  - (b) The property owner shall have one (1) year from June 13, 2014 to submit a complete administrative permit application, including all applicable fees and plans, to qualify for the conversion process.
  - (c) The accessory building must be upgraded to meet the Building Code requirements based on the change of occupancy at the time of the conversion.

## SECONDARY DWELLING UNITS

### 16.79.040 Development regulations.

- (d) The accessory building must meet all of the development regulations of Section 16.79.040, with the exception of minimum yards, which shall be established in the administrative permit.
- (3) All or any portion of an accessory building that meets the eligibility criteria as provided in this Section 16.79.045 may be demolished and reconstructed to meet the Building Code requirements based on the change of occupancy at the time of conversion. The secondary dwelling unit that replaces the accessory building may retain the setbacks and the footprint of the legally constructed accessory building. The existing setbacks and footprint of the accessory building must be evidenced by valid building permits or other supporting documentation subject to review by the Community Development Director. Nothing in this Section shall be deemed to authorize the expansion of the footprint or reduction of the setbacks beyond that evidenced by a valid building permit or other supporting documentation subject to review by the Community Development Director or to allow the continuation of any other nonconformity.
- (4) This section 16.79.045 shall sunset in its entirety and no longer be effective one (1) year from June 13, 2014 for any administrative permit application not received by said date. The City Council, by resolution, may extend the effective date without further public hearings by the Planning Commission and City Council.

**16.79.050 Mitigation Monitoring.** All second unit development shall comply, at a minimum, with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. 6149 associated with the Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment prepared for the Housing Element adopted on May 21, 2013.

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## Chapter 16.80

### NONCONFORMING USES AND STRUCTURES

#### Sections:

- 16.80.010 Determination of Nonconforming Uses and Structures.
- 16.80.020 Nonconforming Uses.
- 16.80.030 Nonconforming structures.
- 16.80.040 Restoration.
- 16.80.045 Replacement.
- 16.80.050 Elimination of nonconforming uses.
- 16.80.060 Amortization of nonconforming uses and structures.
- 16.80.070 Public hearing.
- 16.80.080 Exemption from floor area ratio requirements.
- 16.80.090 Exemption from floor area ratio reductions in the C-1, C-3 and C-4 El Camino Real Districts.
- 16.80.100 Exemption from use permit requirements in M-2 zone.
- 16.80.110 Exemption from gross floor area definition clarification.
- 16.80.120 Exemption from El Camino Real/Downtown Specific Plan

**16.80.010 Determination of nonconforming uses and structures.** Where uses of land legally exist or where structures legally have been constructed but such uses do not conform with the provisions of this title, such uses and structures are declared to be nonconforming.

**16.80.020 Nonconforming uses.** Nonconforming uses may continue subject to the following provisions:

- (1) A conditional use permit shall be obtained for all commercial uses located in a residential zoning district.
- (2) No nonconforming use may be enlarged or expanded, except as otherwise provided in this chapter.
- (3) If any nonconforming use is discontinued for a period of 90 days, any subsequent use of the land or structure housing such use shall conform to the regulations specified for the zoning district in which such land or structure is located.
- (4) A nonconforming use may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit therefor; however, a nonconforming use may not be changed to a less restrictive use.
- (5) Any use occupying a structure which is nonconforming because it does not satisfy the parking requirements for the zoning district in which it is located may be changed to a similar or more restrictive use, subject to the obtaining of a use permit therefor. A blanket use permit may be granted specifying one or more potential future uses based on the actual parking available. Properties where required spaces have been eliminated due to compliance with the Americans with Disabilities Act are not considered nonconforming in regard to parking for purposes of this section.

**16.80.030 Nonconforming structures.** Except as otherwise provided in this chapter, nonconforming structures may continue and may be maintained, repaired, altered and expanded, provided that no increase in the nonconformity results, all other applicable regulations are met, and the cost of such maintenance, repair, alteration, and/or expansion, when expressed as a percent of replacement cost of the existing structure, shall not exceed in any 12 month period the percentage shown in the following table for the applicable zoning district and project type, unless a conditional use permit is obtained.

## NONCONFORMING USES AND STRUCTURES

### 16.80.030 Nonconforming structures.

Zoning District	Single-Family Development – Single-Story	Single-Family Development – Two Story	All Other Development
R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U	75%	50%	50%
R-1-U (LM)	100%	100%	NA
All Other Districts	50%	50%	50%

**16.80.040 Restoration.** A nonconforming structure, or a structure housing a nonconforming use, which is destroyed to the extent of two times its assessed valuation at the time of its destruction by fire, explosion or any other catastrophe, may be restored and used only in accordance with the regulations specified for the district in which it is located, except for those nonconforming structures located in the multiple residential districts, which may be restored to the conditions existing at the time of destruction, provided that restoration is done in accordance with the applicable building codes and a use permit is obtained therefor.

**16.80.045 Replacement.** The same number of units may replace existing legal nonconforming residential units that are removed or demolished for new development, in the R-2, R-3, R-3-A and R-3-C zoning districts, provided the new development is done in accordance with applicable zoning development regulations, building codes and a use permit is obtained therefore. Existing, nonconforming parking conditions may continue to exist if approved by the use permit.

**16.80.050 Elimination of nonconforming uses.** The following nonconforming uses and structures shall be eliminated or made to conform within two years of the effective date of the ordinance codified in this title, but not less than one year subsequent to official notification thereof:

- (1) Nonconforming uses that do not occupy a structure;
- (2) Nonconforming structures, or uses that occupy a structure with an assessed value of less than five hundred dollars.

**16.80.060 Amortization of nonconforming uses and structures.** All nonconforming uses and structures shall be discontinued and removed, or altered to conform with the regulations specified for the district in which located, within the period of time specified, measured from the date of original construction, based upon the type of construction, as defined in the uniform building code, and according to the following schedule:

- (1) Types I and II buildings (fire resistive), forty years;
- (2) Type III buildings (heavy timber and ordinary masonry), thirty years;
- (3) Types IV and V buildings (light incombustible frame and wood frame), twenty-five years;
- (4) Any other type of building, twenty years.

In all cases mentioned in this section, discontinuance, removal or alteration shall not be required within five years of the effective date of the ordinance codified in this title, and not less than one year subsequent to official notification thereof.

## NONCONFORMING USES AND STRUCTURES

**16.80.070 Public hearing.** Official notification of elimination, discontinuance, removal or alteration of a nonconforming use or structure shall only be made by order of the planning commission following a hearing by the planning commission, due notice of which has been given to the affected property owner.

The foregoing provisions shall apply to structures, land and uses which hereafter become nonconforming due to any amount of reclassification of districts under this chapter.

### **16.80.080 Exemption from floor area ratio requirements.**

- (a) All buildings in existence or approved as of the date of adoption of the ordinance codified in this section, on the twenty-fifth day of November, 1986, and all buildings thereafter constructed in accordance with a master site plan approved as of said date of adoption shall be exempt from the floor area ratio requirements established by said ordinance provided that this exemption shall not apply to an increase in the gross floor area of a building by addition to or expansion of the building unless such addition or expansion of the building was constructed or approved prior to said date or is in accordance with a master site plan approved prior to said date. For purposes of this section, a building shall be considered to be in accordance with a master site plan if the total gross floor area of all buildings located on the property governed by the master site plan does not exceed the total gross floor area of all buildings planned for such property under the master site plan.
- (b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a nonconformity to a floor area ratio requirement established by said ordinance.
- (c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building is destroyed by fire, explosion, or other catastrophe but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity to a floor area ratio requirement established by said ordinance.
- (d) Any building exempt under subsection (a) of this section may undergo removal on one or more occasions following said date of adoption of a cumulative total of not more than fifty percent of its gross floor area and the replacement of part or all of the portions removed. The exemption shall terminate upon the removal or replacement on one or more occasions of a cumulative total of more than fifty percent of the gross floor area of the building.
- (e) Except as provided in this subsection, any building exempt under subsection (a) of this section may undergo interior improvements to the building if there is no increase in the gross floor area. A building in the M-2 district shall not be exempt from the floor area ratio requirements resulting from conversion of interior space from any other existing use to office use.
- (f) Notwithstanding the foregoing, the square footage of an exempt building shall be considered in determining whether a nonexempt building shall be permitted on the site occupied by the exempt building.

## NONCONFORMING USES AND STRUCTURES

### **16.80.090 Exemption from floor area ratio reductions in the C-1, C-3 and C-4 El Camino Real districts.**

- (a) All buildings and office uses in existence or approved as of the date of adoption of the General Plan Amendment to the Land Use and Circulation Elements, on the first day of December, 1994, shall be exempt from the Floor Area Ratio reduction from 40% to 30% in the C-1 District, the Floor Area Ratio reduction for office use from 100-200% to 50% in the C-3 District, and the Floor Area Ratio reduction for office use from 50-75% to 40% in the C-4 El Camino Real District provided that this exemption shall not apply to an increase in the gross floor area of a building by an addition or expansion of the building unless such addition or expansion was constructed or approved prior to said date.
- (b) No building or office use exempt under subsection (a) of this section shall be subject to amortization by reason of a building or office use which is nonconforming due to the Floor Area Ratio reductions specified in subsection (a) of this section.
- (c) Any building or office use exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the Floor Area Ratio reductions specified in subsection (a) of this section.
- (d) Any building or office use which is exempt under subsection (a) of this section may undergo removal on one or more occasions following said date of adoption of a cumulative total of not more than 50% of the gross floor area and the replacement of part or all of the portions removed. The exemption shall terminate upon the removal or replacement on one or more occasions of a cumulative total of more than 50% of the gross floor area of the building or office use.
- (e) Except as provided in this subsection, any building or office use exempt under subsection (a) of this section may undergo interior and/or exterior improvements to the building or office use if there is no increase in the gross floor area.
- (f) Notwithstanding the foregoing, the square footage of a building or office use exempt under subsection (a) of this section shall be considered in determining whether a nonexempt building or office use shall be permitted on the site occupied by the exempt building.

**16.80.100 Exemption from use permit requirements in M-2 zone.** Projects which have received architectural control approval prior to March 25, 1999, shall be exempt from the requirement that such project obtain a use permit pursuant to Section 16.46.020, provided the project obtains a building permit within one year from such date, or such further extended date approved by the Planning Commission. The Planning Commission may extend the effective date of this exemption upon the request of the applicant, if the Planning Commission finds that there is good cause for the extension of such one year period based upon unusual circumstances and/or conditions not of the making of the applicant or its agents or employees.

## NONCONFORMING USES AND STRUCTURES

### 16.80.110 Exemption from gross floor area definition clarification.

- (a) The following buildings shall be exempt from the Gross Floor Area Definition Clarification in Ordinance No. 963, provided that this exemption shall not apply to an increase in the gross floor area of a building by an addition or expansion of the building unless such addition or expansion was constructed or approved prior to said date:
  - (1) All buildings in existence as of the date of adoption of the Gross Floor Area Definition Clarification on April 21, 2009;
  - (2) Buildings that did not require discretionary planning review approval for which a building permit application was submitted prior to May 8, 2007; and
  - (3) Buildings for which an application for a discretionary planning review approval was submitted prior to January 1, 2007, provided the project receives all necessary discretionary approvals and the approval(s) does not expire prior to submittal of a building permit application.
- (b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building which is nonconforming due to the Gross Floor Area Definition Clarification specified in subsection (a) of this section.
- (c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the Gross Floor Area Definition Clarification specified in subsection (a) of this section.
- (d) Except as provided in this subsection, any building exempt under subsection (a) of this section may undergo interior and/or exterior improvements to the building if there is no increase in the gross floor area unless the increase in gross floor area is mandated to comply with required disabled access improvements and then only to the extent reasonably required to comply with such access requirements.
- (e) Regardless of what is set forth in subsections (a) through (d), the square footage of a building exempt under subsection (a) of this section shall be considered in determining whether a nonexempt building or expansion of any building shall be permitted on the site occupied by the exempt building, except as provided in this subsection (e). If a building was built prior to the effective date of the Gross Floor Area Definition Clarification or received the necessary approvals to be exempt under subsection (a)(2) or (a)(3) of this section and the building's gross floor area is greater than what it would be when measured pursuant to the Gross Floor Area Definition Clarification, the property owner may apply for a Gross Floor Area Exemption Certification to identify the gross floor area of a building that may be excluded from future calculations subject to the certification process outlined below. Upon receipt of a Gross Floor Area Exemption Certification, the gross floor area identified in the Certification shall be excluded from future calculations of gross floor area for purposes of considering construction of new buildings or expansion of existing buildings on the property covered by the Certification, except as otherwise provided in this subsection (e).
  - (1) Within 30 days of the effective date of the Ordinance, the City shall inform property owners of this Gross Floor Area Exemption Certification process by mailing of notice, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City. In addition, the City shall mail a second notice one year from the effective date of the Ordinance.

## NONCONFORMING USES AND STRUCTURES

### **16.80.110 Exemption from gross floor area definition clarification.**

- (2) The property owner shall have two (2) years from the effective date of the Ordinance to submit a request in writing to the Community Development Director for a Gross Floor Area Exemption Certification. The request shall include site plans, floor plans, cross sections and elevations of all buildings in question.
- (3) The Community Development Director shall have 30 days to review an application to determine its completeness. Upon determining the submittal complete, the Community Development Director shall have 30 days to issue a Gross Floor Area Exemption Certification of what existing gross floor area shall be exempt from gross floor area calculations for the property on a per building basis. The Director's determination should be based on whether or not the building as it exists as of the effective date of this ordinance is consistent with plans previously approved by the City.
- (4) The decision of the Community Development Director may be appealed to the Planning Commission pursuant to section 16.82.450.
- (5) The Gross Floor Area Exemption Certification and associated exemptions become null and void upon demolition of the applicable building. For purposes of this section, demolition means the removal of more than 50% of the existing gross floor area of the applicable building.

### **16.80.120 Exemption from the El Camino Real/Downtown Specific Plan in the SP-ECR/D district.**

- (a) All buildings in existence or approved within the SP-ECR/D district as of the date of adoption of the El Camino Real/Downtown Specific Plan, on June 6, 2012, shall be exempt from the development standards of El Camino Real/Downtown Specific Plan.
- (b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building that is nonconforming due to the development standards of the El Camino Real/Downtown Specific Plan specified in subsection (a) of this section.
- (c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the development standards of the El Camino Real/Downtown Specific Plan specified in subsection (a) of this section.
- (d) Any building which is exempt under subsection (a) of this section may undergo removal on one or more occasions following said date of adoption of a cumulative total of not more than 50% of the gross floor area and the replacement of part or all of the portions removed. The exemption shall terminate upon the removal or replacement on one or more occasions of a cumulative total of more than 50% of the gross floor area of the building.
- (e) Except as provided in this subsection, any building exempt under subsection (a) of this section may undergo interior and/or exterior improvements to the building if there is no increase in the gross floor area.
- (f) Properties within the SP-ECR/D district that are regulated by a Use Permit, Conditional Development Permit (CDP), or Planned Development (P-D) Permit as of the date of adoption of the El Camino Real/Downtown Specific Plan on June 6, 2012, shall continue to be regulated by said permit(s). Such permit(s) shall lapse upon comprehensive redevelopment of the property, or property owners may apply to modify or cancel said permit(s) in accordance with the requirements of this title.

## Chapter 16.82

### PERMITS

#### Sections:

#### I. USE PERMIT

- 16.82.010 Issuance--Purpose--Hearing.
- 16.82.020 Form of application--Accompanying fee and plans.
- 16.82.030 Granting.
- 16.82.035 Concurrent retailing of motor vehicle fuel with beer or wine.
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#### II. CONDITIONAL DEVELOPMENT PERMITS

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#### III. *Intentionally left blank*

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## PERMITS

### VII. ADMINISTRATIVE PERMITS

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#### I. USE PERMIT

**16.82.010 Issuance--Purpose--Hearing.** Use permits may be issued as provided in this article for any of the uses or purposes for which such permits are required or permitted by the terms of this title upon conditions designated by the planning commission.

The purpose of the use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or if such uses are designed or laid out on the site in a particular manner.

The planning commission may approve, deny, or conditionally approve an application for a use permit.

The planning commission may impose such conditions as it deems necessary to secure the purposes of this title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the use permit as it deems necessary for the protection of adjacent properties and the public interest and may require tangible guarantees or evidence that such conditions are being, or will be, complied with. A public hearing shall be held thereon. Notice of such hearings shall be given to the persons designated and in the manner prescribed in Chapter 16.84.

**16.82.020 Form of application -- Accompanying fee and plans.** Application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the planning commission of the city. The application shall be accompanied by a fee, set by the city council, and plans showing the details of the proposed use to be made of the land or building.

**16.82.030 Granting.** In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question and surrounding areas, and the impact of the application thereon.

## PERMITS

### **16.82.030 Granting.**

The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.

When granting a use permit for sales of alcoholic beverages (including wine and beer and off and on sale), the planning commission may stipulate that the use permit shall be nontransferable.

A use permit shall be effective the fifteenth day after planning commission approval unless the planning commission action is appealed to the city council, in which case the permit shall not be effective until the city council has acted upon the appeal.

### **16.82.035 Concurrent Retailing of Motor Vehicle Fuel with Beer or Wine.**

- (a) **Hearings.** Hearings before the planning commission or city council concerning an application for a use permit to allow the concurrent retailing of motor vehicle fuel with beer or wine for off-premises consumption shall be conducted according to this section. All parties shall have a reasonable opportunity to present testimony. Testimony shall be presented in the following order: (1) testimony by or on behalf of applicant, (2) testimony of the public for or against the application, (3) rebuttal testimony by or on behalf of applicant. Decisions by the planning commission and city council shall be justified by written findings based on substantial evidence in view of the whole record. Hearings on appeals to the city council shall be reported by a court reporter. If the applicant is the appellant, it shall pay the cost of the court reporter and the cost of the court reporter shall be estimated by the city clerk and paid in advance by applicant or the appeal will be dismissed. All hearings shall be given in accordance with Chapter 16.84 to the applicant, property owners within 300 feet, and any person who has filed a request for special notice.
- (b) **Duration of Permit Right.** The right to engage in the concurrent retailing of motor vehicle fuel with beer or wine under the terms of any use permit, whether granted before or after the enactment of this Ordinance, shall continue only so long as the licensed premises are operated continuously without substantial change in the mode or character of operation. Changes in the mode or character of operation shall include, but not be limited to, a change in the physical structure of the premises, a change in the ownership of the license, or a pattern of behavior in violation of state or local law. A dispute between the operator or property owner and the City as to whether the premises have been operated continuously without substantial change in the mode or character of operation shall be heard and resolved in accordance with the procedure specified in (a) above and Section 16.82.190.

**16.82.040 Appeal to city council.** Appeals to the city council regarding use permits shall be governed by Chapter 16.86. The appeal shall be accompanied by a fee as set by the city council, and no part of such fee shall be refundable except as directed by motion adopted by the city council. If on appeal, any material information or evidence is submitted to the city council which was not presented or made available to the planning commission, the application shall be returned to the planning commission for its reconsideration. Where an application is denied by the planning commission, or upon appeal by the city council, it shall not be eligible for resubmittal unless, in opinion of the planning commission, new evidence is submitted or conditions have changed to such an extent that further consideration is warranted.

## PERMITS

### II. CONDITIONAL DEVELOPMENT PERMITS

**16.82.050 Issuance -- Purposes.** Conditional development permits may be issued to allow adjustment of the requirements of the district in order to secure special benefits possible through comprehensive planning of such large development. Further, such adjustment is intended to allow relief from the monotony of standard development; to permit the application of new and desirable development techniques; and to encourage more usable open space than would otherwise be provided with standard development.

**16.82.055 Applicability.** A Conditional Development Permit shall apply to the following:

- (a) Development on a parcel in excess of one acre in area; or
- (b) Development on a parcel with a lot area that is less than one acre in area but greater than or equal to 20,000 square feet in area, provided that the development complies with the Below Market Rate (BMR) Housing Program set forth in Section 16.96 and that the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than one-half (0.5) of a unit.

Conditional development permits shall not apply to any parcel in the SP-ECR/D district.

**16.82.060 Application -- Accompanying drawings and plans.** Every application for a conditional development permit shall be accompanied by architectural drawings and plot plans, all to a workable scale, showing the elevations and location of proposed buildings; proposed location and type of landscaping; use and treatment of grounds around such buildings; off-street parking; physical features such as trees, hydrants, utility poles, flood lights, driveways, fences, signs, proposed drainage facilities and any other pertinent information considered appropriate by the planning commission to bring the development within the purpose of this section.

**16.82.070 Form of application.** Applications for conditional development permits shall be made in writing by a property owner, lessee, purchasers in escrow or optionee, with the consent of the owner; on a form prescribed by the planning commission and accompanied by a fee, set by the city council.

**16.82.080 Hearing on application.** Upon receipt of an application for a conditional development permit, the secretary of the planning commission shall set a date for a public hearing on such application; such hearing shall be held within forty-five days after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 16.84.

**16.82.090 Planning commission action on application.** Application for conditional development permits shall be considered by the planning commission in relation to the effect upon the immediate neighborhood and the city. The planning commission may require offers of dedication or whatever special conditions or improvements are necessary to keep the proposed development within the spirit and purpose of this chapter. The application may be approved and recommended to the city council if the commission finds that the development will serve the health, safety, and general welfare of the city.

## PERMITS

**16.82.100 Council action.** Upon receipt of the planning commission's recommendation on a conditional development permit, the city clerk shall set a date for a public hearing thereon. Such hearing shall be held within thirty days after the receipt of the recommendation. At the conclusion of such hearing, the city council may approve the conditional development permit, as recommended by the planning commission or as modified by the city council. Council approval shall be in the form of an ordinance which shall combine the X district with the appropriate zoning district.

### III. INTENTIONALLY LEFT BLANK

#### IV. REVOCATION OR DENIAL OF USE OR CONDITIONAL DEVELOPMENT PERMIT

**16.82.170 Permits declared null and void when.** Any use permit or conditional development permit granted in accordance with the terms of Articles I - II shall be null and void if not used within one year from the date of the approval thereof or within any different period of time, if so designated by the planning commission or city council. The Community Development Director may extend the effective date of approval upon the written request of the applicant for up to one year, if the Community Development Director finds that there is good cause for the extension based upon unusual circumstances and/or conditions not of the making of the applicant or its agents or employees.

**16.82.180 Conditions of revocation.** Any use permit or conditional development permit granted in accordance with the terms of Articles I - II may be revoked by the city council in the manner hereinafter set forth, if any of the conditions or terms of such permits are violated or if the following findings are made:

- (1) In connection with use permits: The continuance of the use would be detrimental to health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city; or conditions of the permit are violated;
- (2) *Intentionally left blank.*
- (3) In connection with conditional development permits: One or more of the conditions of the permit are violated.

**16.82.190 Hearing.** Before the council considers revocation of any permit, the planning commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing. Within five days thereafter, the commission shall transmit a report of its findings and its recommendations on the revocation to the city council.

**16.82.200 Reapplication.** In the case of an application for a use permit or conditional development permit which has been denied, no application for the same property which is substantially the same shall be considered for a period of one year from the date of denial.

## PERMITS

### V. OCCUPANCY PERMITS

**16.82.210 Where required.** In other than residential areas, no land or structure shall be occupied or used until an occupancy permit shall have been issued by the building department.

**16.82.220 Buildings.** Occupancy permits for a new building, or the enlargement or alteration of an existing building, shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the erection of or alteration of such building has been completed in conformity with the provisions of this article.

**16.82.230 Vacant land.** Occupancy permits for the use of vacant land, or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling soil and the growing therein of farm, garden or orchard products. An occupancy permit shall be issued within ten days after the application has been made; provided such use is in conformity with the provisions of this article.

**16.82.240 Permit -- Fee and content.** Occupancy permits shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of this chapter. A record of all occupancy permits shall be kept on file in the office of the building official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original permit applied for coincidentally with the application for a building permit; for all other permits or for copies of any original permits there shall be a fee as established by resolution of the city council.

**16.82.310. Issuance – Purpose - Hearing.** The planning commission, in appropriate cases and subject to appropriate conditions and safeguards as provided by this title, may hear and decide applications for variances from the terms of this title when the following circumstances are found to apply:

- (1) That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;
- (2) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated and which are necessary to protect the public health, safety and welfare.

The planning commission may approve, deny, or conditionally approve an application for a variance. The planning commission may impose such conditions as it deems necessary to secure the purposes of this title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the variance as it deems necessary for the protection of adjacent properties and the public interest and may require tangible guarantees or evidence that such conditions are being, or will be, complied with. A public hearing shall be held thereon. Notice of such hearings shall be given to the persons designated and in the manner prescribed in Chapter 16.84.

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### VI. VARIANCES

**16.82.320 Variance applications.** Variance applications shall be filed on prescribed forms, indicating thereon, or supplemental thereto, such data and information as the prescribed form shall require. Each such application shall be verified by the owner(s) of the property involved. The application for the variance shall be accompanied by a filing fee in an amount established by resolution of the city council, and no part of such fee shall be refundable.

**16.82.330 Duties of secretary of planning commission as to hearings.** Upon the filing of a verified application, the secretary of the planning commission shall:

- (1) Cause an investigation of applicable factors and secure a written staff report containing the facts thus far ascertained;
- (2) Set the matter for public hearing at the first available meeting of the commission;
- (3) Not less than ten days preceding the date of the public hearing, send a notice through the United States mail to the latest recorded property owners of all property located within three hundred feet of subject property, as shown upon the current assessment role of the city and the county; said to identify the property for which a variance is applied, the nature of the proposed variance, the time and place of the public hearing; and have published the same notice in a newspaper of general circulation in the city. The failure of any property owner to receive said notice of hearing will not invalidate the proceedings.

Following the hearing on an application for a variance the commission may, if it deems necessary make, or cause to have made, further inquiries into fact and shall thereafter record its findings in resolution form.

**16.82.340 Purpose of the variance and required findings.**

- (a) Purpose. The purpose of the variance is to allow variation from the strict application of the terms of this title where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or by reason of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this title would cause undue hardship unnecessary to carry out the spirit and purpose of this title. In no case shall a variance be granted to permit a use other than a use permitted in the district involved or to permit relief in excess of fifty percent of any requirement of this title. In the SP-ECR/D district, in no case shall a variance be granted to exceed the intensity (Floor Area Ratio) or density (dwelling units per acre) standards.
- (b) Findings. The planning commission shall grant a variance only when all of the following conditions are found:
  - (1) That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;

## PERMITS

### 16.82.340 Purpose of the variance and required findings.

- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors;
- (3) That the granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property;
- (4) That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.
- (5) That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.

**16.82.350 Willow Road land use plan, variances.** Notwithstanding the requirements of the preceding section, variances in residential densities may be granted whenever necessary to carry out the provisions of the Willow Road Land Use Plan adopted by the City Council on November 24, 1987.

### 16.82.360 Decisions of the commission and appeals therefrom.

- (a) Decision and Required Conditions.
  - (1) Within thirty days after the hearing of the application the planning commission shall render its decision and shall by written resolution render its order based on a finding of facts showing whether or not the findings required under Section 16.82.340(b) applying to the land and/or building for which the variance is sought have been met, and whether or not such variance will be in harmony with the general purpose of this title.
  - (2) The commission may designate such conditions in connection with the variance, as it deems necessary to secure the purposes of this title, and may require guarantees and evidence that such conditions are being or will be complied with.
- (b) Appeal. Appeals from an action of the planning commission may be made pursuant to Chapter 16.86. The city council shall consider the appeal with reference to Section 16.82.340 and shall render its decision based on findings of fact as therein enumerated.
- (c) Issuance of Permit. Following the planning commission approval of a variance application or appeal to the commission, the secretary of the commission shall forward a copy of the resolution to the applicant, the building inspection division, and the city clerk. Said order shall become effective within fifteen days from the date of the resolution. Thereafter, all administrative and enforcing offices of the city shall conform to such order.
- (d) Time Limit. The planning commission may establish a time limit within which the subject property and use shall be developed. Said time limit may be extended by the commission, or by the community development director for up to one year, for good cause when the applicant presents proof of unusual conditions not of his own making. If no time limit is specified by the commission it shall not be for more than one year.
- (e) New Applications. Following the denial of a variance or appeal to the commission, no application for a variance from the same or substantially the same exception to the ordinance on the same or substantially the same site, or the same appeal to the commission, shall be filed within one year from the date of denial of a variance or appeal.

## PERMITS

**16.82.370 Violation of orders.** The violation of any condition imposed by the commission in connection with an order granting a variance shall constitute a violation of this title and shall be subject to the same penalties as any other violations of this title.

**16.82.380 Revocation or modification of variances.** If at any time subsequent to an order of the planning commission, circumstances recited in the resolution as contributing to the justification for the order granting a variance should be changed, the commission may, upon its own initiative or on the recommendations of an enforcing office of the city, institute proceedings which shall be the same as those employed in considering an application for a variance. Upon the completion of the required hearing the commission shall by resolution enumerate its findings and, based thereon, shall issue its order to either continue the original variance, modify the conditions of the variance, or revoke the variance as, in the judgment of the commission, is justified by its findings and necessary to conform to the purposes of this title.

Copies of such findings and order shall be distributed as in the case of action on an application or appeal to the commission as set forth in Section 16.82.360(c).

## VII. ADMINISTRATIVE PERMITS

**16.82.410 Purpose.** An administrative permit, identified elsewhere in the Zoning Ordinance, may be granted in accordance with the following sections. An applicant may elect to apply for a use permit in accordance with Chapter 16.82 in lieu of applying for an administrative permit.

**16.82.420 Application.** Requests for an administrative permit shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposal.

**16.82.430 Noticing.** Upon receipt of an application, a notice shall be mailed 15 days prior to action being taken on the application to all property owners and building occupants within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City. The notice shall include a description of the proposal, methods for providing comments, the pending date of action, means of being notified of a decision as an interested party, and the appeal procedure.

**16.82.440 Granting.** In considering an application, the Community Development Director or designee shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question and surrounding areas, and the impact of the application thereon.

The Community Development Director or designee shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the Community Development Director or designee finds that the aforementioned conditions, plus the following findings as applicable, will not result from the particular use applied for, he/she may grant the administrative permit and provide

## PERMITS

### 16.82.440 Granting

notice of the decision in writing to the Planning Commission and interested parties, as defined for the purposes of this section as people who ask to be informed of the decision via email, fax or United States Postal Service mail:

- (1) Alcohol sales
  - (a) That a public convenience or necessity would be served by the issuance of license to sell alcohol.
- (2) Outdoor seating
  - (a) That the outdoor seating would maintain unimpeded pedestrian access on the public right of way.
- (3) Outside storage
  - (a) That the outside storage of vehicles and/or equipment would not be visible from surrounding properties or the public right-of-way and the screening would be consistent with existing site features.
  - (b) That the outside storage does not displace required parking without making provisions for replacing the lost parking.
  - (c) That the outside storage complies with the provisions of the Noise Ordinance (Chapter 8.06 of the Municipal Code).

**16.82.450 Appeals.** Any person may appeal a decision of the Community Development Director or designee to the Planning Commission. The appeal shall be made in writing and filed with the Community Development Director within 15 days following the final decision of the Community Development Director or designee. The appeal shall be accompanied by a fee, as set by the City Council, and shall clearly state the reason for the appeal. Upon receipt of an appeal, the Community Development Director shall set a time, which insofar as practicable shall be within 45 days after receipt of such appeal, for a public hearing on such appeal in accordance with the provisions of Chapter 16.84. Any person may appeal any order, requirement, decision or determination of the Planning Commission to the City Council in accordance with the provisions of Chapter 16.86.

**16.82.460 Permits declared null and void when.** Any administrative permit granted in accordance with the terms of this Section shall be null and void if not used within one year from the date of the approval thereof or within any different period of time, if so designated by the Planning Commission or City Council. The Community Development Director may extend the effective date of approval upon the written request of the applicant for up to one year, if the Community Development Director finds that there is good cause for the extension based upon unusual circumstances and/or conditions not of the making of the applicant or its agents or employees.

**16.82.470 Conditions of revocation.** Any administrative permit granted in accordance with the terms of 16.82.440 may be revoked by the City Council in the manner hereinafter set forth, if any of the conditions or terms of such permits are violated or if the continuance of the use would be detrimental to health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city; or conditions of the permit are violated.

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**16.82.480 Revocation Hearing.** Before the City Council considers revocation of any permit, the Planning Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The Planning Commission shall transmit a report of its findings and its recommendations on the revocation to the City Council.

**16.82.490 Reapplication.** In the case of an application for an administrative permit which has been denied, no application for the same property which is substantially the same shall be considered for a period of one year from the date of denial.

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## Chapter 16.83

### REASONABLE ACCOMMODATION

#### Sections:

- 16.83.010 Purpose
- 16.83.020 Applicability
- 16.83.030 Application requirements
- 16.83.040 Review authority
- 16.83.050 Findings and decision
- 16.83.060 Appeal determination
- 16.83.070 Rescission of grants of reasonable accommodation

**16.83.010 Purpose.** The purpose of this Chapter is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

**16.83.020 Applicability.** In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act.

#### **16.83.030 Application requirements**

- (1) A request for reasonable accommodation shall be filed on the application form provided by the Community Development Department. If necessary to ensure accessibility, the applicant may request an alternative format. The applicant may be the person with the disability or his or her representative. The application shall be accompanied by a fee, set by the City Council, and be signed by the owner of the property and shall provide the following information:
  - (a) Applicant's name and contact information;
  - (b) Property address;
  - (c) Current use of the property;
  - (d) Basis for the claim that the individual is considered disabled under Fair Housing Laws;
  - (e) The zoning code provision, regulation or policy from which reasonable accommodation is being requested;
  - (f) Explanation why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
  - (g) Plans showing the details of the proposal.
- (2) If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this Title (including but not limited to a conditional use permit, architectural control, variance, or zoning amendment), the application for reasonable accommodation shall be submitted and reviewed at the same time as the related applications.

## REASONABLE ACCOMMODATION

### 16.83.040 Review authority

- (1) If an application under this Chapter is filed without any accompanying application for another approval, permit or entitlement under this Title, the Community Development Director shall make a written determination within 45 days and either grant, grant with modifications or deny a request for reasonable accommodation.
- (2) If an application under this Chapter is filed with an application for another approval, permit or entitlement under this Title, it shall be heard and acted upon at the same time and in the same manner as such other application, and shall be subject to all of the same procedures.

### 16.83.050 Findings and decision

- (1) Any decision on an application under this Chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this Chapter for a reasonable accommodation shall be granted if all of the following findings are made:
  - (a) The housing, which is the subject of the request, will be used by an individual disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act.
  - (b) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Fair Housing Act and the California Fair Employment and Housing Act.
  - (c) The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
  - (d) The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
  - (e) The requested reasonable accommodation would not adversely impact surrounding properties or uses.
  - (f) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- (2) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (A) above.

**16.83.060 Appeal determination.** Any decision of the Community Development Director or designee may be appealed by the applicant to the Planning Commission. The appeal shall be made in writing and filed with the Community Development Director within 15 days following the final decision. The appeal shall be accompanied by a fee, as set by the City Council, and shall clearly state the reasons for the appeal. Where the request for accommodation is in conjunction with an application for another approval, permit or entitlement under this Title, the appeal procedures for such other approval, permit or entitlement shall control.

**16.83.070 Rescission of grants of reasonable accommodation.** Any approval or conditional approval of an application under this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances.

## Chapter 16.84

### PUBLIC HEARINGS

#### Sections:

- 16.84.010 Notice of hearing.
- 16.84.020 Publication and mailing of notice.
- 16.84.030 Publication only -- When.

**16.84.010 Notice of hearing.** Whenever this title prescribes that a public hearing shall be held, notice thereof shall be given as provided in this chapter.

**16.84.020 Publication and mailing of notice.** Notices of public hearings, giving the time, place and purpose of such hearing, on applications for variance, use permits, conditional development permits, amendments to this chapter changing the boundaries of any district, or appeals, shall be given by the body conducting such hearings by both of the following methods:

- (1) By publication in a newspaper of general circulation in the city at least 10 days prior to such hearing;
- (2) By mailing of notice to owners of property within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the city at least 15 days prior to such hearing.

The failure of any property owner to receive such notice of hearing will not invalidate the proceedings.

**16.84.030 Publication only -- When.** Notices of public hearings on matters other than as specified in Section 16.84.020 shall be given by the body conducting such hearing by publication in a newspaper of general circulation in the city at least ten days before the hearing.

## Chapter 16.85

### NOTICES FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

#### Sections:

- 16.85.010 Notices for single-family residential development.

**16.85.010 Notices for single-family residential development.** Notification of all applications for demolition and building permits for the demolition, construction, addition or alteration of a single-family residence located in a single-family zoning district shall be given to all contiguous neighbors of the project site, using for this purpose the last known name and address of such owners as shown on the most current assessment roll maintained by the City, within 15 days of an application for a permit. Demolition and building permits that are limited to repair of an existing building, re-roofing of an existing building, or for interior alterations only are exempt from the noticing requirement. The written notification shall include a brief description of the project and reductions of the site plan and elevations.

## Chapter 16.86

### APPEALS

#### Sections:

- 16.86.010 Generally.
- 16.86.015 Subdivision map approvals.
- 16.86.020 Method.
- 16.86.023 Appeals by planning commission and planning commissioners.
- 16.86.025 Appeals by council and councilmembers.
- 16.86.030 Planning commission action.
- 16.86.040 Council action.
- 16.86.050 Extension of time.

**16.86.010 Generally.** Any person may appeal to the city council any order, requirement, decision or determination of the planning commission in the manner provided by this chapter. As used in this chapter, "planning commission," "commission," or "commissions" includes the planning commission.

**16.86.015 Subdivision map approvals.** Appeals regarding tentative maps, including tentative parcel maps, must be filed within 10 days after the final action of the planning commission, the hearing on the appeal must be heard not later than 30 days after the filing of the appeal, and the decision of the city council must be made within 7 days following the conclusion of the hearing.

**16.86.020 Method.** The provisions of the preceding section shall be controlling with respect to all appeals regarding tentative subdivision or parcel maps. Appeals shall be made in writing and filed with the city clerk within fifteen days after the final action of the planning commission. The appeal shall be accompanied by a fee, as set by the city council, and shall clearly state the reason for appeal. Upon receipt of such appeal, the city clerk shall notify the planning commission and shall set a time, which insofar as practicable shall be within 45 days after the receipt of such appeal, for a public hearing on such appeal. Notice of such hearing shall be given as set forth in Chapter 16.84.

**16.86.023 Appeals by planning commission and planning commissioners.** The Planning Commission may take an appeal from any final administrative action by passing a motion to that effect within fifteen days after the action or as hereafter provided in this section. Any Planning Commissioner may file an appeal with the Director of Community Development within the fifteen day period without the payment of an appeal fee, and the question of whether such appeal shall be a Commission appeal shall be determined by the Planning Commission as soon as practicable at a regular Commission meeting. This determination need not be made within the fifteen day period. If the Planning Commission determines not to take the appeal, the Commissioner who filed the appeal shall have two days thereafter in which to deposit the appeal fee. Otherwise the appeal shall be dismissed. An appeal fee deposited by a Commissioner shall be refunded to such Commissioner if the appeal is successful in whole or in part. An appeal shall be considered successful if there is any modification of the final administrative action.

## APPEALS

**16.86.025 Appeals by council and councilmembers.** The city council may take an appeal from any final action of the planning commission by passing a motion to that effect within fifteen days after the action of the planning commission or as hereafter provided in this section. Any councilmember may file an appeal with the city clerk within the fifteen-day period without the payment of an appeal fee, and the question of whether such appeal shall be a council appeal shall be determined by the city council as soon as practicable at a regular council meeting. This determination need not be made within the fifteen-day period. If the city council determines not to take the appeal, the councilmember who filed the appeal shall have two days thereafter in which to deposit the appeal fee. Otherwise the appeal shall be dismissed. An appeal fee deposited by a councilmember shall be refunded to such councilmember if the appeal is successful in whole or in part. An appeal shall be considered successful if there is any modification of the final action of the planning commission.

**16.86.030 Planning commission action.** The planning commission, upon receipt of the notice of appeal, shall prepare a report of the facts pertaining to the decision of the planning commission and shall submit such report to the city council along with the reasons for the commission's action.

**16.86.040 Council action.** At the close of the public hearing, the city council may affirm, reverse, or modify the decision of the planning commission. If the council does not take any action on the appeal within seventy-five days after the filing thereof, the planning commission action shall be deemed affirmed. To reverse or modify the planning commission decision shall require the affirmative vote of three-fifths of the city council.

**16.86.050 Extension of time.** If the last day for filing an appeal or depositing an appeal fee falls on a Saturday, Sunday, or municipal holiday, the period of time for such filing or deposit shall be extended to include one additional day which is not a Saturday, Sunday, or holiday.

## Chapter 16.88

### AMENDMENTS

#### Sections:

- 16.88.010 Initiation.
- 16.88.020 Public hearing requirement.
- 16.88.030 Planning commission action.
- 16.88.040 City council action.
- 16.88.050 Reapplication.

**16.88.010 Initiation.** Except as otherwise provided in this chapter, any amendment to this title shall be adopted as other ordinances are adopted. Any amendment to this title which changes any property from one district to another district or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated and adopted as follows:

- (1) The filing with the city planning commission of a resolution of intention of the city council;
- (2) Passage of a resolution of intention by the planning commission; or
- (3) Filing with the planning commission of a petition of one or more record owners of property, which is the subject of the proposed amendment, or their authorized agents. A petition for amendment shall be on a form designated by the planning commission and shall be accompanied by a fee, as set by the city council.

## AMENDMENTS

**16.88.020 Public hearing requirement.** Upon receipt of a petition or resolution of intention of amendment the planning commission secretary shall set a date for a public hearing thereon, but not later than sixty days after the receipt of such petition or resolution. If the proposed amendment consists of a change in the boundaries of any district, the planning commission shall give notice of the time and place of such hearing, and the purpose thereof, in the manner designated in Section 16.84.020. If the proposed amendment is of a matter of general or city-wide scope, notice thereof shall be given as provided in Section 16.84.030.

**16.88.030 Planning commission action.** After the close of the public hearing or continuations thereof, the planning commission shall make a report of its findings and its recommendations with respect to the proposed amendment. The commission report shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, the findings of the commission, and copies of any maps or other data or documentary evidence submitted in connection with the proposed amendment. A copy of such report and recommendation shall be transmitted to the city council within ninety days after the first notice of hearing thereon; provided however, that such time may be extended with the consent of the city council or the petitioner for such amendment. In the event the planning commission fails to report to the city council within the aforesaid ninety days or within the agreed extension of time, the amendment shall be deemed approved by the planning commission. The recommendations of the planning commission on proposed amendments shall be adopted by a majority vote of the voting members of the planning commission.

**16.88.040 City council action.** Upon receipt of the recommendation of the planning commission or expiration of the aforesaid ninety days or agreed upon extended period, the city council shall hold a public hearing thereon, giving notice thereof as provided in Chapter 16.84; provided, however, that if the matter under consideration is an amendment that would change property from one district to another, and the planning commission has recommended against the adoption of such amendment, the city council shall not be required to take further action unless the planning commission action is appealed. After the conclusion of such hearing, the city council may, within one year, adopt by ordinance the proposed amendment or any part thereof set forth in the petition or resolution of intention in such form as the council deems desirable.

**16.88.050 Reapplication.** In the case of an application for amendment which has been denied, no application which is substantially the same shall be considered for a period of one year from the date of denial.

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## Chapter 16.90

### MAP--BOUNDARIES

#### Sections:

- 16.90.010 Reference to zoning map.
- 16.90.020 Determination of boundaries.
- 16.90.030 Changes of boundaries.
- 16.90.040 Unclassified land.

**16.90.010 Reference to zoning map.** The boundaries of the districts designated and established in this title are as shown on that certain map entitled "Zoning Map of the City of Menlo Park," incorporated herein and made a part of this title by reference as if fully set forth in this chapter and which map is on file in the department of community development and to which reference is made for full particulars as to the location of the areas shown within such districts. The districts shown are declared to be subject to the regulations pertaining to such designated districts as such regulations are set forth in Chapters 16.08 - 16.62 and 16.66 - 16.78. No person shall use any land, building or structure, nor shall any building or structure be erected, constructed, enlarged, altered, moved or used in any district shown on such zoning map, except in accordance with the regulations established by this title.

**16.90.020 Determination of boundaries.** Where the exact boundaries of a district cannot be readily or exactly ascertained by reference to the zoning map of the city, the boundary shall be deemed to be along the nearest street or lot line, as the case may be. If a district boundary line divides or splits a lot, the lot shall be deemed to be included within the district which is the more restrictive. The provisions of the section shall not apply to acreage.

**16.90.030 Changes of boundaries.** Changes in the boundaries of districts shall be made by ordinance in the manner provided in Chapter 16.88, such ordinance describing the area to be changed either by lot or block number or by metes and bounds. After adoption of any ordinance changing any boundaries of any district, the zoning map shall be revised to show the changes made.

**16.90.040 Unclassified land.** All lands now or hereafter included within the city having boundaries which are not designated on the aforementioned zoning map as being included in any district are and shall be designated as unclassified. In such unclassified areas any use not otherwise prohibited by law may be permitted, subject to the granting of a use permit therefor; provided; however, the use as proposed is compatible with the comprehensive plan of the city.

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## Chapter 16.92

### SIGNS -- OUTDOOR ADVERTISING

#### Sections:

#### I. GENERAL PROVISIONS

- 16.92.005 Infraction.
- 16.92.010 Adoption of sign ordinance.
- 16.92.020 Sign application approval.
- 16.92.030 Definitions.
- 16.92.040 Standards and criteria for approval of sign.

#### II. OUTDOOR ADVERTISING

- 16.92.050 General use regulations.
- 16.92.060 Signs not exceeding six square feet.
- 16.92.070 Signs not exceeding one square foot.
- 16.92.080 Signs not exceeding forty square feet -- Subdivision sales.
- 16.92.090 Signs not exceeding forty square feet -- Nonresidential building under construction.
- 16.92.100 Directional -- Informational signs.
- 16.92.110 Signs pertaining to commercial and industrial land use zones.
- 16.92.120 Signs in multiple residential districts.

#### III. NONCONFORMING SIGNS

- 16.92.130 Defined -- Application.
- 16.92.140 Replacement, alteration or relocation.
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#### IV. VARIANCES

- 16.92.160 Generally.
- 16.92.170 Conditions for granting.
- 16.92.180 Unnecessary hardship -- Substantial property right.
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- 16.92.200 Granting -- Denial.

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- 16.92.210 Generally.

#### VI. ENFORCEMENT -- REMOVAL

- 16.92.220 Enforcement generally -- Penalties for violations.
- 16.92.230 Administrative sign removal -- When.
- 16.92.240 Payment of costs

## SIGNS -- OUTDOOR ADVERTISING

### I. GENERAL PROVISIONS

**16.92.005 Infraction.** A violation of this chapter shall be an infraction.

**16.92.010 Adoption of sign ordinance.** There is adopted an ordinance providing for maximum area and dimensions of sign and display advertising in the interests of the public safety, convenience, health and general welfare of the people of the city.

**16.92.020 Sign application approval.** The Director of Community Development or his/her designee shall review all sign applications requiring approval from the Director. The nature and time of such review shall be set by the Director of Community Development.

**16.92.030 Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) "Free-standing sign" means a sign not attached to any portion of a building, and not projecting through the roof or eave of a building.
- (2) "Primary frontage" means that single dimension of a parcel abutting a public right-of-way and providing the most important approach to the parcel or occupancy thereon. In case of an occupancy having more than one frontage, the director of community development or his/her designee shall determine which single frontage is primary.
- (3) "Secondary frontage" means any dimension of a parcel abutting a public right-of-way other than "primary frontage" as defined in (2).
- (4) "Sign" or "signs" means all outdoor advertising and any and all devices, structural or otherwise, lighted or unlighted, painted or not painted, attached to, made a part of or placed in the front, rear, sides or top of any structure or on any land and visible from any public or private street, way, thoroughfare, alley or walk, which device announces or directs attention to the name or nature of a business, occupant of structure, building on land or the nature or type of goods, services or products produced, sold, stored, furnished or available at that location, including signs specifically for the sale and resale of real property, but excluding theater marquees which shall be subject to architectural control;
- (5) "Sign area" means all area within the outside dimensions of a solid or free-standing sign, to include the overall height and width and area between cut-out block letters, to include the average height and length or width of script letters, and area covered as measured from the perimeter of any or all emblems or designs used in addition to letters or lettering.
- (6) "Marquee" means a permanent roof structure attached to and supported by a building and projecting over public property. "Marquee sign" means any sign attached to or suspended from a marquee.

**16.92.040 Standards and criteria for approval of sign.** The standards and criteria followed by the Director of Community Development or his/her designee, planning commission and city council in the deliberations relative to approval of any sign shall be as follows:

- (1) To insure that such sign then being considered complies with all applicable city ordinances; and
- (2) To protect and preserve the natural historic beauty and charm of the city and to thus preserve and promote the health, safety and welfare of property owners and residents of the city.

## SIGNS -- OUTDOOR ADVERTISING

### II. OUTDOOR ADVERTISING

**16.92.050 General use regulations.** Outdoor advertising signs and outdoor advertising structures (hereinafter referred to as "signs") shall not be permitted in the city except in the following cases and under the following conditions.

**16.92.060 Signs not exceeding six square feet.** Signs not exceeding six square feet in total display area pertaining only to the prospective sale, rental or lease of the premises upon which displayed are permissible outdoor advertising.

**16.92.070 Signs not exceeding one square foot.** Signs not exceeding one square foot in area displaying the names only of the properties or in the premises upon which displayed or of the owner or occupant thereof or the address of the premises are permissible outdoor advertising.

**16.92.080 Signs not exceeding forty square feet -- Subdivision sales.** Signs not exceeding forty square feet in area, advertising the sale of subdivisions of five or more lots and located thereon; providing, that not more than one such sign be located at each major approach to the subdivision; and, provided further, that the display of such signs shall be limited to a six-month period. At the expiration of such fixed period of time, the applicant may request a further extension of time, otherwise the sign shall be removed. When the fixed period of time for display has expired and the sign has not been removed, the city may enter upon the premises upon which such sign is located and remove such sign at no liability to the city and at the expense of the owner.

**16.92.090 Signs not exceeding forty square feet -- Nonresidential building under construction.** One sign not exceeding forty square feet in area, announcing the name and character of any nonresidential building under construction. Such sign shall be displayed only after the issuance of a building permit and shall be removed prior to final inspection of the building.

**16.92.100 Directional -- Informational signs.** Directional or informational signs of a public or quasi-public nature, erected and maintained by any official or other civic body or group, except those official signs erected under provisions of the police powers, which are exempt from the provisions of this chapter, shall be governed by the following conditions to use:

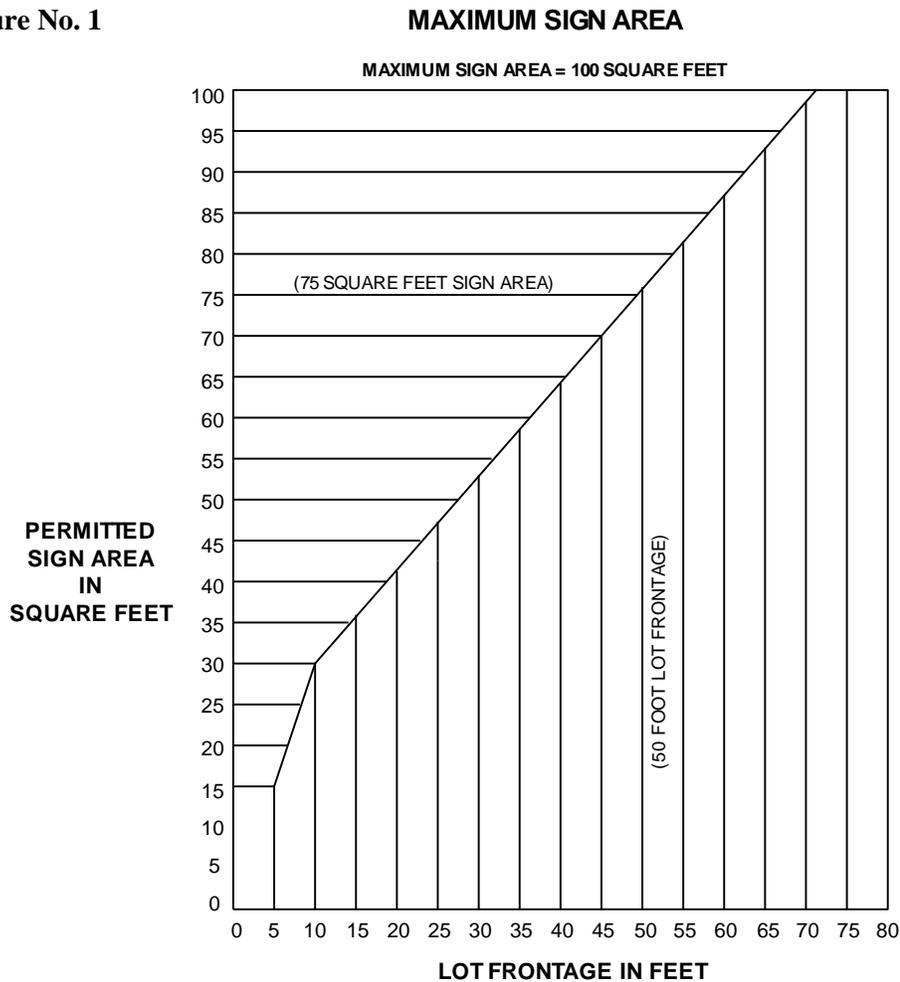
- (1) Approval by the Director of Community Development or his/her designee;
- (2) Permanent directional or informational signs may be erected and shall be only of such sizes as are necessary to best suit the particular purpose and locations, based upon a finding of suitability made by the Director of Community Development or his/her designee in each case, but no sign shall exceed twenty square feet in area for each approach or be greater in any single dimension than six feet;
- (3) Temporary directional or informational signs, which shall not exceed eighteen square feet in area or six feet in any single dimension, may be permitted on the condition that the applicant obtain a use permit in each case under the terms and conditions and findings required by this title as such ordinance pertains to the issuance of use permits except that no fee shall be charged, and that such temporary signs shall be removed by and at the cost of the applicant under expiration of such permit.

## SIGNS -- OUTDOOR ADVERTISING

**16.92.110 Signs pertaining to commercial and industrial land use zones.** Signs or outdoor advertising structures shall be permitted only on property located in nonresidential land use districts and occupied by nonresidential uses. Such signs or outdoor advertising structures shall pertain solely to uses permitted and actually conducted on the property where located and shall be attached to the building within which such use is conducted or attached to the ground of the parcel of land on which such use is conducted; provided, that for each occupancy:

- (1) All such signs shall be approved by the Director of Community Development or his/her designee.
- (2) Such signs will not exceed in total display area, measured in square feet, the ratio of total display area to lot primary frontage as shown on the attached graph, entitled "Figure No. 1," incorporated herein, and made a part of this chapter. The maximum display area permitted for any lot, regardless of the number of uses or tenants housed on a single lot, is one hundred square feet.

**Figure No. 1**



## SIGNS -- OUTDOOR ADVERTISING

### 16.92.110 Signs pertaining to commercial and industrial land use zones.

- (3) In the case of parcels of land having secondary frontage, signs may be located on such frontage; provided, that the total sign area thereon shall not exceed one-half the maximum sign area allowed by Figure No. 1 for such secondary frontage.
- (4) Signs shall not project more than one foot above the face of the structure to which attached except as provided in (8) below; signs shall not extend beyond the property line more than one foot; provided, that signs not to exceed the area allowances cited above may be placed on the front of the fascia of a marquee if such is constructed as part of the building.
- (5) All signs attached to buildings except suspended marquee signs as cited in (4) above, shall be placed parallel to the structure containing the pertaining use; provided, that nonparallel signs projecting not more than one foot beyond the property line may be permitted, subject to approval by the Director of Community Development or his/her designee.
- (6) Freestanding signs may be placed within required setback or yard areas, in which case they may be either parallel or substantially at right angles to the right-of-way upon which the use fronts. If such signs are placed substantially at right angles to such right-of-way, the maximum display area provided in Section 16.92.070 may be utilized for each approach to the subject sign.
- (7) No sign shall be animated by means of flashing or traveling lights, moving or rotating parts or any other method causing a nonstationary condition.
- (8) Signs Under Canopies or Marquees. Signs placed under canopies or marquees shall meet the following requirements:
  - (a) The sign may have a double face.
  - (b) The sign shall be at right angles to the wall of the building or property line and must not project beyond the marquee.
  - (c) The sign shall be rigidly fastened.
  - (d) A clearance of seven feet four inches shall be maintained over the sidewalk or finish grade directly below the sign.
  - (e) The sign area shall not be considered part of the maximum allowable for the property concerned.
  - (f) The sign dimension shall not exceed one foot by three feet or three square feet in area per face of sign.

### 16.92.120 Signs in multiple residential districts. Uses in multiple residential districts may be permitted an identification sign containing the name of the development only, subject to the following provisions:

- (1) All such signs shall be approved by the Director of Community Development or his/her designee.
- (2) Developments located on lots less than one hundred feet in width may be permitted one sign containing a maximum area of ten square feet.
- (3) Multiple residential developments on a lot width one hundred feet or greater may be permitted a sign containing not more than twenty square feet.
- (4) Developments on lots with more than one street frontage may have an additional sign not to exceed eight square feet in area on each additional frontage.
- (5) All signs shall be consistent with the scale and design of the development.
- (6) Signs may be illuminated; however, all lighting shall be directed away from street and adjacent properties.
- (7) Freestanding signs shall have a maximum height of four feet.
- (8) No signs shall be permitted on the roof or roof eave of buildings.

## SIGNS -- OUTDOOR ADVERTISING

### III. NONCONFORMING SIGNS

**16.92.130 Defined -- Application.** For the purpose of this chapter a "nonconforming sign" is one which does not conform with the provisions of this chapter but which was lawfully existing and maintained within the city prior to and at the time the ordinance codified in this section became effective, or was lawfully in existence and in use on property outside of the city on the date upon which the annexation of such property to the city was completed.

The provisions of Sections 16.92.130 through 16.92.150 apply to any lawfully existing sign which becomes nonconforming by reason of the following:

- (1) The amendment of the precise zoning plan for the property on which the sign is located;
- (2) The amendment of this chapter; or
- (3) The annexation to the city of the property on which the sign is located.

**16.92.140 Replacement, alteration or relocation.** A nonconforming sign shall not be replaced, altered, redesigned, reconstructed or relocated unless and until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted.

**16.92.150 Deemed nuisance -- Action.** Each such nonconforming sign shall be considered a public nuisance and shall be removed or made to conform to all requirements of this ordinance upon the order of the planning commission within the time specified by the planning commission. The planning commission shall make such order at or after a hearing held only after reasonable notice thereof is given to the owner of the sign and the occupant or the owner of the real property on which said sign is located. The planning commission shall fix a period within which such sign shall be removed or made to conform. Such period shall be fixed with due regard for:

- (1) The original cost of such sign;
- (2) The date of construction thereof;
- (3) The estimated life of said sign.

Provided, however, that no such period shall exceed five years from the date of the hearing.

### IV. VARIANCES

**16.92.160 Generally.** Where practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this chapter may result from the strict and literal interpretation and enforcement of the provisions hereof, the planning commission, upon the verified application of any property owner or lessee of the property affected, shall have authority to grant, upon such terms and conditions as it deems necessary, such variances therefrom as may be in harmony with their general purpose and intent so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

**16.92.170 Conditions for granting.** No variance shall be granted unless the applicant can produce facts to show that practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this chapter would result from the strict compliance with the provisions of this chapter, and, further, no variance shall be granted unless there appear, and the planning commission finds the facts which establish beyond a reasonable doubt:

- (1) That there are exceptional circumstances or conditions applicable to the property involved and improvements thereon which do not apply generally to the property in the same district;

## SIGNS -- OUTDOOR ADVERTISING

### 16.92.170 Conditions for granting.

- (2) That such variance is necessary for the preservation of a substantial property right of the applicant;
- (3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

**16.92.180 Unnecessary hardship -- Substantial property right.** Unnecessary hardships, as used in this chapter does not relate to the personal circumstances of the applicant for variance, but rather to the physical conditions of the property concerned. Substantial property right, as used herein, relates only to the right of the applicant to use the property concerned in a manner permitted by this chapter, which permitted use is forestalled by physical conditions existing on the property.

**16.92.190 Application.** Each application for variance shall be accompanied by a fee payable to the city in an amount established by resolution of the city council, which amount shall be deposited to the credit of the general fund of such city. When such application is received, it shall be set for public hearing before the planning commission, and notice thereof shall be given by one publication in a newspaper of general circulation in the city, at least ten days prior to the date of such hearing.

**16.92.200 Granting -- Denial.** If from the facts presented with or through the application, the planning commission determines that a variance should be granted, and makes the findings required in this article, the same shall become effective immediately upon the granting of such variance by such planning commission. Otherwise, the application shall be denied.

## V. APPEALS

**16.92.210 Generally.** Any interested person may appeal to the planning commission from any decision of the Director of Community Development or his/her designee and may appeal to the city council from any decision of the planning commission regarding the enforcement of this chapter or the terms or conditions involved in the enforcement of this chapter or the fixing of any terms involved in the granting of any application. Appeals from the decision of the Director of Community Development or his/her designee to the Planning Commission shall be made in writing within ten (10) business days of the date of notification of the decision from which the appeal is being made. Appeals to the city council shall be governed by Chapter 16.86.020.

## VI. ENFORCEMENT -- REMOVAL

**16.92.220 Enforcement generally -- Penalties for violations.** All departments, officials and public employees of the city shall conform to the provisions of this chapter and shall issue no permit, certificate or license for uses or purposes in conflict with the provisions of this chapter; and any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

Any sign erected, constructed, altered, enlarged or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance; and, the city attorney of the city shall, upon order of the city council, immediately commence action or proceedings for the abatement and

## SIGNS -- OUTDOOR ADVERTISING

### 16.92.220 Enforcement generally -- Penalties for violations.

removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such sign and restrain and enjoin any person from setting up, erecting, maintaining or using any such sign. The remedies provided for herein shall be cumulative and not exclusive.

### 16.92.220 Enforcement generally -- Penalties for violations.

Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Section 1.12.010.

**16.92.230 Administrative sign removal -- When.** The director of community development shall remove any sign:

- (1) Without giving notice, if the sign:
  - (a) Was erected in violation of the provisions of this chapter upon any property belonging to the Federal Government, state of California, county of San Mateo, city of Menlo Park, any special purpose district, or any public utility;
  - (b) Is found by the director to be unsafe and an immediate peril to persons or property;
- (2) Upon the expiration of four days written notice to remove or alter the sign given to the sign permittee or to the owner, or other person having the beneficial use of the building, structure or land upon which the sign is located and who has failed to comply with the order within said period, if the sign:
  - (a) No longer advertises a bona fide business conducted or a product available for purchase by the public on the property upon which the sign is located, or
  - (b) Has been constructed, erected, altered, relocated, changed or modified, or is being maintained in violation of the provisions of this chapter.

**16.92.240 Payment of costs.** The actual cost of removing or altering any sign to comply with this chapter incurred shall be paid to the city by the person to whom a sign permit was issued, or in the absence of a permit, then by the owner of the building, structure, or property upon which the sign is erected. The city may recover the cost of the abatement in the same manner and pursuant to the same procedures provided for in Chapter 8.04 for the recovery of costs of the abatement of nuisances.

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## Chapter 16.93

### ANTENNAE

#### Sections:

- 16.93.010 Purpose.
- 16.93.020 General requirements.
- 16.93.030 Use permit required.
- 16.93.040 Other requirements.

**16.93.010 Purpose.** The purpose of this chapter is to provide appropriate standards for the installation and maintenance of antennae to protect the public health, safety and welfare, to protect the aesthetic qualities of the community, and to protect property values.

**16.93.020 General requirements.** Antennae may be installed and maintained in any zoning district appurtenant to the main use of the property only in accordance with the regulations of the zoning district in which they are located and the following requirements:

- (1) Dish or similar antennae not exceeding 24 inches in diameter or 3-1/2 sq. ft. in area may be installed on the roofs of buildings within any zoning district provided they shall be located at the rear of the main building and painted to blend with the roof. Dish or similar antennae greater than 24 inches in diameter or 3-1/2 sq. ft. in area, but not exceeding 5 ft. in diameter or 20 sq. ft. in area, may be permitted to be installed on the roof of buildings in all zoning districts, except single family residential districts. In single family residential districts such antennae may be installed only as ground mounted antennae and may not exceed 8 ft. in height when fully extended.
- (2) Ground mounted antennae may be located at the rear one-half of the property. No more than one ground mounted antenna may be installed on any lot. Guy wires may not be anchored within that portion of the parcel which is bounded by the front lot line, the side lot lines and an imaginary line drawn parallel to and through the wall of the building which is closest to the front lot line. Elements of the antenna shall not be located or extend within 36 inches of the side and rear property lines.
- (3) Ground-mounted and roof-mounted antennae shall be installed and maintained in accordance with the manufacturer's specifications and all applicable building codes.
- (4) Any antenna installed near power lines, or where it may cause damage to adjacent properties if felled, must be secured with an appropriate anchor system attached in the direction away from the hazard. Appropriate clearances must be maintained between transmission lines and telephone or electrical wires as prescribed by applicable codes.
- (5) A building permit shall be required for the installation of either a roof-mounted or ground-mounted dish and/or telescoping structure antennae. An application for a building permit shall be submitted to the building division accompanied by a site plan showing the exact location of the antenna, construction drawings showing the proposed method of installation, the manufacturer's specifications and engineering calculations demonstrating compliance with the applicable structural requirements of the building code.
- (6) All antennae shall be maintained in good condition and in accordance with all applicable requirements of this chapter.
- (7) No major additions, changes or modifications shall be made to an existing antenna, unless the addition, change or modification is in conformity with this chapter, the applicable building codes and the use permit granted for such antenna, if any.

## ANTENNAE

**16.93.030 Use permit required.** Dish antennae greater than five feet in diameter or twenty square feet in area may be allowed in any zoning district provided a use permit is obtained therefor from the planning commission, in accordance with Chapter 16.82 of this title, and such antennae are screened from view from the adjacent properties. No use permit for a dish antenna shall be denied except for reasonable health, safety or aesthetic considerations which are clearly articulated and defined by the planning commission or city council at the time of denial.

**16.93.040 Other requirements.** Notwithstanding the provisions of this chapter, all applicable state and/or federal requirements shall be met.

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## Chapter 16.96

### BELOW MARKET RATE HOUSING PROGRAM

#### Sections:

- 16.96.010 Purpose.
- 16.96.020 Residential Development Projects.
- 16.96.030 Commercial Development Projects.
- 16.96.040 Development Regulations for Below Market Rate Units.
- 16.96.050 Below Market Rate Housing Fund.
- 16.96.060 Below Market Rate Housing Program Guidelines.

**16.96.010 Purpose.** The purpose of the Below Market Rate (BMR) Housing Program is to increase the housing supply for households that have very low, low and moderate incomes compared to the median household income for San Mateo County. The primary objective is to create actual housing units, either “rental” or “for purchase” units, rather than equivalent cash. The Below Market Rate requirements associated with Residential Development Projects are a form of “inclusionary zoning”. The Below Market Rate requirements associated with Commercial Development Projects are a form of “linkage”. This Chapter authorizes the Below Market Rate Housing Program. The Program is implemented through Guidelines as adopted and amended from time to time by the City Council.

#### **16.96.020 Residential Development Projects.**

- (1) Applicability. This section shall apply to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals, and building permits for any residential development project of five (5) or more units. This section also applies to condominium conversions.
- (2) Requirements. For residential development projects of less than 20 units, the developer shall provide not less than 10 percent of the units at below market rates to very low-, low- and moderate-income households. For residential development projects of 20 or more units, the developer shall provide not less than 15 percent of the units at below market rates to very low-, low- and moderate-income households. If the number of units required for a residential development project includes a fraction of a unit, the developer shall provide either a whole unit or a prorata in lieu payment on account of such fraction as determined in the Below Market Rate Housing Program Guidelines. The requirements of this section may be met through the provision of on-site or off-site below market rate units as determined by the Housing Commission and the reviewing body (i.e. Planning Commission or City Council).
- (3) Review Process. As part of an application for an applicable residential development project, the developer shall submit a Below Market Rate Housing Agreement. The Agreement shall set forth the developer’s plan to meet the requirements of this section. The Agreement shall be reviewed by the Housing Commission and forwarded with a recommendation to the reviewing body for the application request. The reviewing body shall act on the Agreement prior to or concurrently with the action on the application request. No building permit or other land use authorization may be issued or approved unless the requirements of this section have been met.

## BELOW MARKET RATE HOUSING PROGRAM

### 16.96.030 Commercial Development Projects.

- (1) Applicability. This section shall apply to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals, and building permits for any commercial development project or the construction of such project or any portion thereof which includes any new square footage or any square footage that is converted from an exempt use to a non-exempt use or from a Group B (All other commercial/industrial uses) use to a Group A (Office/R&D) use.
- (2) Exemptions. The following uses are exempt from this section:
  - a) Private schools and churches;
  - b) Public facilities;
  - c) Commercial development projects of less than 10,000 square feet;
  - d) Projects that generate few or no employees.
- (3) Requirements. The developer shall mitigate the demand for affordable housing created by the commercial development project. The Below Market Rate Housing Program Guidelines provides various alternatives for mitigation. A commercial development project may be required to provide below market rate housing on-site (if allowed by the zoning district) or off-site. If it is not feasible to provide below market rate housing units, the developer shall pay an in lieu fee prior to issuance of a building permit as follows:
  - (a) Group A use: \$11.89 per square feet of new gross floor area;
  - (b) Group B use: \$6.48 per square feet of new gross floor area.

The in-lieu fee shall be adjusted annually on the first of July, in accordance with the Guidelines.

- (4) Review Process. As part of an application for a commercial development project, the developer shall submit a Below Market Rate Housing Agreement. The Agreement shall set forth the developer's plan to meet the requirements of this section. The Agreement shall be reviewed by the Housing Commission and forwarded with a recommendation to the reviewing body (i.e., Planning Commission or City Council) for the application request. The reviewing body shall act on the Agreement prior to or concurrently with the action on the application request. No building permit or other land use authorization may be issued or approved unless the requirements of this section have been met.

### 16.96.040 Development Regulations for Below Market Rate Housing Units.

- (1) Generally. The provisions of this section shall apply only to housing developments that provide one or more below market rate units in accordance with the provisions of this chapter.
- (2) Density and FAR Bonuses. For each Below Market Rate unit provided under the Below Market Rate Housing Program, a developer shall be permitted to build one additional market-rate unit and, in the case of a subdivision, to create a legal lot or condominium unit for such additional unit. In addition, a developer shall be permitted to increase the floor area associated with the residential development project by an amount that corresponds to the increase in allowable density. Requests for density bonuses of a maximum of 15 percent are subject to approval of the reviewing body (i.e., Planning Commission or City Council) associated with the required application.

## **BELOW MARKET RATE HOUSING PROGRAM**

### **16.96.040 Development Regulations for Below Market Rate Housing Units.**

- (3) Incentives. The following incentives may be requested, if applicable:
- (a) To accommodate the increase in allowable density and floor area ratio described in subsection 16.96.040(2), the developer may request exceptions from all development regulations of the applicable zoning district of a residential development project that includes below market rate units, except for floor area ratio and density.
  - (b) Development on a parcel of less than one acre in area but greater than or equal to 20,000 square feet where the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than one half (0.5) of a unit may request exceptions from development regulations as specified in Sections 16.82.050-100 Conditional Development Permits.

**16.96.050 Below Market Rate Housing Fund.** Fees paid pursuant to this chapter shall be deposited in the Below Market Rate Housing Fund as described in the Below Market Rate Housing Program Guidelines.

**16.96.060 Below Market Rate Housing Program Guidelines.** The provisions of this chapter shall be implemented through the Below Market Rate Housing Program Guidelines as adopted by the City Council on January 12, 1988 and subsequently amended.

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## Chapter 16.97

### STATE DENSITY BONUS LAW

#### Sections:

- 16.97.010 Purpose.
- 16.97.020 Definitions.
- 16.97.030 Applicability
- 16.97.040 Application Requirements.
- 16.97.050 Density Bonus.
- 16.97.060 Incentives.
- 16.97.070 Discretionary Approval Authority Retained.
- 16.97.080 Waivers.
- 16.97.085 Specific Plan Exemptions.
- 16.97.090 Affordable Housing Agreement.
- 16.97.100 Design and Quality.

#### **16.97.010 Purpose.**

The purpose of this Chapter is to adopt an ordinance that specifies how compliance with Government Code Section 65915 (“State Density Bonus Law”) will be implemented in an effort to encourage the production of low income housing units in developments proposed within the City.

#### **16.97.020 Definitions.**

Unless otherwise specified in this Chapter, the definitions found in State Density Bonus Law shall apply to the terms contained herein.

#### **16.97.030 Applicability.**

This Chapter shall apply to all zoning districts, including mixed use zoning districts, where residential developments of five or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very-low, senior or moderate income housing units in the threshold amounts specified in State Density Bonus Law such that the resulting density is beyond that which is permitted by the applicable zoning. This Chapter and State Density Bonus Law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the non-residential component of any proposed project.

#### **16.97.040 Application Requirements.**

- (A) Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to State Density Bonus Law shall provide the City with a written proposal. The proposal shall be submitted prior to or concurrently with the filing the planning application for the housing development and shall be processed in conjunction with the underlying application.
- (B) The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to State Density Bonus Law shall include the following information:
  - (1) Requested density bonus. The specific requested density bonus proposal shall evidence that the project meets the thresholds for State Density Bonus Law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under State Density Bonus Law and the resulting unit per acre density. The density bonus units shall not be included in

## STATE DENSITY BONUS LAW

### 16.97.040 Application Requirements.

determining the percentage of base units that qualify a project for a density bonus pursuant to State Density Bonus Law.

- (2) Requested incentive(s). The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.
- (3) Requested Waiver(s). The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Section 16.97.080 and to the extent such limitations are exceeded will be considered as a request for an incentive.
- (4) Fee. Payment of the fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the State Density Bonus Law application submitted pursuant to this Chapter.

### 16.97.50 Density Bonus.

- (A) A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in State Density Bonus Law. The applicant may select from only one of the income categories identified in State Density Bonus Law and may not combine density bonuses from different income categories to achieve a larger density bonus.
- (B) In the sole discretion of the City Council, the City Council may approve a density bonus and/or incentive(s) in accordance with State Density Bonus Law for a project that does not maximize the underlying base zoning density. Additionally, nothing herein prevents the City from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.
- (C) The density bonus provided pursuant to State Density Bonus Law is not additive with and shall not be combined with the density bonus provided pursuant to Chapter 16.98 [Affordable Housing Overlay].

### 16.97.60 Incentives

- (A) The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.
- (B) An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of mixed use zoning (e.g. commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

## STATE DENSITY BONUS LAW

### 16.97.060 Incentives

- (C) The City has specifically approved the following incentive for properties not located within the El Camino Real/Downtown Specific Plan boundary:
  - (1) If the applicant proposes to put 50 percent of the required parking in a parking structure, then the applicant shall be eligible for a 10 percent increase in the base density for purposes of the calculations of maximum base density and percentage of affordable units required to apply State Density Bonus Law.
- (D) A requested incentive may be denied only for those reasons provided in State Density Bonus Law. Denial of an incentive is a separate and distinct act from a decision to deny or approve the entirety of the project.

### 16.97.070 Discretionary Approval Authority Retained.

The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.

### 16.97.080 Waivers.

A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards, include, but are not limited to, a height limitation, a setback requirement, an onsite open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. To be entitled to the requested waiver, the applicant must show that without the waiver, the project would be physically impossible to construct. There is no limit on the number of waivers.

### 16.97.085 Specific Plan Exemptions.

The following requirements in the Menlo Park El Camino Real Downtown Specific Plan area shall not be modified as either an incentive or waiver pursuant to this Chapter:

- (A) The maximum FAR shall be limited to the public benefit levels.
- (B) The front and side setbacks facing a public right-of-way.
- (C) Building façade height.
- (D) Massing and modulation standards including, major portions of a building facing a street should be parallel to the street, building breaks, building façade modulation and building profile, and upper story façade length.

## STATE DENSITY BONUS LAW

### **16.97.090 Affordable Housing Agreement.**

Prior to project approval, the applicant shall enter into an Affordable Housing Agreement with the City, to be executed by the City Manager without review by the Housing Commission, Planning Commission or City Council if the underlying application does not require review and/or approval by those bodies, to the satisfaction of the City Attorney guaranteeing the affordability of the rental or ownership units for a minimum of 30 years and identifying the type, size and location of each affordable unit. Such Affordable Housing Agreement shall be recorded in the San Mateo County Recorder's Office.

### **16.97.100 Design and Quality.**

- (A) Affordable units must be constructed concurrently with market-rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the building official. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units.
- (B) Parking standards shall be modified as allowable under State Density Bonus Law and anything beyond those standards shall be considered a request for an incentive.

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## Chapter 16.98

### AFFORDABLE HOUSING OVERLAY

#### Sections:

- 16.98.010 Purpose and Goal.
- 16.95.015 Applicability.
- 16.98.020 Affordable Housing Requirement.
- 16.98.030 Density Bonus.
- 16.98.040 Incentives.
- 16.98.050 Fee Waivers.
- 16.98.060 Continued Affordability.
- 16.98.070 Design.

#### **Section 16.98.010 Purpose and Goal.**

The purpose of the Affordable Housing Overlay (“AHO”) zone established by this Chapter is to encourage the development of affordable housing for low, very-low and extremely-low income households. The AHO serves to implement the Housing Element goal of providing new housing that addresses affordable housing needs in the City of Menlo Park by establishing development regulations for designated housing opportunity sites. The AHO is also intended to address those housing projects which provide a greater percentage of low and very-low income units than identified in Government Code Section 65915.

#### **16.95.015 Applicability.**

This Chapter shall apply to the Menlo Park El Camino Real and Downtown Specific Plan area and those properties zoned R-4-S(AHO) (High Density Residential, Special - Affordable Housing Overlay).

#### **16.98.020 Affordable Housing Requirement.**

- (A) For smaller projects that propose more than five, but less than 100 residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this Chapter, a residential development project shall provide a minimum of 21 percent low income units or 12 percent very-low income units. If a smaller project proposes to provide both low and very-low income units, the minimum percentage of units to qualify for the AHO shall be more than the additive amount necessary to achieve a 35 percent density bonus as described in Government Code Section 65915. For example, a project that proposes to provide 10 percent low (20 percent density bonus) and five percent very-low (20 percent density bonus) would qualify for the AHO because the total additive density bonus under Government Code Section 65915 would be a 40 percent density bonus.
- (B) For larger projects that propose 100 or more residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this Chapter, a residential development project shall provide a minimum of 21 percent low income units or 12 percent very-low income units. If a larger project proposes to provide both low and very-low income units, the minimum percentage of units to qualify for the AHO shall be the additive amount necessary to achieve more than a 35 percent density bonus. For purposes of this section 16.98.020.B, to determine the additive percent density bonus required to qualify for the AHO, the density bonus percentages shall be as described in Government Code Section 65915 and as described in Table 1 below. For example, a project that proposes to provide 10 percent low (20 percent density bonus pursuant to Government Code Section 65915) and four percent very-low income (17.5 percent density bonus pursuant to Table 1) would qualify for the AHO because the total additive density bonus pursuant to Government Code Section 65915 and Table 1 would be a 37.5 percent density bonus.

**AFFORDABLE HOUSING OVERLAY**

**16.98.020 Affordable Housing Requirement.**

**Table 1**

Low Income (%)	Density Bonus (%)
5	12.5
6	14
7	15.5
8	17
9	18.5
Very-Low Income (%)	Density Bonus (%)
2	12.5
3	15
4	17.5

- (C) The percentage of low or very-low income units shall be calculated as a percentage of the maximum base unit density of the property, not including any public benefit density. The low or very-low income percentage required to qualify for the AHO shall not include the below market rate units required to be provided by for-sale residential development projects and commercial development projects pursuant to the City’s Below Market Rate Housing Program, Chapter 16.96.
- (D) Those projects located in the Menlo Park El Camino Real and Downtown Specific Plan area that qualify for the AHO shall be eligible for the density bonus and incentives identified in this Chapter. The density bonus applies only to the residential component of a project in the Menlo Park El Camino Real and Downtown Specific Plan area and does not act to entitle a project to more office, retail or other non-residential density.
- (E) To qualify for the AHO, a project must accommodate a full range of income levels. At least 25 percent of the affordable units in a project must be very-low and/or extremely-low income units or at least 15 percent of the affordable units in a project must be extremely-low income.

**16.98.030 Density Bonus.**

- (A) **Low Income.** A project that provides 21 percent low income units shall be entitled to a 36.5 percent density bonus. For each additional percentage of low income units above 21 percent or above the percentage of low income units provided to qualify for the AHO where a mix of low and very-low income units is provided, the project shall be entitled to an additional 1.5 percent density bonus, up to the maximum density bonus identified in subsection C.
- (B) **Very Low Income.** A project that provides 12 percent very-low income units shall be entitled to a 37.5 percent density bonus. For each additional percentage very-low income units above 12 percent or above the percentage of very-low income units provided to qualify for the AHO where a mix of low and very-low income units is provided, the project shall be entitled to an additional 2.5 percent density bonus, up to the maximum density bonus identified in subsection C.

## AFFORDABLE HOUSING OVERLAY

### 16.98.030 Density Bonus.

- (C) The maximum density bonus available pursuant to this Chapter, whether achieved by provision of low, very-low or a mix of low and very-low income units, is 60 percent. The density bonus percentages used to calculate the total additive density bonus for a project that proposes a mix of low and very-low income units shall be calculated pursuant to section 16.98.020 and this section 16.98.030. The density bonus provided pursuant to the AHO is not additive with and shall not be combined with the density bonus provided pursuant to State Density Bonus Law, Government Code Section 65915.
- (D) For purposes of this Chapter, any decimal fraction of less than 0.5 shall be rounded down to the nearest whole number and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

### 16.98.040 Incentives.

- (A) Floor Area Ratio. A project shall be permitted to increase the floor area ratio by an amount that corresponds to the increase in allowable density identified in section 16.98.030 above and an additional five percent or other increase reasonably sufficient to make development of low and very-low income multiple-bedroom units and family housing feasible.
- (B) Stories/Height. A project that is entitled to up to a 45 percent density bonus under this AHO shall be entitled to a maximum height of four stories, but not more than 48 feet. A project that is entitled to a density bonus above 45 percent under this AHO and in which at least 50 percent of the affordable units are very-low and extremely-low income or at least 25 percent of the affordable units are extremely-low income, shall be entitled to a maximum of five stories, but not more than 60 feet.
- (C) Parking. Unless modified herein, the parking requirements in the underlying zoning designation of the property shall apply. The parking requirements in the AHO shall be modified for each affordable unit as follows:
- (1) Number of spaces:
    - (a) A studio requires 0.8 parking spaces.
    - (b) A one-bedroom requires one parking space.
    - (c) A two-bedroom or larger unit requires 1.5 parking spaces.
    - (d) For projects located in the Station Area or Station Area Sphere of Influence each affordable unit shall be granted a reduction of 0.2 parking spaces from the minimum that would otherwise be required.
  - (2) In the Menlo Park El Camino Real and Downtown Specific Plan area, projects qualifying for the AHO shall be required to provide either the number of spaces per C.1., above, or as specified in the Menlo Park El Camino Real and Downtown Specific Plan, whichever is less.
  - (3) A senior citizen housing project as defined in Sections 51.3 and 51.12 of the Civil Code shall be required to provide no more than 0.8 parking spaces per dwelling unit.
  - (4) The spaces required for the affordable units need not be covered or located in a garage or carport.
  - (5) If two spaces are being provided for any one affordable dwelling unit, the spaces may be in tandem.
  - (6) Long-term bicycle parking shall be required at no more than 0.5 spaces per unit.
  - (7) Any requirement for electric vehicle parking or plug in hybrid recharging stations shall be reduced by 50 percent or may be met by providing an equivalent number of car sharing spaces.

## AFFORDABLE HOUSING OVERLAY

### 16.98.040 Incentives.

- (D). Contiguous parcels that touch or contiguous parcels in the same zone that are in close proximity may calculate density, floor area ratio, building coverage, paving, landscaping and required parking across the parcels, provided that there is a recorded agreement among the owner(s) of the parcels to transfer development rights between the parcels such that the maximum overall density of the combined parcels is not exceeded.
- (E) Coverage. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, any applicable maximum building coverage and/or allowable paving requirement shall be increased by five percent and the minimum open space/landscaping requirement reduced by 10 percent from the underlying zoning designation.
- (F) Setbacks. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, required setbacks shall be reduced to five feet, except when the parcel subject to the AHO abuts a parcel zoned single-family residential, in which case the setbacks identified in underlying zoning shall control.
- (G) Open Space. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, any common and/or private open space may be reduced by up to 50 percent from the underlying zoning.
- (H) Maximum Façade Height. Where an increase in the overall height is permitted to be above 40 feet, the building profile shall be set at a height of 32 feet and the maximum number of major step backs shall be one.
- (I) The incentives provided pursuant to the AHO are not additive with and shall not be combined with the incentives provided pursuant to State Density Bonus Law, Government Code Section 65915.
- (J) Specific Plan Exemptions. Notwithstanding the foregoing, certain requirements in the Menlo Park El Camino Real Downtown Specific Plan area shall not be modified pursuant to this Section 16.98.040:
  - (1) The maximum FAR shall be limited to the public benefit levels.
  - (2) The front and side setbacks facing a public right-of-way.
  - (3) Building façade height.
  - (4) Massing and modulation standards including, major portions of a building facing a street should be parallel to the street, building breaks, building façade modulation and building profile, and upper story façade length.

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## AFFORDABLE HOUSING OVERLAY

### **16.98.50 Fee Waivers.**

- (A) Processing Fees. Those projects that provide at least 50 percent of the units in the base project for low income households or 20 percent for very-low income households shall be entitled to a fee waiver for all the processing fees associated with the various applications for development.
- (B) Other Fees. Projects qualifying for the AHO shall be entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density identified in section 16.98.030 above. Any project requesting a reduction or waiver of the traffic impact fee, park dedication fee, building construction street impact fee, Menlo Park El Camino Real Downtown Specific Plan preparation fee, or other fee(s) in excess of that percentage reduction shall apply for the requested reduction or waiver, which shall be subject to a discretionary review and approval process. The City Council shall be the final decision maker regarding any such request.

### **16.98.060 Continued Affordability.**

Prior to issuance of building permits, the applicant shall execute an agreement with the City, to be executed by the City Manager without review by the Housing Commission, Planning Commission or City Council, in a form acceptable to the City Attorney ensuring the continued affordability of the affordable dwelling units for a period of not less than 55 years.

### **16.98.070 Design.**

Development utilizing the AHO shall be subject to compliance review relative to adopted objective design standards and such compliance shall be determined by the Community Development Director or his/her designee. Development in the Menlo Park El Camino Real Downtown Specific Plan area shall be subject to the architectural control process identified in the Menlo Park El Camino Real Downtown Specific Plan. No other discretionary action shall be required, unless the applicant requests a variance from the requirements of the AHO or requests architectural control for modification of the objective design standards. Low and very-low income units must be constructed concurrently with market-rate units and shall be integrated into the project and be comparable in construction quality and exterior design to any market rate units. The low and very-low income units may be smaller in size and have different interior finishes and features than market rate units so long as the features are durable, of good quality and consistent with contemporary standards for new housing as determined by the Community Development Director in his/her sole and absolute discretion. Notwithstanding the foregoing, the number of bedrooms in the low and very-low income units shall at minimum be consistent with the mix of market rate units. For example if the market rate units consist of 50 percent one-bedroom, 25 percent two-bedroom and 25 percent three-bedroom units, the low and very-low income units must match this breakdown. Applicants may elect to include a higher percentage of units with more bedrooms.

## Chapter 16.99

### EMERGENCY SHELTER FOR THE HOMELESS OVERLAY

#### Sections:

- 16.99.010 Purpose and goals
- 16.99.020 Applicability
- 16.99.030 Permitted uses
- 16.99.040 Conditional uses
- 16.99.050 Development regulations
- 16.99.060 Performance standards
- 16.99.070 Compliance review procedures

**16.99.010 Purpose and goals.** The purposes of this Chapter are to ensure the development of emergency shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and to ensure they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing housing for the homeless of the community. Further the goal of this Chapter is to create a local approach to housing for the homeless, which includes veterans who, as of the date of the adoption of this ordinance, make up approximately 25 percent of the homeless population in San Mateo County and who may be served by the U.S. Department of Veterans Affairs located in Menlo Park.

**16.99.020 Applicability.** This Chapter shall apply only to emergency shelters for the homeless and only to the following properties, listed by the San Mateo County Assessor's Parcel Number (APN) as of the date of the adoption of this ordinance: 062470050, 062285320, 062285210, 062285300, 062065050, 062065070, 062285200, 062285220, 062064080, 113910999, 062065060, 062065010, 062064110, 062065030, 062064090, 062064100, 062064140, 062064130, 062490999, 062064120, 062065020, 062490020, 062490010, 113910010, 113910030, and 113910020. Any use other than an emergency homeless shelter shall be regulated by the underlying zoning district.

**16.99.030 Permitted uses.** The only permitted use in the Emergency Shelter for the Homeless Overlay is a facility housing the homeless with 16 or fewer beds, which shall serve no more than 16 homeless persons at one time. The cumulative number of beds allowed through this Chapter shall be no more than 16 beds, except as authorized by a use permit.

**16.99.040 Conditional uses.** Conditional uses allowed in the Emergency Shelter for the Homeless Overlay, subject to obtaining a use permit, are as follows:

- (1) Single facility housing the homeless with more than 16 beds;
- (2) Facility housing the homeless that would increase the cumulative total number of beds allowed through this Chapter above 16.

## EMERGENCY SHELTER FOR THE HOMELESS OVERLAY

**16.99.050 Development regulations.** The emergency shelter for the homeless shall conform to all development regulations of the zoning district in which it is located, except for the off-street parking requirement. A modification to a development regulation of the underlying zoning district may be permitted subject to approval of a use permit by the Planning Commission.

- (1) **Off-street parking.** All required parking spaces and access thereto shall conform to the City parking standards. Parking shall be provided per the requirements and shall not be located in any required yard abutting a street or R district. The Community Development Director may also reduce the parking requirement if the shelter can demonstrate a lower need.

Type	Parking Spaces	
Vehicular*	Per employee or volunteer on duty when the shelter is open to clients	1 space
	Per family	1 space
	Per non-family bed	0.25 space
Bicycle	Per bed	0.2 space
<p>*A 10 percent reduction in the overall parking requirement is permitted if the facility is located within one-half mile of a rail station or one-quarter mile of a bus stop that serves at least four buses per hour during the weekday peak periods in the morning (7-9 a.m.) and afternoon (4-6 p.m.).</p>		

**16.99.060 Performance standards.** The shelter for the homeless shall conform to all performance standards. A modification to a performance standard may be permitted subject to approval of a use permit.

- (1) **Waiting and Client Intake Areas.** Shelters shall provide 10 square feet of on-site, interior waiting and client intake space per bed. In addition, one office or cubicle shall be provided per 10 beds, with at least one office or up to 25 percent of the offices designed for client privacy. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.
- (2) **Facility Requirements.** Each facility shall include a written management plan that uses best practices to address homeless needs (e.g. Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project) and shall include, at a minimum, the following:
  - (a) **On-site management:** On-site personnel are required during hours of operation when clients are present. The provider shall have a written management plan that includes procedures for screening residents to ensure compatibility with services provided at the facility.
  - (b) **Hours of operation:** Facilities shall establish and maintain set hours for client intake and discharge. The hours of operation shall be consistent with the services provided and be clearly posted.
  - (c) **Services:** Facilities shall provide overnight accommodation and meals for clients. Staffing and services or transportation to such services shall be provided to assist clients to obtain permanent shelter and income. Such services shall be available at no cost to all clients of the facility.
  - (d) **Kitchen:** Each facility shall provide a common kitchen and dining room adequate for the number of clients served on a daily basis.

## EMERGENCY SHELTER FOR THE HOMELESS OVERLAY

### 16.99.060 Performance standards

- (e) **Sanitation:** Each facility shall provide showers adequate for the number of clients served on a daily basis.
  - (f) **Storage:** Each facility shall provide secure areas for personal property adequate for the number of clients served on a daily basis.
  - (g) **Other amenities:** Other amenities may be required that are consistent with the State's provision for emergency housing, as recommended by the Police Department prior to Compliance Review approval.
  - (h) **Coordination:** The Shelter Operator shall establish a liaison staff to coordinate with City, Police, School District officials, local businesses, and residents on issues related to the operation of the facility.
- (3) **Exterior Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- (4) **Security.** On-site security shall be provided during the hours of operation when clients are present.

**16.99.070 Compliance review procedures.** Each facility proposed under the Emergency Shelter for the Homeless Overlay requires review for compliance with Section 16.099.050 (development regulations) and Section 16.99.060 (performance standards) prior to occupancy of the facility, where a use permit is not required.

- (1) **Application.** Requests for compliance review shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, plans, and a project description explaining the details of the proposal.
- (2) **Noticing.** A notice shall be mailed to all property owners and building occupants within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City. The notice shall include a description of the proposal, methods for providing comments, and date and time of a public meeting.
- (3) **Public meeting.** Prior to making a determination of compliance, the Planning Commission shall conduct a study session. The review by the Planning Commission shall be advisory and non-binding and shall be limited to the proposal relative to the development regulations and performance standards.
- (4) **Compliance determination.** The Community Development Director or designee shall make a determination of compliance in writing after reviewing the application materials and considering any comments received. The determination of the Community Development Director is final and not subject to appeal.