ORDINANCE NO. 2066

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, RENUMBERING CHAPTERS 18.02 THROUGH 18.58 OF THE ZONING CODE, REPEALING CODE CHAPTERS 18.54 AND 18.60 THROUGH 18.120, ADOPTING THE ZONING CODE UPDATE, AND ESTABLISHING AN IMPLEMENTATION SCHEDULE

WHEREAS, the City of Santa Clara (the "City") is contemplating the adoption of the City's Zoning Code Update, the first comprehensive update of the Code in over 50 years;

WHEREAS, the 2010-2035 General Plan is the City's vision for future development; and

WHEREAS, the City's Zoning Code is the primary regulatory tool that implements the General Plan;

WHEREAS, under Government Code Section 65860, the General Plan and Zoning Ordinance of a jurisdiction are required to be consistent with each other;

WHEREAS, the Zoning Code Update will add mixed-use zoning districts that directly align with the City's General Plan land use designations, including new mixed-use districts for commercial corridors, such as El Camino Real, Homestead Road, and Saratoga Avenue, eliminating the need for time-consuming Planned Development Zonings for mixed-use projects;

WHEREAS, the Zoning Code Update creates new zoning designations for Low-Intensity Office/R&D (LO-RD) and High-Intensity Office/R&D (HI-RD) uses, consistent with the General Plan, recognizing that additional height and development intensity is now a part of the development program for contemporary office uses;

//

//

WHEREAS, the proposed code includes additional height allowances for industrial uses with fewer employees, allowing data centers operators to construct larger buildings because of lower occupant loads and therefore less impacts to surrounding uses from traffic;

WHEREAS, the updated Zoning Code includes multiple changes to streamline the permitting of placemaking uses, with a proposed increased allowance for restaurants of up to 24 outdoor seats without a permit;

WHEREAS, the proposed code features a streamlined administrative permit process for temporary outdoor events on private property, such as pumpkin patches and carnivals, as well as live entertainment, provided the entertainment use meets residential separation requirements;

WHEREAS, the proposed parking regulations have been revised to base parking requirements on the floor area of a building, as opposed to requirements based on other criteria, such as number of seats, streamlining the re-tenanting process;

WHEREAS, in response to ongoing community concerns, the updated Zoning Code adds requirements for off-street parking for the duration of construction of residential projects of over 100 units in size;

WHEREAS, in response to concerns about overcrowding in residences, the Zoning Code Update will require that in new or expanded residences, each residential unit maintain a minimum common area (the area dedicated to living rooms, family rooms and kitchens) of 25% of the floor area of the building;

//

//

WHEREAS, the proposed Zoning Code Update establishes regulations for short-term rentals, requiring the unit to be owner-occupied and requiring the owner to register with the City, pay the Transient Occupancy Tax (TOT), and meet performance standards;

WHEREAS, the Zoning Code Update will codify the ability to make up to a cumulative 1,000 square foot addition to single-family residences over the life of the building without the need to add a parking space;

WHEREAS, the proposed Zoning Code Update will add by-right exceptions for additions to houses with legal non-conforming side setbacks, provided the addition is to the rear, reducing the need for variances to permit additions with this condition;

WHEREAS, the proposed Zoning Code Update would also increase the amount that unenclosed porches can encroach into the front setback to up to six feet, aligning with current community preferences, reflecting the transition from a visual preference for large, uninterrupted front lawns to homes that are more inviting and pedestrian-oriented;

WHEREAS, the proposed code adds language that will make it easier for the City to conduct Code Enforcement for non-compliant property owners, helping to maintain the look and feel of the City's neighborhoods;

WHEREAS, in response to community input, particularly from the Old Quad neighborhood, the proposed update will include zoning standards that allow one-and-a-half story Accessory Dwelling Units (ADUs) by right, making more ADU layouts that fit onto more lots possible;

WHEREAS, the Zoning Code Update will create a Minor Use Permit process to allow more streamlined review of non-controversial uses, such as licenses for beer and wine sales at a restaurant;

WHEREAS, the proposed Zoning Code Update includes conforming revisions to address recent changes to state housing laws;

WHEREAS, the Code Update includes changes requested by the State Department of Housing and Community Development as a part of the Housing Element Update, including providing a variety of housing types; providing additional locations for emergency shelters, low barrier navigations centers and transitional housing; and providing a by-right approval process for certain kinds of housing, including emergency shelters;

WHEREAS, the City is proposing to adopt the Zoning Code in advance of the Zoning Map, with an interim period where specified sections of the Code that are not reliant on a newly adopted map apply;

WHEREAS, the City is proposing to defer the implementation of short-term rental regulations for nine months to allow for the establishment of a monitoring and compliance process;

WHEREAS, the City held seven community meetings in 2018 and 2019 on the Zoning Code Update to solicit community feedback; received 500 responses to a community survey on the Zoning Code Update in 2019; posted a copy of the draft code for public comment in 2022;

WHEREAS, the City Council and Planning Commission held three joint study sessions on the Zoning Code Update in the summer and fall of 2019;

WHEREAS, the Planning Commission held study sessions on the Zoning Code Update on August 22, 2018, September 5, 2018 and October 27, 2021, and also held a study session specifically on parking and outdoor dining regulations on June 16, 2021;

WHEREAS, the City Council held a study session on the Zoning Code Update on August 22, 2023;

WHEREAS, the City Council has reviewed the proposed Zoning Code;

WHEREAS, on November 1, 2023, a joint notice of the public hearing for the November 15, 2023 Planning Commission and December 19 City Council meetings was published in the *Weekly*, a newspaper of general circulation in the City;

WHEREAS, on November 15, 2023, the Planning Commission conducted a duly noticed public hearing to consider the Zoning Code Update and associated text amendments, at the conclusion of which, the Commission voted to adopt a resolution recommending that the Council adopt the proposed Zoning Ordinance Update;

WHEREAS, in its Resolution, the Planning Commission indicated its support for additional Zoning Code language to allow monitored electric security fences in the LI Light Industrial and HI Heavy Industrial zoning districts, subject to a Conditional Use Permit;

WHEREAS, on December 19, 2023, the City Council conducted a duly noticed public hearing, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed Zoning Ordinance Update; and

//

//

//

//

//

//

WHEREAS, before acting on the Zoning Code Update, the City Council reviewed and considered the potential environmental impacts of the Zoning Code Update and determined that as the primary implementation tool of the General Plan, the environmental effects of the proposed Zoning Code Update were consistent with 2010-2035 General Plan EIR and subsequent specific plan and focus area EIRs, and that the proposed Zoning Code Update did not alter the conclusions of the adopted General Plan EIR or subsequent EIRs, or create new environmental impacts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 18.54 and Chapters 18.60 through 18.120 of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") are hereby repealed.

SECTION 2: That SCCC Chapters 18.02 through 18.58 of Title 18 (entitled "Zoning") are renumbered to Chapters 18.202 through 18.258, inclusive.

SECTION 3: That the City Clerk is directed to renumber all internal cross-references contained in Chapters 18.202 through 18.258 to reflect the new numbering scheme, and to make any other necessary changes to section numbers or cross-references in the Zoning Code in the twelve months following the Effective Date.

SECTION 4: That Section 18.256.010 ("Application") of Chapter 18.256 (Planned Development – Master Community Zoning Districts") of Title 18 ("Zoning") is hereby amended to read as follows:

//

//

"The regulations set forth in this chapter apply to all Planned Development – Master Community (PD-MC) zoning districts established prior to January 1, 2024. PD-MC zoning districts established prior to January 1, 2024, may be amended pursuant to Chapter 18.142, but no further PD-MC zoning districts shall be created."

SECTION 5: That the first paragraph of Section 18.256.120 ("Modifications to master community plan and development area plan") of Chapter 18.256 (Planned Development – Master Community Zoning Districts") of Title 18 ("Zoning") is hereby amended to read as follows:

"Modifications to a master community plan shall be considered changes to the zoning map and shall be made in accordance with the procedures set forth in Chapter 18.142 SCCC, Amendments."

SECTION 6: That the Updated Zoning Code is hereby adopted, with the modifications specified below.

SECTION 7: As recommended by the Planning Commission, an alternate version of Section 18.34.060 is hereby adopted, to read as follows:

"**18.34.060 – Materials and Maintenance**

A. Graffiti Resistance. Graffiti-resistant aesthetic surface treatment shall be required for all fences and walls adjacent to a public right-of-way, or as determined though the Site Plan and Design Review (Chapter 18.120) process.

B. Fences and wall in Industrial and Office Zones.

1. Storage Area allowable fence and wall material. Within the Industrial-Heavy category, storage area screening may include masonry or concrete, metal, or chain-link fencing with wood or vinyl slats.

2. Security fences and walls. Within all industrial and office zones except Industrial-Heavy, all fencing, or walls shall be wrought iron, concrete, masonry, or other similar materials not to exceed a height of eight feet from the highest finished grade. Chain-link fencing may be used in areas not visible from public rights-of-way.

C. Maintenance. Fences, walls, and screens shall be continuously maintained in an orderly and good condition and shall always be kept free of graffiti.

D. Prohibited Fence, Wall, and Screen Materials. The following materials and fence types are prohibited:

1. Barbed Wire

2. Razor Wire

3. Electrified fences<u>, with the exception of monitored perimeter security fence systems, as described in Section E below</u>

4. Use of grease

5. Broken glass or other sharp materials

//

//

//

//

//

//

//

//

E. Monitored perimeter security fence system.

"Monitored perimeter security fence system" means a perimeter alarm system with an assembly of battery-powered equipment, including but not limited to: a monitored alarm device and energizer which is intended to periodically deliver pulses to a security fence, a battery charging device used exclusively to charge the system's battery, and other integrated components.

The design, construction, and use of monitored perimeter security fence systems may be permitted subject to the approval of a conditional use permit pursuant to Chapter 18.114, subject to the following additional requirements:

1. IEC Standard No. 60335-2-76. Unless otherwise specified herein, monitored perimeter security fence systems shall be constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, current edition.
2. Power Source. The energizer for monitored perimeter security fence systems must be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery is charged primarily by a solar panel. The solar panel may be augmented by a commercial trickle charger.
3. Perimeter Barrier. Monitored perimeter security fence systems shall be installed behind a nonelectrified fence or wall that complies with section 18.34.060 B.

//

//

//

4. Emergency Gate Access. Before a monitored perimeter security fence system is activated, a Knox device shall be approved by the fire department. The Knox device will be installed at the main entry gate and fully functional at all times when the monitored perimeter security fence system is operational.
5. Separation. The perimeter security fence shall be set back four (4) inches to twelve (12) inches from the nonelectrified fence or wall in order to prevent inadvertent access to the monitored perimeter security fence.
6. Design/Height. The monitored perimeter security fence shall be visually transparent and comprised of twelve and one-half (12.5) gauge galvanized steel wires which are run horizontally, up to the maximum height of ten (10) feet.
7. Warning Signs. Monitored perimeter security fence systems shall be clearly identified with bilingual warning signs in compliance with Civil Code § 835(b)(3) that read: “Warning – Electric Fence” at intervals of not more than thirty (30) feet.
8. Location. Monitored perimeter security fence systems shall only be permitted on properties zoned LI Light Industrial and HI Heavy Industrial.
9. Alarm Signal. The monitored perimeter security fence system shall transmit a signal to an alarm monitoring business in response to an intrusion or burglary. The system shall not directly connect to or call law enforcement. The business must first verify the alarm event prior to requesting deployment of law enforcement.”

//

SECTION 8: That in Article 8 ("Definitions"), the definition of "Data Center" is revised to read, "**Data Center.** A facility that is very limited in the number of on-site staff and contains a large number of networked computer servers typically used by businesses and organizations for the remote storage, and distribution of large amounts of data. Also includes Data Warehouses."

SECTION 9: That in Article 8 ("Definitions"), the definition of "Data Center, ancillary" is also added to read, "**Data Center, ancillary.** A facility of networked computer servers for private use by an industrial user, and subordinate and accessory to the primary use. Ancillary Data Centers are limited to 20% of the building square footage on a site and a maximum power draw of nine (9) Megawatts."

SECTION 10: That Table 2-13 ("Office and Industrial Zones / Allowed Uses and Permit Requirements") of Section 18.16.020 ("Office and Industrial Land Uses and Permit Requirements") of Chapter 18.16 ("Office and Industrial Zones") is revised to read that Data Centers are a conditionally permitted use in the LO-RD Low-Intensity Office/R+D, HO-RD High- Intensity Office/R+D, LI Light Industrial and HI Heavy Industrial zones.

Table 2-13 is also revised to include a separately enumerated use for Data Center, ancillary, which is a permitted use in the LO-RD Low-Intensity Office/R+D, HO-RD High-Intensity Office/R+D, LI Light Industrial and HI Heavy Industrial zones.

SECTION 11: That Subparagraph c of paragraph 2 ("Annual Limit") of subsection C ("Operating Standards for Short-Term Rentals") of Section 18.60.250, Short-Term Rentals of Residential Property, is revised to read, "For purposes of this section, Accessory Dwelling Units are considered ~~un~~hosted if and only if the primary dwelling unit is owner-occupied."

SECTION 12: That a new Section 18.60.270 (“Developments Located Within the Airport Influence Area”) is hereby added to Chapter 18.60 (“Standards for Specific Land Uses”) of Title 18 (“Zoning”) to read as follows:

“18.60.270 Developments Located Within the Airport Influence Area.

A. All projects located within the Airport Influence Area shall be subject to the following requirements:

1. When measuring development height for consistency with the San Jose International Airport (SJC) Comprehensive Land Use Plan (CLUP) Part 77 Surfaces, height is to be measured from mean sea level (MSL) to the top of the highest point of any proposed structure. The height of any proposed structure is subject to height policies outlined in Sections 4.3.3.1 and 4.3.4.1 of the SJC CLUP and may not exceed the Part 77 Surface immediately above that proposed structure. In the case of structures or objects within the SJC AIA, if that structure or object penetrates the FAR Part 77 surface, the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA's determination shall prevail.

2. To ensure compliance with safety zone policies in the SJC Comprehensive Land Use Plan (CLUP), all proposed housing development within the various safety zones must conform to the applicable density allowances and open space/open area requirements as outlined in in Section 4.3.5.1 and Table 4-2 of the SJC CLUP.

//

3. To ensure compliance with noise related policies and guidelines, all proposed housing development / new housing accommodations must conform to the CNEL Noise Compatibility Guidelines and Section 4.3.2.1 and Table 4-1 of the SJC CLUP.
4. Where legally allowed, dedication of an avigation easement to the City of San Jose shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7 of the SJC CLUP. All such easements shall be similar to that shown as Exhibit 1 in Appendix A of SJC CLUP."

SECTION 13: Ordinances Repealed. With exception of the provisions protected by the savings clause, and the chapters of the existing zoning code that were renumbered above, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 14: **Savings clause**. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

//

//

//

SECTION 15: **Effective date**. Except as otherwise provided below, this ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California." Notwithstanding the foregoing, the following sections shall not take immediate effect:

- Those provisions in Chapter 18.10 (Residential Zones) of Article 2 (Zones, Allowable Uses, and Development Standards) that apply to the R2, R3, R4, R5, R6, PH-R5, UC, UV, and HD Flex zones, until such time as the City Council adopts a revised zoning map;
- Chapters 18.12 through 18.20 of Article 2 (Zones, Allowable Uses, and Development Standards), until such time as the City Council adopts a revised zoning map; and

//

//

//

//

//

//

//

//

//

//

//

- Section 18.60.250 ("Short-Term Rentals of Residential Property") of Chapter 18.60 ("Standards for Specific Land Uses") of Article 4 ("Standards for Specific Land Uses"), for which the implementation is deferred for nine (9) months to allow time for the establishment of a monitoring and compliance program.

PASSED FOR THE PURPOSE OF PUBLICATION this 19TH day of December, 2023, by the following vote:

AYES:	COUNCILORS:	Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Becker
ABSTAINED:	COUNCILORS:	None

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Zoning Code update document

Article 1 – Enactment and Applicability

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.02 – Purpose and Applicability of Zoning Code ---------- 1-1

18.02.010 – Title ---------- 1-1
18.02.020 – Purpose and Authority ---------- 1-1
18.02.030 – Applicability of Zoning Code ---------- 1-2
18.02.040 – Relationship to Prior Ordinances ---------- 1-3
18.02.050 – Relationship to General Plan ---------- 1-3
18.02.060 – Prior Rights and Violations ---------- 1-3
18.02.070 – Effect of Zoning Code Amendments on Projects in Progress ---------- 1-3

Chapter 18.04 – Interpretation of the Zoning Code Provisions ---------- 1-5

18.04.010 – Purpose ---------- 1-5
18.04.020 – Rules of Interpretation ---------- 1-5
18.04.030 – Procedures for Interpretation ---------- 1-7
18.04.040 – Uses Not Classified ---------- 1-7
18.04.050 – Measurement of Separation Requirements ---------- 1-7
18.04.060 – Headings and Illustrations ---------- 1-8

Chapter 18.06 – Zoning Map and Zones ---------- 1-9

18.06.010 – Purpose ---------- 1-9
18.06.020 – Establishment of Zones ---------- 1-9
18.06.030 – Zoning Map ---------- 1-11
18.06.040 – Rights-of-Way and Vacated Boundary Lines ---------- 1-11
18.06.050 – Uncertainty of Boundaries ---------- 1-11
18.06.060 – Classification of Annexed Lands ---------- 1-12

TABLES

Table 1-1 Zones Implementing the General Plan 1-11

-This page intentionally left blank

Chapter 18.02 – Purpose and Applicability of Zoning Code

Sections

18.02.010 – Title
18.02.020 – Purpose and Authority
18.02.030 – Applicability of Zoning Code
18.02.040 – Relationship to Prior Ordinances
18.02.050 – Relationship to General Plan
18.02.060 – Prior Rights and Violations
18.02.070 – Effect of Zoning Code Amendments on Projects in Progress

18.02.010 – Title

Title 18 of the Santa Clara City Code (SCCC), containing the City's zoning regulations, shall be known as the "Santa Clara Zoning Code" and referred to as this "Zoning Code."

18.02.020 – Purpose and Authority

A. **Purpose.** This Zoning Code is intended to carry out the policies of the Santa Clara General Plan. More specifically, the purpose of this Code is as follows:

1. Promote and protect the public comfort, convenience, health, safety, peace, and general welfare;

2. Provide a comprehensive zoning plan for the development of the City and to guide, control, and regulate the future growth of the City;

3. Minimize conflicts between private individual or groups or other conflicts that might result from incompatible or inappropriate adjacent land uses;

4. Promote orderly growth while providing adequate infrastructure and maximizing the efficient use of land;

5. Maintain and enhance desirable characteristics of the neighborhoods;

6. Protect the character, social and economic stability of residential, commercial, mixed use, industrial, and other private and public areas within the City, and ensure the orderly and beneficial development of these areas;

7. Prevent public safety conflicts between the locations of structures and streets; and

8. Provide adequate air, light, privacy, and convenience of access to property, and to ensure safety from fire, inundation, and other dangers.

B. **Authority.** This Zoning Code is enacted based on the authority vested in Santa Clara and the State of California, including but not limited to the State Constitution, Subdivision Map Act (California Government Code Section 66410 et seq.), California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), the California Health and Safety Code, the City Charter, and the SCCC.

18.02.030 – Applicability of Zoning Code

The use of all land, either permanently or temporarily, and the act of altering, constructing, enlarging, erecting, moving, or using any structure shall comply with the provisions of this Zoning Code and applicable provisions in other Titles of the SCCC. This Zoning Code applies to all uses of land and structures, subdivisions, and development, regardless of ownership, within the City.

A. **Compliance Required.** No structure shall be altered, erected, or reconstructed in any manner, nor shall any structure or land be used for any purpose, other than as expressly allowed by this Zoning Code.

B. **Land Use Permits and Approvals Required.** Land use permits and approvals are required when a development, as defined in this Zoning Code, is proposed. No person shall begin construction, occupy, or conduct a use or operation within the City unless any required land use permits have been issued and approvals have been obtained and the applicable appeal periods have expired in compliance with Chapter 18.144 (Appeals). The City shall not issue any other permit related to the development until all required approvals have been obtained.

C. **Subdivisions.** A subdivision of land proposed within the City after the effective date of the ordinance adopting this Zoning Code shall comply with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Development Standards), other applicable requirements of this Zoning Code, and SCCC Title 17 (Subdivisions).

D. **Continuation of an Existing Land Use.** A legally established land use is lawful and not in violation of this Zoning Code only when operated and maintained in compliance with applicable provisions of this Zoning Code and any condition(s) imposed on a discretionary application, including compliance with Article 5 (Nonconformities).

E. **Minimum Requirements.** The provisions of this Zoning Code shall be considered the minimum requirements, unless specifically stated otherwise, for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a Review Authority, the discretion may be exercised to impose more stringent requirements than required by this Zoning Code, as determined by the applicable Review Authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Code.

F. **Conflicting Requirements.** Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Section 18.04.020 (Rules of Interpretation).

G. **Other Requirements May Apply.** Nothing in this Zoning Code eliminates the need for obtaining other permits required by the City, or a permit approval, or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The City shall not issue any permit, Business License, or other approval if the structure or land use would violate the provisions of this Zoning Code. Permits issued in error shall be void.

18.02.040 – Relationship to Prior Ordinances

The provisions of this Zoning Code, as it existed before the effective date of Ordinance No. *(Insert Ordinance number to adopt this update)*, are repealed and superseded as provided in the ordinance enacting this Title. No provision of this Zoning Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the City's Zoning Code as they existed before repeal by the ordinance enacting this Zoning Code, except as addressed by nonconformities created by this Zoning Code, in compliance with Article 5 (Nonconformities).

18.02.050 – Relationship to General Plan

A. Zoning Code is the Primary Tool. This Zoning Code is the primary tool used by the City to implement the goals, policies, and actions of the General Plan and any applicable specific plan.

1. General Plan. The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, commercial, mixed use, industrial, public, and open space uses.

2. Zoning Code. This Zoning Code is a specific statement of allowable uses of land and related development standards by zone designed to control the use, type, bulk, height, space, and location of structures and land. This Zoning Code is intended to be applied to the City based on land use designations established in the General Plan.

B. General Plan Consistency.

1. Recognizing and honoring Santa Clara's rights and authority as a charter city, the Council intends that this Zoning Code be consistent with the General Plan and any applicable specific plan, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the General Plan and any applicable specific plan.

2. In setting this goal, the City does not waive its charter city exemption to Government Code Title 7, Division 1, Chapter 3 under Government Code Section 65700.

C. Where Inconsistencies Exist. Where inconsistencies are found to exist between the General Plan and this Zoning Code, the Zoning Code shall control the use and development of the land until the Council adopts an amendment to achieve consistency with the existing or current General Plan. In the case of inconsistencies between density ranges in the Zoning Code and General Plan, the greater density range prevails.

18.02.060 – Prior Rights and Violations

The enactment of this Zoning Code shall not terminate nor otherwise affect land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Zoning Code.

18.02.070 – Effect of Zoning Code Amendments on Projects in Progress

The enactment of this Zoning Code, or an amendment to this Zoning Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Zoning Code or a future amendment could require a different number of off-street parking spaces for a particular land use than the former regulations.) The following provisions determine how the requirements of this Zoning Code will apply to a development project that is in progress at the time this Zoning Code or an amendment goes into effect.

A. Application Complete. All planning permit applications (Article 6 [Permit Processing Procedures]), that are active and that have been determined by the Project Clearance Committee to be complete before the effective date of this Zoning Code or any amendment, shall be processed in compliance with the requirements in effect when the application was deemed complete.

B. Approved Projects not Yet Under Construction. Any structure authorized by a planning permit or approval for which a Building Permit has been issued may be constructed in compliance with the permit or approval, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension, in compliance with Section 18.130.060 (Expiration).

C. Project Under Construction. A project for which a Building Permit has been issued under the provisions of earlier ordinances of the City which are in conflict with this Zoning Code, and on which substantial construction beyond approval of the first inspection before the effective date of this Zoning Code, or any amendment, as determined by the Director, may be continued and completed in compliance with the plans and specifications upon which the permit was issued, and further provided that construction is diligently prosecuted to completion. The original permit need not be changed to satisfy any new or different requirements of this Zoning Code.

D. Subdivision Maps. Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and SCCC Title 17 (Subdivisions).

Chapter 18.04 – Interpretation of the Zoning Code Provisions

Sections

18.04.010 – Purpose
18.04.020 – Rules of Interpretation
18.04.030 – Procedures for Interpretation
18.04.040 – Uses Not Classified
18.04.050 – Measurement of Separation Requirements
18.04.060 – Headings and Illustrations

18.04.010 – Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code, and to ensure its consistent interpretation and application.

18.04.020 – Rules of Interpretation

A. Director's Authority. The Community Development Director, referred to in this Zoning Code as the Director, has the authority to interpret the provisions of this Zoning Code in compliance with Section 18.04.030 (Procedures for Interpretation), below. Whenever the Director determines that the meaning or applicability of a Zoning Code provision is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Planning Commission for a determination. A decision of the Director may be appealed to the Planning Commission in compliance with Chapter 18.144 (Appeals).

B. Intent of Requirements. The requirements of this Zoning Code are not intended to interfere with or annul any easements or covenants between parties, provided, however, that where this Code imposes a greater restriction than imposed or required by any other law, title, ordinance, code, or other regulation, or by any easement or covenant, the provisions of this Code shall apply.

C. Terminology. When used in this Zoning Code, the following rules apply to all provisions of this Zoning Code:

1. Language. When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive.

2. Tense. The present tense includes the past and future tense, and the future tense includes the present.

3. Number. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

4. Calculations.

a. Residential Density. When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.

b. All Other Calculations. For all calculations other than residential density, the fractional/decimal results of calculations exceeding .500 shall be rounded to the next highest whole number, unless otherwise provided by that specific Code provision.

5. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either…or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to".

6. Local Reference and Abbreviations. The following phrases, personnel, and document titles are shortened in this Zoning Code.

a. City. City as used in this Zoning Code means Santa Clara and all public officials, bodies, and agencies referenced in this Code are those of the City, unless otherwise stated.

b. Council. Council as used in this Zoning Code means the Santa Clara City Council.

c. Department. Department as used in this Zoning Code means the Santa Clara Planning and Inspection Department.

d. Designees of Public Officials. Any reference to a public official in this Zoning Code (e.g., "Director" or "Zoning Administrator") shall be construed to mean that official or any designee of that official.

e. Director. Director as used in this Zoning Code means the Santa Clara Community Development Director.

f. Planning Commission. Planning Commission as used in this Zoning Code means the Santa Clara Planning Commission.

7. Definitions. All terms used in this Zoning Code shall be as defined in Article 8 (Definitions) and/or as determined/interpreted by the Director.

D. Number of Days. Whenever the number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, unless business days are specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

E. State Law Requirements. Where this Zoning Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

F. Minimum Requirements. When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise, for the promotion of the public safety, health, and the general welfare.

G. Conflicting Requirements. Wherever conflict occurs between the provisions of this Zoning Code and any other provision of law, the more restrictive provisions shall apply, except for conflicts between the requirements of this Code and any adopted specific plan or Special Planning Area, in which case the requirements of the specific plan or Special Planning Area shall govern.

18.04.030 – Procedures for Interpretation

A. **Authority of Director to Interpret; Referral to Planning Commission.** Whenever the Director determines that the meaning or applicability of any of the provisions of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

B. **Request for Interpretation.** Any party may file a written request for an interpretation or determination of this Zoning Code with the Director and shall include with the request the specific provisions in question and any other information necessary to assist the Director in the review.

C. **Record of Interpretations/Determinations**. All interpretations and determinations by the Director and Planning Commission shall be made in writing, and a permanent record of the interpretations and determinations shall be kept.

D. **Appeals.** Any determination of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 18.144 (Appeals).

18.04.040 – Uses Not Classified

A. **Use Not Listed is Not Allowed**. Since the language used in this Zoning Code is deemed permissive, if a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided in Subsection B., below.

B. **Director's Determination.** Based on the authority granted in Section 18.04.030 (Procedures for Interpretation), above, the Director may determine that a proposed land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:

1. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, dust, emissions, noise, odor, parking, traffic generation, or similar impacts than the uses listed in the zone;

2. The proposed use meets the purpose/intent of the zone that is applied to the location of the use;

3. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable community plan; and

4. The proposed use is not specifically listed as allowable in any other zone(s).

C. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what development standards and requirements of this Zoning Code apply.

18.04.050 – Measurement of Separation Requirements

Whenever this Zoning Code specifies a distance separation requirement between land uses the distance between one use and another use shall be made in a straight line, without regard to intervening structures or objects, from property line to property line of the parcel on which the structure, or portion of the structure, in which the other use is located.

18.04.060 – Headings and Illustrations

A. **Headings.** The headings of the articles, chapters, sections, subsections, subparagraphs, clauses, and subclauses of this Zoning Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of this Zoning Code or its provisions.

B. **Illustrations.** In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in this Code, the text shall govern.

Chapter 18.06 – Zoning Map and Zones

Sections

18.06.010 – Purpose
18.06.020 – Establishment of Zones
18.06.030 – Zoning Map
18.06.040 – Rights-of-Way and Vacated Boundary Lines
18.06.050 – Uncertainty of Boundaries
18.06.060 – Classifaction of Annexed Lands

18.06.010 – Purpose

This Chapter establishes the zones applied to property located within the City and adopts the City's Official Zoning Map.

18.06.020 – Establishment of Zones

A. **General.** The City is divided into zones to allow for the orderly, planned development of the City and to implement the General Plan. Table 1-1 (Zones Implementing the General Plan), below identifies all of the zones adopted by the City. All zones shall be listed and appropriately designated on the City's Official Zoning Map.

B. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development standards and regulations for that particular type and intensity of land use.

C. **Overlay/Combining Zones.** An overlay/combining zone supplements the base zone for the purpose of establishing special land use allowances or limitations or development standards and regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay/combining zone regulations, the provisions of the overlay/ combining zone shall apply.

Table 1-1
ZONES IMPLEMENTING THE GENERAL PLAN

Zoning Map Symbol	Zone Name	Allowable Density or Intensity	Corresponding General Plan Land Use Designations
Residential Zones			
R1-6L	Single-Family Residential	0.1 - 10 DU/AC	Very Low Density Residential
R1-8L	Single-Family Residential, Larger Parcel	0.1 - 10 DU/AC	Very Low Density Residential
R2	Low-Density Residential	8 - 19 DU/AC	Low Density Residential
R3	Medium-Density Residential	20 - 36 DU/AC	Medium Density Residential
R4	High-Density Residential	37 - 50 DU/AC	Medium Density Residential
R5	Very-High-Density Residential	51 - 100 DU/AC	Very High Density Residential
PH-R5	Patrick Henry Very-High-Density Residential	51 – 100 DU/AC	Very High Density Residential
R6	Transit Neighborhood Residential	60 - 350 DU/AC	Transit Neighborhood
UV	Urban Village	100-149 DU/AC	Urban Village (Patrick Henry Drive Plan)
VR	Village Residential	60 - 149 DU/AC	Village Residential (Patrick Henry Drive Plan)
UC	Urban Center	120 - 250 DU/AC	Urban Center (Patrick Henry Drive Plan)
HD-Flex	High Density Flex	60 - 149 DU/AC 2.0 FAR	High Density Flex (Patrick Henry Drive Plan)
Commercial Zones			
C-C	Commercial-Community	0.5 FAR	Community Commercial
C-N	Commercial-Neighborhood	0.4 FAR	Neighborhood Commercial
C-R	Commercial-Regional	0.6 FAR	Regional Commercial
Mixed-Use Zones			
MUNC	Mixed Use-Neighborhood Commercial	20 - 36 DU/AC 0.1 FAR minimum	Neighborhood Mixed Use
MUCC	Mixed Use Community Commercial	20 - 36 DU/AC 0.1 FAR minimum	Community Mixed Use
MURC	Mixed Use-Regional Commercial	37 - 50 DU/AC 0.15 FAR minimum	Regional Mixed Use
MU-VHD	Mixed Use-Very High Density Residential	51-120 DU/AC 0.2 FAR minimum	Very High Density Mixed Use; Santa Clara Station Very High Density Residential
Office and Industrial Zones			
LO-RD	Low-Intensity Office/R&D	1.0 FAR	Low-Intensity Office/R&D
HO-RD	Office/R&D-High Intensity	2.0 FAR	High-Intensity Office/R&D
LI	Industrial-Light	0.6 FAR	Light Industrial
HI	Industrial-Heavy	0.45 FAR	Heavy Industrial
Special Purpose Zones			
OS	Parks/Open Space	N/A	Parks/Open Space
PQP	Public/Quasi Public	N/A	Public/Quasi Public
PD	Planned Development	N/A	N/A
	Planned Development – Master Community	N/A	N/A
LSAP	Lawrence Station Area Plan	8 - 19 DU/AC	Low Density Residential
		20 - 36 DU/AC	Medium Density Residential

Table 1-1
ZONES IMPLEMENTING THE GENERAL PLAN

Zoning Map Symbol	Zone Name	Allowable Density or Intensity	Corresponding General Plan Land Use Designations
		37 - 50 DU/AC	High Density Residential
		51-100 DU/AC	Very High Density Residential
		N/A	Parks/Open Space
		N/A	Public/Quasi Public

18.06.030 – Zoning Map

The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Amendments to the existing zone boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments [General Plan, Zoning Code, and Zoning Map]).

18.06.040 – Rights-of-Way and Vacated Boundary Lines

Where a public street or alley is officially abandoned or vacated by the Council, the property encompassed by areas associated with the abandoned/vacated street or alley shall be included within the zone(s) of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event the street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the abandonment or vacation.

18.06.050 – Uncertainty of Boundaries

A. **Zones Shown on Zoning Map.** All territory within the jurisdiction of the City has been divided into zones as shown on the Zoning Map maintained by the Department, as modified and supplemented by individual zone maps and ordinances. Zone boundaries need not follow property lines.

B. **Boundary Uncertainties.** If there is uncertainty about the location of a zone boundary shown on the Zoning Map, the Director shall determine the precise location of the boundary in the following manner, except as provided in Section 18.06.040 (Rights-of-way and Vacated Boundary Lines), above.

1. Where a zone's boundaries approximately follow parcel, alley, or street lines, the parcel lines and street and alley centerlines shall be construed as the zone boundaries.

2. If a zone's boundary line divides a parcel and the boundary line location is not otherwise designated by ordinance, the location of the boundary line shall be determined by use of the scale appearing on the Zoning Map.

3. The boundary of a zone is the center line of the street unless otherwise clearly delineated.

4. The boundaries shall be deemed to be on the parcel line wherever it appears to be on the line.

5. More than one zone may occur on a single parcel.

18.06.060 – Classification of Annexed Lands

A. **Most Nearly the Equivalent.** Any land annexed to the City that has not been pre-zoned, shall be deemed to be zoned to a classification under this Zoning Code that is most nearly the equivalent zoning classification in the jurisdiction from which it was annexed.

B. **Zoning Map Amendment.** Whenever it is deemed that the zoning of annexed lands is inconsistent with adopted General Plan land use policy or other applicable City policies, the Planning Commission may recommend, and the Council may adopt the zone classification(s) which shall apply to the annexed lands in the manner specified in Chapter 18.142 (Amendments [General Plan, Zoning Code, and Zoning Map]).

-This page intentionally left blank

Article 2 – Zones, Allowable Uses, and Development Standards

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.10 – Residential Zones (R1, R2, R3, R4, R5, R6, UC, UV, HD Flex)------- 1

18.10.010 – Purposes of Residential Zones ---------- 1
18.10.020 – Land Uses and Permit Requirements ---------- 3
18.10.030 – Residential Development Standards ---------- 6
18.10.040 – Other Applicable Regulations ---------- 12

Chapter 18.12 – Commercial Zones (C-C, C-N, C-R)----------17

18.12.010 – Purpose of Commercial Zones ---------- 17
18.12.020 – Commercial Land Uses and Permit Requirements ---------- 18
18.12.030 – Commercial Development Standards ---------- 21
18.12.040 – Other Applicable Regulations ---------- 25

Chapter 18.14 – Mixed Use Zones (MU-NC, MU-CC, MU-RC, MU-MD, MU-VHD) ----28

18.14.010 – Purpose of Mixed Use Zones ---------- 28
18.14.020 – Mixed Use Land Uses and Permit Requirements ---------- 29
18.14.030 – Mixed Use Development Standards ---------- 32
18.14.040 – Other Applicable Regulations ---------- 36

Chapter 18.16 – Office and Industrial Zones (LO-RD, HO-RD, LI, HI)----------43

18.16.010 – Purpose of Office and Industrial Zones ---------- 43
18.16.020 – Office and Industrial Land Uses and Permit Requirements ---------- 44
18.16.030 – Office and Industrial Development Standards---------- 47
18.16.040 – Other Applicable Regulations ---------- 49

Chapter 18.18 – Special Purpose Zones (OS, PQP) ----------54

18.18.010 – Purpose of Special Purpose Zones---------- 54
18.18.020 – Special Purpose Land Uses and Permit Requirements---------- 54
18.18.030 – Special Purpose Development Standards ---------- 56
18.18.040 – Other Applicable Regulations ---------- 57

Chapter 18.19 – Planned Development Zone (PD) ----------58

18.19.010 – Purpose of Planned Development Zones ---------- 58
18.19.020 – Planned Development Zone Land Uses and Permit Requirements ---------- 58
18.19.030 – Planned Development Zone Standards ---------- 58

Chapter 18.20 – Lawrence Station Area Plan Zoning District (LSAP) ----------59

18.20.010 – Application ---------- 59
18.20.020 – Intent ---------- 59
18.20.030 – Allowable Uses ---------- 59
18.20.040 – Development Standards---------- 60

18.20.050 – Parking Requirements ---------- 61
18.20.060 – Additional Development Standards ---------- 61

Chapter 18.21 – Two-Unit Dwelling Residential Development and Urban Lot Splits62

18.21.010 – Purpose ---------- 62
18.21.020 – Applicability ---------- 62
18.21.030 – Construction of multiple units in single-family zones ---------- 62
18.21.040 – Development Standards applicable to all lots with two units ---------- 63
18.21.050 – Development Standards within R-1 building envelope ---------- 63

Chapter 18.22 – Downtown Form-Based Code (PLACEHOLDER) ----------66

TABLES

Table 2-1 Residential Zones Allowed Uses and Permit Requirements 3
Table 2-2 Patrick Henry Drive Residential Zones Allowed Uses and Permit Requirements 5
Table 2-3 Residential Zone Development Standards 6
Table 2-4 Patrick Henry Residential Zone Development Standards 9
Table 2-5 Office and Industrial Uses, HD Flex Zone Allowed Uses and Permit Requirements 10
Table 2-6 Residential Zone Setback Encroachments 13
Table 2-7 Commercial Zones Allowed Uses and Permit Requirements 18
Table 2-8 Commercial Zone Development Standards 22
Table 2-9 Commercial Zone Setback Encroachments 25
Table 2-10 Mixed Use Zones Allowed Uses and Permit Requirements 29
Table 2-11 Mixed-Use Zone Development Standards 33
Table 2-12 Mixed-Use Zone Setback Encroachments 37
Table 2-13 Office and Industrial Zones Allowed Uses and Permit Requirements 44
Table 2-14 Office and Industrial Zone Development Standards 48
Table 2-15 Office and Industrial Zone Setback Encroachments 51
Table 2-16 Special Purpose Zones Allowed Uses and Permit Requirements 55
Table 2-17 Special Purpose Zone Development Standards 56

FIGURES

Figure 2-1 Vertical Mixed-Use 2-38
Figure 2-2 Horizonal Mixed-Use 2-38

Chapter 18.10 – Residential Zones (R1, R2, R3, R4, R5, R6, UC, UV, HD Flex)

Sections

18.10.010 – Purposes of Residential Zones
18.10.020 – Land Uses and Permit Requirements
18.10.030 – Development Standards
18.10.040 – Other Applicable Regulations

18.10.010 – Purposes of Residential Zones

A. The purpose of this Chapter is to describe the character and intent of each of the City's residential zones, describe allowed land uses and permit requirements in residential zones, identify any supplemental land use regulations applicable to residential zones, and establish development standards for the same.

B. The purpose of the individual residential uses and the way they are applied are as follows:

1. **Single-Family Residential Zone (R1-6L).** The purpose of the R1-6L Single-Family Residential Parcel Zone is to provide land areas for the construction, use, and occupancy of single-family dwellings, secondary dwellings authorized by Government Code Section 65852.21, and accessory dwelling units. It is the intent of this zone to protect and preserve the residential characteristics of existing single-family neighborhoods and to promote a suitable environment for family life. The residential density range for this zone is up to 10 dwelling units per acre. This zone implements the Very Low-Density land use designation in the General Plan.

2. **Single-Family Residential, Larger Parcel Zone (R1-8L).** The purpose of the R1-8L Single-Family Residential Larger Parcel Zone is to provide land areas for the construction, use, and occupancy of single-family dwellings, secondary dwellings authorized by Government Code Section 65852.21, and accessory dwelling units. It is the intent of this zone to preserve existing large parcel residential areas and to promote and encourage a single-family residential environment. The residential density range for this zone is up to 10 dwelling units per acre. This zone implements the Very Low-Density land use designation in the General Plan.

3. **Low-Density Residential Zone (R2).** The purpose of the R2 Low Density Zone is to provide land areas for the construction, use, and occupancy of single-family detached dwelling units, , secondary dwellings authorized by Government Code Section 65852.21, accessory dwelling units, and two-family dwellings. It is the intent of this zone to maintain a residential character similar to that found in single-family neighborhoods. The residential density range for this zone is 8-19 dwelling units per acre. This zone implements the Low-Density land use designation in the General Plan.

4. **Medium-Residential Density Zone (R3).** The purpose of the R3 Medium-Low Residential Density Zone is to provide land areas for the construction, use, and occupancy of two-family dwellings, and multi-family dwellings (i.e., rowhouses, townhouses). It is the intent of this zone to ensure compatibility of duplex-type development with surrounding multi- and single-family dwellings and the local neighborhoods. The residential density range for this zone is 20-36 dwelling units per acre. This zone implements the Medium-Density land use designation in the General Plan.

5. **High-Density Residential Zone (R4).** The purpose of the R4 Medium-Density Zone is to provide land areas for the construction, use, and occupancy of multi-family dwellings (i.e., rowhouses, townhouses, low-rise apartments). It is the intent of this zone to encourage development types that use innovative site planning provide on-site recreational amenities and be located near neighborhood commercial centers. The residential density range for this zone is 37-50 dwelling units per acre. This zone implements the Medium-Density land use designation in the General Plan.

6. **Very-High-Density Residential Zone (R5) and Patrick Henry Very-High-Density Residential Zone (PH-R5).** The purpose of the R5 High- Density Zone and PH-R5 Patrick Henry Very-High-Density Residential Zone is to provide land areas for the construction, use, and occupancy of high density and intensity multi-family developments (i.e., low-rise, mid-rise, and high-rise apartments and condominiums). It is the intent of this zone to encourage development to use innovative site planning, provide on-site recreational amenities and be located near major community facilities, business centers, transportation corridors, and/or major thoroughfares. The residential density range for this zone is 51-99 dwelling units per acre. This zone implements the High-Density land use designation in the General Plan.

7. **Transit Neighborhood Residential Zone (R6).** The purpose of the R6 Transit Neighborhood Residential Zone is to provide land areas for the construction, use, and occupancy of high density and intensity multi-family developments (i.e., mid-rise and high-rise apartments and condominiums). It is the intent of this zone to encourage transit-oriented development that uses innovative site planning to connect to existing and/or future transportation stations and transfer points. Parcels designated R6 are meant to be located along major transit corridors or adjacent to local and regional transit stops and stations. Projects in this zone should include on-site amenities, recreational options, and access to employment centers. The residential density range for this zone is 60-350 dwelling units per acre. This zone implements the High-Density land use designation in the General Plan.

8. **Urban Village (UV).** The purpose of the UV Urban Village Zone is to accommodate transit-oriented, multi-family residential development at very-high densities between 5-12 stories within the Patrick Henry Specific Plan. These urban-scale developments feature pedestrian-oriented facades and frontages. Urban Village developments include structured or below-grade parking and shared outdoor spaces proximate to transit. The residential density range for this zone is 100-149 dwelling units per acre. This zone implements the High-Density land use designation in the General Plan.

9. **Village Residential (VR).** The purpose of the VR Village Residential Zone is to accommodate multi-family residential development at very-high densities between 5-12 stories within the Patrick Henry Specific Plan. The residential density range for this zone is 60-149 dwelling units per acre. This zone implements the High-Density land use designation in the General Plan.

10. **Urban Center (UC).** The purpose of the UC Urban Center Zone is to accommodate transit-oriented, multi-family residential development at very-high densities with no height limits except those imposed by the FAA due to flight paths for the San Jose International Airport, within the Patrick Henry Specific Plan These urban-scale developments feature pedestrian-oriented facades and frontages. Urban Center developments include structured or below-grade parking and shared outdoor spaces proximate to transit. The residential density range for this zone is 120-250 dwelling units per acre. Densities over 250du/acre may be allowed for the provision of community benefits agreed upon with the City and formalized in a development agreement. This zone implements the High-Density land use designation in the General Plan.

11. **High Density Flex (HD Flex).** The purpose of the HD Flex High Density Flex Zone is to accommodate transit-oriented, multi-family residential development or office or a combination of residential and office on four parcels along the eastern edge of the Patrick Henry Specific Plan Area. Allowable height ranges between 5-12 stories. The residential density range for this zone is 60-149 dwelling units per acre. Office development is allowed up to 2.0 FAR using the development standards of the HO-RD district, per the choice of property owners. This zone implements the High-Density land use designation in the General Plan.

18.10.020 – Land Uses and Permit Requirements

A. Table 2-1 Residential Zone Allowed Uses and Permit Requirements. Table 2-1 indicates the uses allowed within each residential zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).

B. Additional Regulations. Where the last column in the Table 2-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code or SCCC may also apply.

C. Definitions. See Article 8 (Definitions) for land use definitions and explanations.

D. Zoning Clearance required. Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances).

E. Uses not Listed. Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040(Uses Not Classified).

F. Patrick Henry Specific Plan Uses. Uses applicable to the residential zones are located in Table 2-2 (Patrick Henry Drive Residential Zones Allowed Uses and Permit Requirements).

G. Temporary Uses. For all allowed temporary uses and specific standards see Section 18.60.190 (Temporary Uses) in Article 4.

Table 2-1
Residential Zones Allowed Uses and Permit Requirements

Residential Zones Permit Requirements						
P MUP CUP TUP -	Allowed by Right Minor Use Permit (Chapter 18.124) Conditional Use Permit (Chapter 18.124) Temporary Use Permit (Chapter 18.122) Not allowed					
Land Use (see Article 8 for land use definitions).	**R1-6L R1-8L**	**R2**	**R3 R4**	**R5**	**R6**	**Additional Regulations**
Residential Uses						
Dwelling, Accessory Units	P	P	P	P	P	Chapter 18.60.020
Dwelling, Multifamily	-	P	P	P	P	Section 18.10.040(C)
Dwelling, Second Unit	P	P	-			
Dwelling, Single-Family	P	P	-	-	-	Section 18.10.040(C) Section 18.10.040(A)
Dwelling, Two-Family	P	P	P	-	-	Chapter 18.21
Employee Housing	P	P	P	P	P	
Home Occupations	P	P	P	P	P	Chapter 18.60.120
Live-Work Facilities	-	-	MUP	MUP	MUP	Chapter 18.60.130
Mobile Home Park	-	-	CUP	CUP	-	
Organizational Houses	-	-	MUP	MUP	-	

Table 2-1
Residential Zones Allowed Uses and Permit Requirements

Residential Zones
Permit Requirements

P	Allowed by Right
MUP	Minor Use Permit (Chapter 18.124)
CUP	Conditional Use Permit (Chapter 18.124)
TUP	Temporary Use Permit (Chapter 18.122)
-	Not allowed

Land Use (see Article 8 for land use definitions).	R1-6L R1-8L	R2	R3 R4	R5	R6	Additional Regulations
Rooming and/or Boarding Houses	-	-	MUP	MUP	-	
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Human Services Uses						
Assisted Living Facilities	-	-	-	CUP	CUP	Chapter 18.60.080
Child Day Care Homes, Up to 14 Children	P	P	P	P	P	
Residential Care Facilities, six or fewer residents	P	P	P	P	P	
Residential Care Facilities, seven or more residents	MUP	MUP	MUP	MUP	MUP	
Community Care Facilities	-	CUP	CUP	CUP	CUP	
Low-barrier Navigation Centers	-	-	P	P	-	
Emergency Shelters	-	-	P	P	-	Chapter 18.60.110
Recreation, Education, and Public Assembly Uses						
Community Gardens	P	P	P	P	P	
Parks and Public Plazas	P	P	P	P	P	
Places of Assembly	-	CUP	CUP	CUP	CUP	
Public Schools	P	P	P	P	-	
Private Schools	CUP	CUP	CUP	CUP	-	
Utility, Transportation, and Communication Uses						
Public Safety Facilities	-	-	P	P	P	
Wireless Telecommunications Facilities, Co-location/Small Cell	P	P	P	P	P	Section 18.10.040(A) Chapter 18.66
Photovoltaic Systems	P	P	P	P	P	
Retail, Service, and Office Uses						
Bed and Breakfast Inns	P	P	CUP	-	-	Chapter 18.60.050

Table 2-2
Patrick Henry Drive Residential Zones Allowed Uses and Permit Requirements

Residential Zones
Permit Requirements

P	Allowed by Right
MUP	Minor Use Permit (Chapter 18.124)
CUP	Conditional Use Permit (Chapter 18.124)
TUP	Temporary Use Permit (Chapter 18.122)
-	Not allowed

Land Use (see Article 8 for land use definitions).	PH-R5	UV	VR	UC	Additional Regulations
Residential Uses					
Dwelling, Accessory Units	P	P	P	P	Chapter 18.60.020
Dwelling, Multifamily	P	P	P	P	Section 18.10.040(C)
Dwelling, Second Unit	-	-	-	-	
Dwelling, Single-Family	-	-	-	-	Section 18.10.040(C) Section 18.10.040(A)
Dwelling, Two-Family	-	-	-	-	Chapter 18.21
Employee Housing	P	P	P	P	
Home Occupations	P	P	P	P	Chapter 18.60.120
Live-Work Facilities	MUP	MUP	MUP	MUP	Chapter 18.60.130
Mobile Home Park	-	-	-	-	
Organizational Houses	-	-	-	-	
Rooming and/or Boarding Houses	-	-	-	-	
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Human Services Uses					
Assisted Living Facilities	CUP	CUP	CUP	CUP	Chapter 18.60.080
Day Care Homes, Up to 14 Children	P	P	P	P	
Community Care Facility, Small	P	P	P	P	
Community Care Facility, Large	CUP	CUP	CUP	CUP	
Emergency Shelters	-	-	-	-	Chapter 18.60.110
Recreation, Education, and Public Assembly Uses					
Community Gardens	P	P	P	P	
Parks and Public Plazas	P	P	P	P	
Places of Assembly	CUP	CUP	CUP	CUP	
Public Schools	CUP	CUP	CUP	CUP	
Private Schools	CUP	CUP	CUP	CUP	
Utility, Transportation, and Communication Uses					
Public Safety Facilities	P	P	P	P	
Wireless Telecommunications Facilities, Co-location/Small Cell	P	P	P	P	Section 18.10.040(A) Chapter 18.66
Retail, Service, and Office Uses					
Bed and Breakfast Inns	-	-	-	-	Chapter 18.60.050
Retail	P	P	P	P	
Off-sale of alcohol	P	P	P	P	
Restaurants, including on-sale of alcohol	P	P	P	P	
Bars	CUP	CUP	CUP	CUP	
Office Uses	P	P	P	P	

18.10.030 – Residential Development Standards

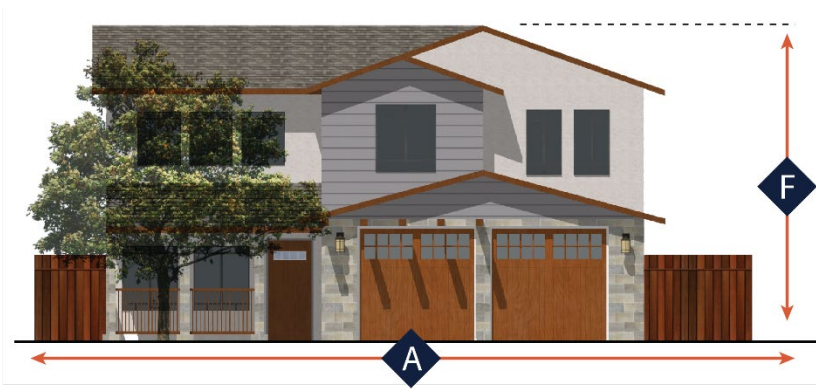
A. **Table 2-3 and 2-4 Residential Zone Development Standards.** The intent of the residential zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to residential zones.

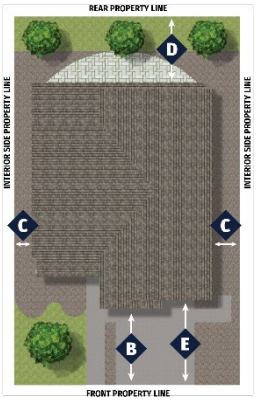
B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Master Plan, Specific Plan, or Area Plan.

C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

D. For additional allowable uses pertaining to the HD-Flex Zone, see Table 2-5.

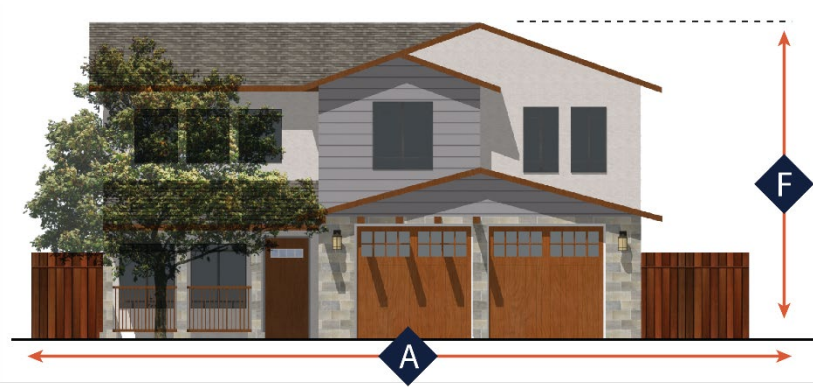
Table 2-3
Residential Zone Development Standards

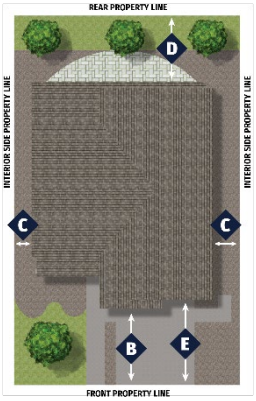




Development Feature (minimum unless otherwise indicated)	**R1-6L**	**R1-8L**	**R2**	**R3**	**R4**	**R5**	**R6**	**Additional Regulations**
Parcel Area (minimum) area required for each NEWLY CREATED parcel.								
Parcel Area	6,000	8,000	7,000	8,500	8,500	10,000	None	
A **Street Frontage (feet)**	60	70	50	60	70	70	None	
Structure Coverage (maximum percentage)								
Parcel Area (less than 10,000 sq. ft.)	40%	40%	45%	60%	80%	None	None	
Parcel Area (10,000 sq. ft. or greater)	40%	40%	45%	None	None	None	None	
Setbacks (minimum) -Property lines are measured in feet, with those adjacent to the street measured from the face of the curb., adopted plan line, or edge of right-of-way.								

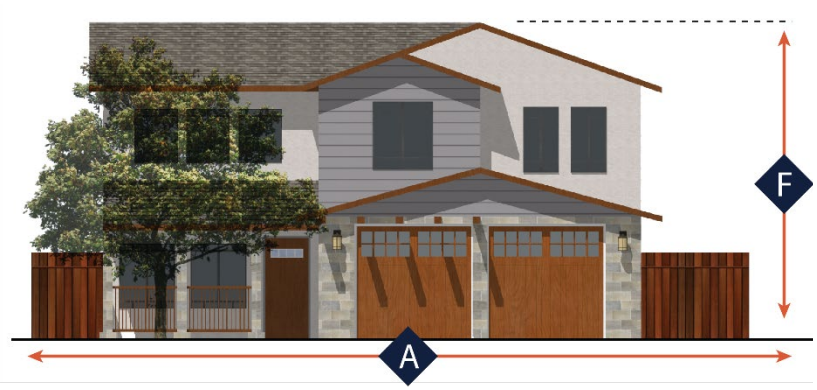
Table 2-3
Residential Zone Development Standards

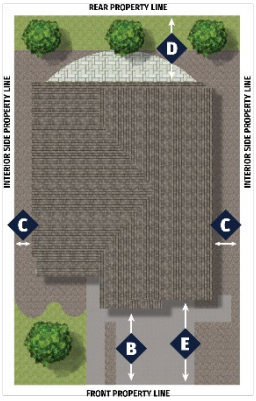




Development Feature (minimum unless otherwise indicated)	**R1-6L**	**R1-8L**	**R2**	**R3**	**R4**	**R5**	**R6**	**Additional Regulations**
B **Front**	20	20	15	10	10	10	10	Section 18.30.050
Side, Corner	5	5	10	10	15	15	15	
C **Side, Interior**	5	6 and 9	5	5	10	10	10	Section 18.10.040(B) Section 18.30.050
D **Rear, single-story**	20	20	10	10	20	20	20	Section 18.30.050
D **Rear, multi-story**	20	20	15	15	20	20	20	Section 18.30.050
E **Length of driveway approach**	20	20	20	20	20	20	20	
Height (maximum) measured in feet								
F **Height** (within 20 feet of the R1-6L, R1-8L, and R2 zones)	25	25	32	32	32	32	32	Section 18.30.040
F **Height** (all other zones)	25	25	32	40	80	100	200	Section 18.30.040
Number of Stories (maximum)								
Number of Stories and the Daylight Plane	All structures adjacent to R1 and R2 zones shall include a 45-degree daylight plan off the property line to implement a compatible transition between structures.							
Number of Stories	2	2	2	4	8	10	20	
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre								
Allowable Density	0.1-10	0.1-10	8-19	20-36	37-50	51-99	85-350	
Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit								
Private Recreation Space (required for a minimum of 50 percent of units)	None	None	None	60	60	40	40	
Common Recreation Space (per unit)	None	None	None	200	200	200	200	
Additional Regulations								
Residential Accessory Structures	Chapter 18.32							
Basements	Section 18.30.070							

Table 2-3
Residential Zone Development Standards





Development Feature (minimum unless otherwise indicated)	**R1-6L**	**R1-8L**	**R2**	**R3**	**R4**	**R5**	**R6**	**Additional Regulations**
Density Bonus and Affordable Housing	Chapter 18.66							
Fences, Walls, Hedges, and Screens	Chapter 18.34							
Landscaping Standards	Chapter 18.36							
Open Space Standards	City Code Chapter 17.35							
Off-Street Parking Regulations and Design Standards	Chapter 18.38							
Performance Standards	Chapter 18.40							
Sign Standards	Chapter 18.42							

Table 2-4
Patrick Henry Residential Zone Development Standards

Development Feature (minimum unless otherwise indicated)	PH-R5	UV	VR	UC	HD Flex	Additional Regulations
Parcel Area (minimum) area required for each NEWLY CREATED parcel.						
Parcel Area	10,000	10,000	10,000	8,500	8,500	
Street Frontage (feet)	70	70	70	60	70	
Structure Coverage (maximum percentage)						
Parcel Area (less than 10,000 sq. ft.)	None	None	None	None	None	
Parcel Area (10,000 sq. ft. or greater)	None	None	None	None	None	
Setbacks (minimum) - Setback lines are measured from the back of walk.						
Residential (front, side corner and interior)	10	10	10	10	10	
Mixed-Use (front, side corner and interior)	0	0	0	0	0	
Office (front, side corner and interior)	0	0	0	0	0	
Setback Encroachments (i.e., awning, balconies, stoops)	Setback encroachments are allowed per the quantitative standards of the PHD plan.					
Height (maximum) measured in feet						
Height (within 20 feet of the R1-6L, R1-8L, and R2 zones)	32	32	32	32	32	Section 18.30.040
Height (all other zones)	135	160	160	FAA	160	Section 18.30.040
Number of Stories (maximum)						
Number of Stories (all other zones)	10	12	12	FAA	12	
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre						
Allowable Density	51-99	100-149	60-149	120-250	60-149	
Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit						
Private Recreation Space (required for a minimum of 50 percent of units)	Per the PDO and PHD plan					
Common Recreation Space (per unit)	Per the PDO and PHD plan					
Additional Regulations						
Residential Accessory Structures	Chapter 18.32					
Basements	Section 18.30.070					
Density Bonus and Affordable Housing	Chapter 18.66					
Fences, Walls, Hedges, and Screens	Chapter 18.34					
Landscaping Standards	Chapter 18.36					

Table 2-4
Patrick Henry Residential Zone Development Standards

Development Feature (minimum unless otherwise indicated)	PH-R5	UV	VR	UC	HD Flex	Additional Regulations
Open Space Standards	City Code Chapter 17.35					
Off-Street Parking Regulations and Design Standards	Chapter 18.38					
Performance Standards	Chapter 18.40					
Sign Standards	Chapter 18.42					

Table 2-5
Office and Industrial Uses, HD Flex Zone Allowed Uses and Permit Requirements

Office and Industrial Uses, HD Flex Zone Permit Requirements		
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed		
Land Use (see Article 8 for land use definitions).	**HD-Flex**	**Additional Regulations**
Residential Uses		
Caretaker housing	CUP	
Transitional housing facilities	-	
Human Services Uses		
Community care facilities, small	-	
Community care facilities, large	-	
Emergency shelters	-	Section 18.18.040 Section 18.60.110
Recreation, Education, and Public Assembly Uses		
Cemeteries and mausoleums	–	
Crematories	–	
Fitness facilities	P	
Parks and public plazas	P	
Public schools	CUP	
Private schools	CUP	
Public/private colleges and universities	–	
Equipment/machine/vehicle training facilities	CUP	
Vocational/trade schools	–	
Vehicle Oriented Uses		
Mobile Fueling Delivery	-	
Utility, Transportation, and Communication Uses		
Parking facilities	CUP	
Wireless telecommunications facilities and towers, co-location/small cell	P	Section 18.18.040(A) Chapter 18.66

Table 2-5
Office and Industrial Uses, HD Flex Zone Allowed Uses and Permit Requirements

Office and Industrial Uses, HD Flex Zone Permit Requirements		
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed		
Land Use (see Article 8 for land use definitions).	**HD-Flex**	**Additional Regulations**
Wireless telecommunication facilities and towers, minor (less than 70 feet)	MUP	Section 18.18.040(A) Chapter 18.66
Wireless telecommunication facilities and towers, major (70 feet or higher)	CUP	Section 18.18.040(A) Chapter 18.66
Park and ride facilities	P	
Broadcasting and recording studios	-	
Fuel storage and distribution centers	-	
Transit stations and terminals	P	
Utility facilities and infrastructure	CUP	

18.10.040 – Other Applicable Regulations

In addition to the standards specified in Article 3 (Site Planning and General Development Standards) and Article 4 (Standards for Specific Land Uses), the following other regulations shall be applicable in the specified residential zones:

A. General Residential Regulations.

1. Development Standards.

a. Minimum Parcel Size and Frontage. Notwithstanding the provisions of Section 18.10.030 (Residential Zone Development Standards), the following shall apply:

(1) The required area of any parcel, as shown on a parcel or final subdivision map approved before the effective date of this ordinance, that is less than the minimum parcel area required for the zone in which the parcel is located, but is not less than 3,000 square feet, shall be the area shown for the parcel on the approved parcel or subdivision map.

(2) The required frontage of any parcel, as shown on a parcel or final subdivision map approved before the effective date of this ordinance, that is less than the minimum parcel frontage required for the zone in which the parcel is located, but is not less than 45 feet, shall be the frontage shown for the parcel on the approved parcel or subdivision map.

b. Setback Areas Shall be Kept Open. Except as provided in Subsection a above, or as otherwise expressly and specifically provided in this Zoning Code, every part of every setback area in a residential zone shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all structures except those allowable encroachments identified in Table 2-6 (Residential Zone Setback Encroachments).

2. Common Living Area Requirements. For dwelling units, the minimum percentage of a dwelling devoted to common living area is twenty-five percent (25%).

Table 2-6
Residential Zone Setback Encroachments

Improvement	Setback Area	Maximum Allowed Encroachment
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, of up to 10 feet in length each, not occupying in the aggregate more than 20% of the length of the side of the structure on which they are located	Front, Side Corner, Side, Rear	2 feet provided a minimum remaining 3-foot setback
Patio cover for unenclosed patio no more than 12 feet in height attached to a dwelling other than a secondary dwelling	Rear	In the R1 district, may encroach a distance of up to of 50% of required setback depth, provided encroachment covers no more than 40% of the required setback and maintains a minimum 5-foot setback from the interior side parcel line
Sills, eaves, cornices, canopies, and other similar architectural features eight feet or more above surface grade	Front, Side Corner	4 feet
	Side	2 feet provided a minimum remaining 3-foot setback
	Rear	4 feet provided a minimum remaining 3-foot setback
Uncovered and unenclosed steps or stairs providing access to a porch or structure entry with a finished floor no more than 56 inches above surface grade	Front	Any encroachment allowed, provided a minimum remaining setback of 10 feet in R1-6L, R1-8L; and 2 feet in R2, R3, and R4
Unenclosed porches, whether covered or uncovered, which have a finished floor no more than 56 inches above surface grade	Front	6 feet into setback
Utility structures	Front, Side Corner, Side, Rear	Allowed in setback area

3. **Driveway Approach.** Minimum driveway apron length applies only to driveways providing access from a public street to a garage that serves a single dwelling unit or a two-dwelling unit.

4. **Citywide Annual Cleanup Curbside Storage Exception.** The storing of household items typically used in the interior of a dwelling, including but not limited to ping pong tables, refrigerators, washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, swimming pools, tables, sofas, couches or futons, upholstered chairs, and indoor carpets, but excluding furniture expressly designed for outdoor use, is prohibited. During the City's Citywide cleanup campaign, this prohibition does not apply during the applicable clean-up period for the subject parcel.

5. **Exceptions and Reductions of Parking Requirements.** For parking reduction standards in residential zones see Section 18.38.040 (Exceptions and Reductions to Parking Requirements).

6. **Parking.** Except as expressly allowed in this Chapter, required parking shall not be provided in the required front or side corner setbacks.

7. **Parking Surface.** Parking areas in the front setback shall be limited to a continuously paved or all-weather surfaces (i.e., concrete, asphalt, brick, pavers, stone, or gravel), which are directly accessible from the driveway approach. All-weather surfaces do not include landscaping ground cover materials, such as, mulch, wood chips, or bark.

8. **Pavement Limitation.** In the R1-6L, R1-8L, and R2 zones, not more than 65 percent of the required front setback of any parcel be paved with asphalt, cement, pavers, brick, gravel, crushed granite, or any other all-weather surface.

9. **Parking and Storage of Commercial Vehicles.** The parking or storage of any commercial vehicle is prohibited on any parcel in a residential zone, except while loading, unloading, or providing a commercial service to a resident of that parcel.

10. **Wireless Telecommunication Facilities.** For height exceptions for Wireless Telecommunications Facilities see Chapter 18.66.

11. **Accessory Structures in Single-Family and Duplexes.** Accessory structures shall maintain setbacks in accordance with Section 18.60.020 (Accessory Dwelling Units).

B. Specific Residential Regulations.

1. **R1-8L Parcels.** Parcels shall have two side yards, one having a width of not less than six feet on one side and nine feet on the opposite side. Notwithstanding the above, the side setback on the street side of each corner parcel, exclusive of the front setback, shall not be less than 15 feet in width. A minimum 35 percent of the street side setback shall be permanently maintained as landscaped area.

2. **Accessory Structures.**

a. **Second Story.** Second stories are only allowed on accessory structures if the maximum height of the second story wall is four feet in height or less for the second-floor plate. This would equate to a one and one-half story accessory structure.

b. **Design Consistency.** Exterior materials and cladding do not need to be consistent with the primary structure.

3. Primary Structures.

a. **Basement Wall Height.** The basement wall height shall not exceed four feet in height above the finished grade.

b. **Reconstruction Standards.** In the event of a fire or other natural disaster (i.e., flood, earthquake, etc.) the home is allowed to be constructed to the previous structure footprint and setbacks, as a nonconforming structure (See Article 5 (Nonconformities)). Any changes to the structure footprint and setbacks shall require that the structure comply with current zoning development standards and regulations.

4. Porches and Stairs.

a. Unenclosed porches, whether covered or uncovered, which have a finished floor no more than 56 inches above surface grade shall not encroach more than six feet into the front setback.

b. Uncovered and unenclosed steps or stairs providing access to a porch or structure entry with a finished floor no more than 56 inches above surface grade shall maintain a minimum setback of 10 feet for the R1-6L and R1-8L zones, and a minimum two-foot setback for R2, R3, and R4 zones.

C. Existing Buildings and Uses.

1. Notwithstanding any other provision in this chapter, the lawful use of buildings existing prior to the adoption of this chapter may continue, and shall continue to be governed by the standards of the prior zoning (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty), until

such time as (1) the existing building in its entirety is demolished voluntarily (unless for the purposes of implementing maintenance, repair, replacement, expansion or restoration in the event of casualty), and/or (2) the existing use (including any expansions) has been discontinued in its entirety or is replaced with a use not permitted in the prior zoning regulations but permitted or conditionally permitted by this chapter, at which time the prior zoning shall become inapplicable and the other sections of this chapter shall apply from that point forward.

2. **Allowed Uses.** For parcels with legal uses of buildings existing prior to the adoption of this chapter, permitted uses of the prior zoning district are allowed, and none of the other sections of this chapter shall apply to such building and use, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a) of this section.

3. **Conditional Uses.** For parcels with legal uses of buildings existing prior to the adoption of this chapter, conditional uses of the prior zoning district are conditionally permitted, and none of the other sections of this chapter shall apply, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a) of this section.

4. **Development Standards.** For parcels with legal uses of buildings existing prior to the adoption of this chapter, development standards of the prior zoning district shall apply, and none of the other sections of this chapter shall apply, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a) of this section. (Ord. 2045 § 1, 4-5-22).

-This page intentionally left blank-

Chapter 18.12 – Commercial Zones (C-C, C-N, C-R)

Sections

18.12.010 – Purpose of Commercial Zones
18.12.020 – Commercial Land Uses and Permit Requirements
18.12.030 – Development Standards
18.12.040 – Other Applicable Regulations

18.12.010 – Purpose of Commercial Zones

D. The purpose of the individual commercial uses and the way they are applied are as follows: The purpose of this Chapter is to describe the character and intent of each of the City's commercial zones, describe allowed land uses and permit requirements in commercial zones, identify any supplemental land use regulations applicable to commercial zones, and establish development standards for the same. This Chapter does not apply to the Downtown zone, the standards for which are set forth separately in Chapter 18.13.

E. The purpose of the individual commercial uses and the way they are applied are as follows:

1. **Commercial-Neighborhood Zone (C-N).** The purpose of the C-N Commercial-Neighborhood Zone is to provide land areas for the construction, use, and occupancy of a broad range of neighborhood-serving commercial uses. It is the intent of this zone to encourage the development of neighborhood shopping centers that focus on neighborhood amenities including grocery stores, coffee shops, cafes, local-serving offices, and drug stores. The maximum Floor Area Ratio (FAR) is 0.5. This zone implements the Neighborhood Commercial land use designation in the General Plan.

2. **Community-Commercial Zone (C-C).** The purpose of the C-C Community-Commercial Zone is to provide land areas for the construction, use, and occupancy of a broad range of community-serving uses. It is the intent of this zone to encourage the development of commercial shopping centers that focus on community amenities including grocery stores, restaurants, banks, professional offices, and vehicle fueling stations. The maximum Floor Area Ratio (FAR) is 0.8. This zone implements the Community Commercial land use designation in the General Plan.

3. **Commercial-Regional Zone (C-R).** The purpose of the C-R Commercial-Regional Zone is to provide land areas for the construction, use, and occupancy of a broad range of commercial uses ranging from regional-serving to large-scale commercial centers. It is the intent of this zone to encourage the development of unique commercial shopping environments that serve as a node of commercial and entertainment activity and attract visitors and shoppers from outside the City. The maximum Floor Area Ratio (FAR) is 1.0. This zone implements the Regional Commercial land use designation in the General Plan.

F. Although the commercial zones are intended for commercial uses, pursuant to state law, certain types of multifamily residential developments may also be authorized, as described in more detail in Section 18.12.040.A.7.

18.12.020 – Commercial Land Uses and Permit Requirements

A. **Table 2-7 Commercial Zone Allowed Uses and Permit Requirements.** Table 2-7 indicates the uses allowed within each commercial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).

B. **Additional Regulations.** Where the last column in the Table 2-4 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code and City Code may also apply.

C. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.

D. **Zoning Clearance required.** Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearance).

E. **Uses not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

F. **Temporary Uses.** For all allowed temporary uses and specific standards see Section 18.60.190 (Temporary Uses) in Article 4.

Table 2-7
Commercial Zones Allowed Uses and Permit Requirements

Commercial Zones Permit Requirements				
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed				
Land Use (see Article 8 for land use definitions).	**C-N**	**C-C**	**C-R**	**Additional Regulations**
Residential Uses				
Caretaker Housing	-	P	P	Section 18.60.060
Dwelling, Multifamily	MUP	MUP	MUP	Section 18.10.040(C) Section 18.12.040(A)(7)
Employee Housing	-	-	-	
Home Occupations	-	-	-	Section 18.12.040(B) Section 18.60.120
Live-Work Facilities	MUP	MUP	MUP	Section 18.12.040(B) Section 18.60.130
Single-Room Occupancy (SRO) Facilities	-	P	P	
Supportive Housing	-	-	P	
Transitional Housing Facilities	-	-	P	
Human Services Uses				
Assisted Living Facilities	-	CUP	-	Section 18.60.080
Child Day Care Facilities	P	P	P	Section 18.60.070
Residential Care Facilities, six or fewer residents	P	P	P	
Residential Care Facilities, seven or more residents	MUP	MUP	MUP	
Community Care Facilities	CUP	CUP	CUP	

Table 2-7
Commercial Zones Allowed Uses and Permit Requirements

Commercial Zones Permit Requirements				
P	Allowed by Right			
MUP	Minor Use Permit (Chapter 18.124)			
CUP	Conditional Use Permit (Chapter 18.124)			
TUP	Temporary Use Permit (Chapter 18.122)			
-	Not allowed			
Land Use (see Article 8 for land use definitions).	**C-N**	**C-C**	**C-R**	**Additional Regulations**
Child Day Care Homes, Up to 14 Children	-	-	-	
Low-barrier Navigation Centers		P	P	
Emergency Shelters	-	P	P	Section 18.12.040 Section 18.60.110
Recreation, Education, and Public Assembly Uses				
Cemeteries and Mausoleums	-	CUP	-	
Commercial Recreation Facilities, Indoor	CUP	P	P	
Commercial Recreation Facilities, Outdoor	-	P	P	
Fitness Facilities	MUP	P	P	
Libraries	P	P	P	
Mortuaries and Funeral Homes	-	P	P	
Museums	-	P	P	
Parks and Public Plazas	P	P	P	
Recreational Vehicle Parks	-	-	CUP	
Places of Assembly	P	P	P	
Public Schools	P	P	P	
Private Schools	CUP	CUP	CUP	
Public/Private Colleges and Universities	P	P	P	
Theaters and Auditoriums	-	P	P	
Vocational/Trade Schools	P	P	P	
Utility, Transportation, and Communication Uses				
Broadcasting and Recording Studios	-	P	P	
Parking Structures	-	CUP	CUP	
Public Safety Facilities	P	P	P	
Wireless Telecommunication Facilities and Towers, Co-location/Small Cell	P	P	P	Section 18.12.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	Section 18.12.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	CUP	CUP	CUP	Section 18.12.040(A) Chapter 18.66
Transit Stations and Terminals	-	CUP	CUP	
Utility Facilities and Infrastructures	CUP	CUP	CUP	
Diesel Back-up Generators	P	P	P	Section 18.60.260
Photovoltaic Systems	P	P	P	
Retail, Service, and Office Uses				
Adult Businesses Uses	-	-	CUP	Chapter 18.62
Alcoholic Beverage Sales and Service	P	P	P	Section 18.60.040

Table 2-7
Commercial Zones Allowed Uses and Permit Requirements

Commercial Zones
Permit Requirements

P	Allowed by Right
MUP	Minor Use Permit (Chapter 18.124)
CUP	Conditional Use Permit (Chapter 18.124)
TUP	Temporary Use Permit (Chapter 18.122)
-	Not allowed

Land Use (see Article 8 for land use definitions).	C-N	C-C	C-R	Additional Regulations
Ambulance Services	-	CUP	CUP	
Animal Sales and Grooming Facilities	P	P	P	Section 18.12.040(B)
Banks and Financial Establishments, General	P	P	P	
Banks and Financial Establishments, Stand-alone ATM	P	P	P	
Bars	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	-	-	Chapter 18.60.050
Building Material Stores and Yards	-	P	P	
Business Support Centers	P	P	P	
Drive-in/Drive-through Establishments	CUP	CUP	CUP	Section 18.60.100
Equipment Sales and Rentals	-	P	P	
Garden Centers/Plant Nurseries	-	P	P	
Hotels and Motels	CUP	CUP	CUP	
Kennels	-	CUP	CUP	Section 18.12.040(A)
Live Entertainment, Incidental	P	P	P	
Live Entertainment, Standalone Uses	MUP/CUP	MUP/CUP	MUP/CUP	Section 18.12.040(A)
Maintenance and Repair Services	-	P	P	
Medical Services	P	P	P	
Mobile Food Vendors	MUP	MUP	CUP	
Nightclubs	CUP	CUP	CUP	
Offices	P	P	P	
Outdoor Displays and Sales	MUP	CUP	CUP	Section 18.60.150
Outdoor Dining and Seating	MUP	MUP	MUP	Section 18.60.140
Personal Services	P	P	P	
Personal Services, Restricted	-	MUP	MUP	Section 18.60.170
Restaurants	P	P	P	
Retail Establishments				
General, Small Format	P	P	P	
General, Medium Format	-	MUP	MUP	
General, Large Format	-	CUP	CUP	
Smoking Lounges	-	MUP	CUP	Chapter 8.37
Veterinary Facilities	-	MUP	P	Section 18.12.040(A)
Vehicle Oriented Uses				
Car Wash and Detailing Facilities, Full-Service	-	CUP	MUP	
Car Wash and Detailing Facilities, Self-Service	-	MUP	P	
Mobile Fueling Delivery	P	P	P	
Vehicle Service Stations	-	MUP	CUP	Section 18.60.220

Table 2-7
Commercial Zones Allowed Uses and Permit Requirements

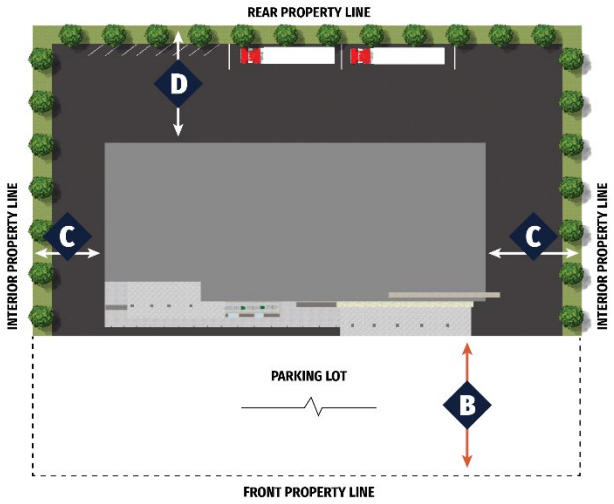
Commercial Zones Permit Requirements				
P	Allowed by Right			
MUP	Minor Use Permit (Chapter 18.124)			
CUP	Conditional Use Permit (Chapter 18.124)			
TUP	Temporary Use Permit (Chapter 18.122)			
-	Not allowed			
Land Use (see Article 8 for land use definitions).	**C-N**	**C-C**	**C-R**	**Additional Regulations**
Vehicle Rental Facilities, General	-	CUP	MUP	
Vehicle Rental Facilities, Limited	-	P	P	
Vehicle Rental Facilities, Office Only	P	P	P	
Vehicle Sales Facilities, General	-	-	CUP	Section 18.60.210
Vehicle Sales Facilities, Wholesale	-	CUP	CUP	Section 18.60.210
Vehicle Repair Facilities, Minor	-	-	P	Section 18.12.040(A) Section 18.60.200
Vehicle Repair Facilities, Major	-	CUP	CUP	Section 18.12.040(A) Section 18.60.200
Vehicle Parts Sales	-	P	P	
Industrial, Manufacturing, and Processing Uses				
Personal Storage Facilities	-	-	CUP	
Printing and Publishing Facilities	-	P	P	
Wineries, Distilleries, Breweries, and Micro-Breweries	-	MUP	MUP	

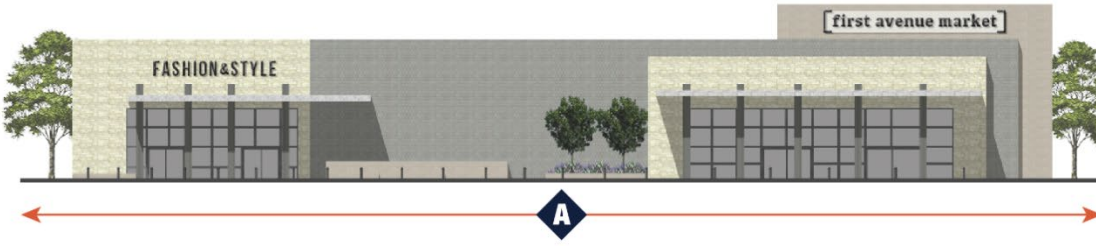
18.12.030 – Commercial Development Standards

A. **Table 2-8 Commercial Zone Development Standards.** The intent of the commercial zone development standards table establishes the basic site and structure regulations that apply to all developments in each of the commercial zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to residential zones.

B. **Zoning Map.** The Boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled “Zoning Map for City of Santa Clara” and referred to in this Zoning Code.

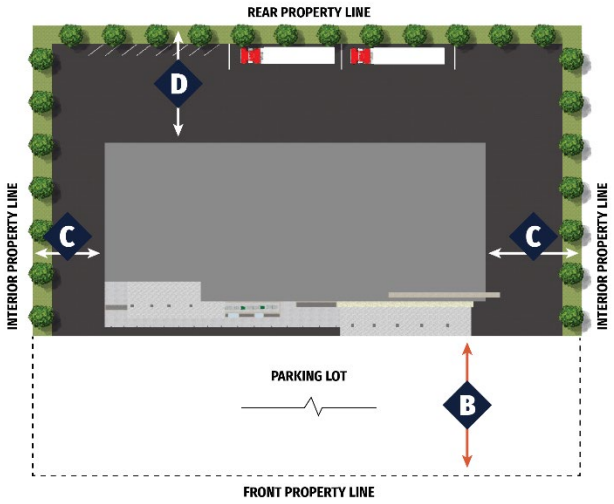
Table 2-8
Commercial Zone Development Standards

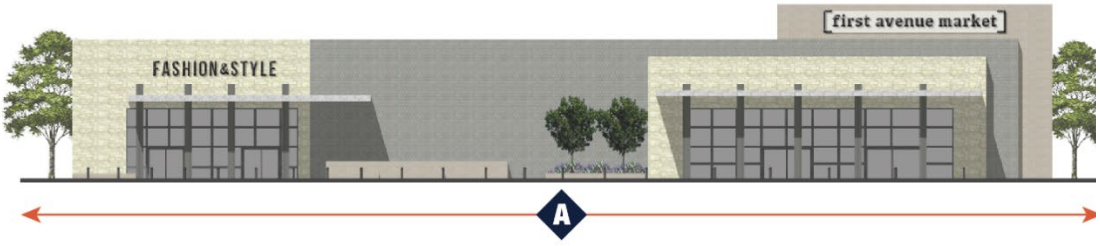




Development Feature (minimum unless otherwise indicated)	C-N	C-C	C-R	Additional Regulations
Parcel Area (minimum) area required for each NEWLY CREATED parcel.				
Parcel Area	7,000 sq. ft	15,000 sq. ft.	1 acre	
A **Street Frontage (feet)**	70	80	100	
Setbacks (minimum) -Property lines are measured in feet, with those adjacent to the street measured from the face of the curb, adopted plan line, or edge of right-of-way.				
B **Front**	10	10	15	Section 18.12.040(A) Section 18.30.050
Side, Corner	10	10	15	Section 18.12.040(A) Section 18.30.050
C **Side, Interior** (adjacent to R1 and R2 zones)	10	10	10	Section 18.12.040(A) Section 18.30.050
C **Side, Interior** (adjacent to all other zones)	0	0	0	Section 18.12.040(A) Section 18.30.050
D **Rear, Single-Story** (adjacent to R1 and R2 zones)	10	10	10	Section 18.12.040(A) Section 18.30.050
D **Rear, Multi-Story** (adjacent to R1 and R2 zones)	15	20	20	Section 18.12.040(A) Section 18.30.050

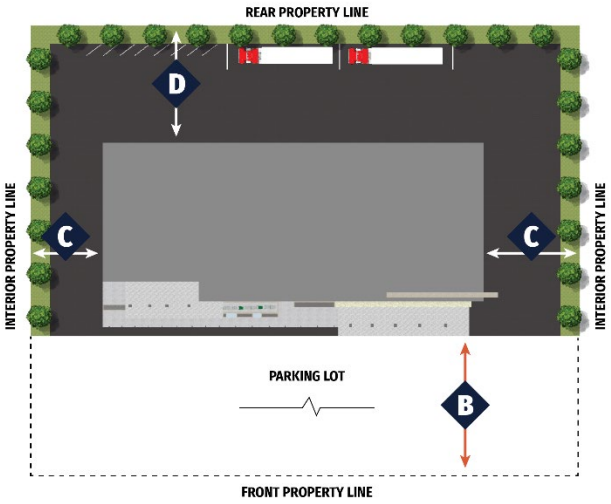
Table 2-8
Commercial Zone Development Standards

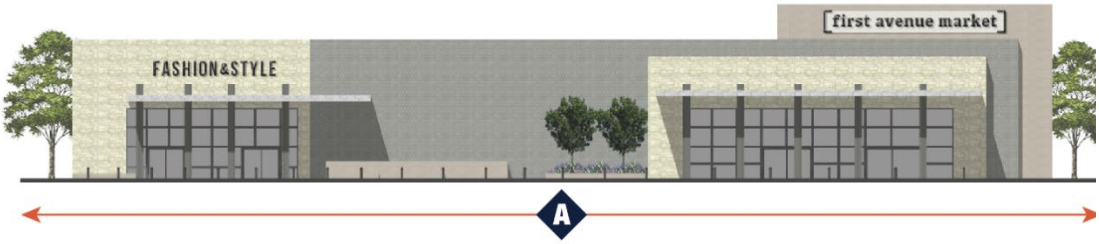




Development Feature (minimum unless otherwise indicated)	**C-N**	**C-C**	**C-R**	**Additional Regulations**
D **Rear** (adjacent to all other zones)	10	10	10	Section 18.12.040(A) Section 18.30.050
Height (maximum) measured in feet				
E **Height and the Daylight Plane**	All structures adjacent to R1 and R2 zones shall include a 45-degree daylight plan off the property line to implement a compatible transition between structures.			
E **Height**	32	50	80	Section 18.30.040
Maximum Number of Stories	3	4	5	
Maximum Floor Area Ratio (FAR)	0.5	0.8	1.0	
Additional Regulations				
Residential Accessory Structures	Chapter 18.32			
Basements	Section 18.30.070			
Density Bonus and Affordable Housing	Chapter 18.64			
Fences, Walls, Hedges, and Screens	Chapter 18.34			
Landscaping Standards	Chapter 18.36			

Table 2-8
Commercial Zone Development Standards





Development Feature (minimum unless otherwise indicated)	**C-N**	**C-C**	**C-R**	**Additional Regulations**
Open Space Standards	City Code Chapter 17.35			
Off-Street Parking Regulations and Design Standards	Chapter 18.38			
Performance Standards	Chapter 18.40			
Sign Standards	Chapter 18.42			
Solid Waste Enclosures	Section18.30.060			

18.12.040 – Other Applicable Regulations

In addition to the standards specified in Article 3 (Site Planning and General Development Standards) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific commercial zones:

A. General Commercial Regulations.

1. Development Standards.

a. Minimum Parcel Size and Frontage. Notwithstanding the provisions of Section 18.12.030 (Commercial Development Standards), the following shall apply:

(1) For any parcel whose area, as shown on a parcel or final subdivision map approved before the effective date of this ordinance that is less than the minimum parcel area required for the zone in which the parcel is located, but is not less than 3,000 square feet, the required parcel area shall be the area shown for the parcel on the approved parcel or subdivision map.

(2) For any parcel whose frontage, as shown on a parcel or final subdivision map approved before the effective date of this ordinance that is less than the minimum parcel frontage required for the zone in which the site is located, but is not less than 45 feet, the required frontage shall be the frontage shown for the parcel on the approved parcel or subdivision map.

Table 2-9
Commercial Zone Setback Encroachments

Improvement	Setback Area	Maximum Allowed Encroachment
Attached signs 8 feet or more above surface grade	Front, Side Corner	5 feet into setback
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, occupying in the aggregate not more than 20% of the length of the side of the building on which they are located	Front, Side Corner, Side, Rear	2 feet provided a minimum remaining 3-foot setback
Movable tables, chairs, umbrellas, outdoor heaters, and retail displays	Front, Side Corner	Allowed in setback area
Movable partitions or planters to define an outdoor seating area subject to architectural review	Front, Side Corner	Allowed in setback area
Sills, eaves, cornices, canopies, and other similar architectural features 8 feet or more above surface grade	Front, Side Corner	5 feet into setback
Utility structures	Front, Side Corner, Side, Rear	Allowed in setback area

2. Transition Standards.

a. Maximum Height Adjacent to Residential. Building Height Limits Abutting Residential Zoning Districts, 45-degree Daylight Plane height transitions are required for any new development adjacent to single family and duplex residential zoning districts, measured from the property line.

b. **Maximum Height Across the Street from Residential.** The following applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.

(1) Wall plates and heights shall be no taller than one story above the maximum height allowed in the opposing residential zone.

(2) Uses shall be located entirely within structures occupied by the primary use. Building heights shall step up away from the street following a 45-degree Daylight Plane measured from the top of the building facade/wall plate.

3. **Hotel and Motel Uses.** Hotel and motel uses are allowed in all commercial zones north of the Caltrain Corridor, at a maximum FAR of 2.0, provided that the property is annexed to a Community Facilities Assessment District, or similar district, and that the use is compatible with planned uses on neighboring properties.

4. **Vehicle Parking.** Vehicle parking shall not be allowed in any front setback.

5. **Live Entertainment, Standalone Use.** Live Entertainment that meets the following separation and operation requirements requires the approval of a Minor Use Permit by the Review Authority. All other Live Entertainment venues that do not meet the following separation and operation requirements and/or are located outdoors shall require the approval of a Conditional Use Permit by the Commission.

a. Shall be located a minimum of 150 feet from all residential.

b. Shall be conducted within an enclosed structure.

c. Shall be restricted to hours of operations between 11:00 AM to 12:00 AM (Midnight).

6. **Wireless Telecommunication Facilities.** For height exceptions for Wireless Telecommunications Facilities see Chapter 18.66.

7. **Multi-Family Residential Development in Commercial Zones.** Multi-family residential construction may be authorized in commercial zones for developments meeting the following requirements:

a. **Senate Bill 6 (2022) (SB 6):** Multifamily developments meeting the requirements of Government Code Section 65852.24, as may be amended, are permitted in the commercial zones, subject to the following.

(1) The project complies with prevailing wage labor requirements pursuant to Government Code § 65852.24.

(2) Project sites shall be 20 acres or less in size.

(3) The project site shall not be located on or adjacent to a site where more than 1/3 of the square footage on the site is dedicated to a classified industrial use per the City Code.

(4) Applicable multi-family residential developments shall consist of only housing/residential or may be comprise of a mixed-use project where at least 50 percent of the floor area is dedicated to residential uses.

(5) The density of the multi-family residential project shall be at least 30 dwelling units per acre.

b. **Assembly Bill 2011 (2022) (AB 2011):** Multifamily developments meeting the requirements of Government Code Section 65912.100 et seq., as may be amended, are permitted in the commercial zones, subject to the following.

(1) Proposed projects shall comprise five or more units for sale and/or rent.

(2) At least 75 percent of the project site shall adjoin parcels developed with urban uses as defined in AB 2011.

(3) The project site shall not be located on or adjacent to a site where more than 1/3 of the square footage on the site is dedicated to a classified industrial use per the City Code.

(4) Applicable vacant sites shall not contain tribal cultural resources and shall not be located within a designated very-high fire hazard severity zone.

(5) Development per AB 2011 is prohibited on sites governed by mobile home/recreational vehicle laws or by the Special Occupancy Parks Act.

(6) For project sites located within a neighborhood plan, specific plan, area plan, urban village, precise plan, or master plan adopted by January 1, 2024, the designated plan shall allow multi-family residential development.

(7) Projects shall not be located within 500 feet of a designated freeway or highway.

(8) Projects shall not be located within 3,200 feet of an active oil or gas refinery.

(9) All other site/development requirements as prescribed by AB 2011 are required prior to project approval.

(10) The density of the multi-family residential project shall be at least 30 dwelling units per acre.

(11) The Project shall meet all development standards of the residential zone corresponding to the residential density of the Project. If more than one residential zoning designation allows for housing with the Project density, the applicable development standards shall be the standards that apply to the closest parcel that allows residential use at the Project density.

Chapter 18.14 – Mixed Use Zones (MU-NC, MU-CC, MU-RC, MU-MD, MU-VHD)

Sections

18.14.010 – Purpose of Mixed Use Zones
18.14.020 – Mixed-Use Land Uses and Permit Requirements
18.14.030 – Development Standards
18.14.040 – Other Applicable Regulations
18.14.050 – Pedestrian Zone Setback Regulations

18.14.010 – Purpose of Mixed Use Zones

A. The purpose of this Chapter is to describe the character and intent of the City's mixed-use zones, describe allowed land uses and permit requirements in mixed-use zones, identify any supplemental land use regulations applicable to mixed-use zones, and establish development standards for the same.

B. The purpose of the individual mixed-use uses and the way they are applied are as follows:

1. **Mixed Use – Neighborhood Commercial (MU-NC).** The purpose of the MU-NC Mixed Use Neighborhood Commercial Zone is to provide land areas for the construction, use, and occupancy for pedestrian oriented developments that focus on neighborhood-serving commercial uses (e.g., coffee shops, grocery stores, retail establishments). It is the intent of this zone to provide a mix of residential and commercial uses, with residential on the upper floors and commercial on the lower floors, as well as, stand-alone uses in certain circumstances. This zone has a minimum FAR of 0.1. The allowable residential density range is 20-36 dwelling units per acre.

2. **Mixed Use – Community Commercial (MU-CC).** The purpose of the MU-CC Mixed Use Community Commercial Zone is to provide land areas for the construction, use, and occupancy for pedestrian- oriented developments that focus on community-serving commercial uses (e.g., grocery stores, banks, pharmacies, restaurants, retail establishments). It is the intent of this zone to provide a mix of residential and commercial uses, with residential on the upper floors and commercial and office on the lower floors, as well as, stand-alone uses in certain circumstances. This zone does not have a minimum FAR. The allowable residential density range is 20-36 dwelling units per acre.

3. **Mixed Use – Regional Commercial (MU-RC).** The purpose of the MU-RC Mixed Use Regional Commercial Zone is to provide land areas for the construction, use, and occupancy for pedestrian- oriented developments that focus on regional-serving commercial uses (e.g., big box stores, entertainment establishments, restaurants, retail establishments). It is the intent of this zone to be located on high-traffic corridors and to provide a mix of residential and commercial uses, with residential on the upper floors and commercial and office on the lower floors. This zone has a minimum FAR of 0.2. The allowable residential density range is 37-50 dwelling units per acre.

4. **4. Mixed Use – Very High Density (MU-VHD).** The purpose of the MU-VHD Mixed Use Very High Density Zone is to provide for transit- and pedestrian-oriented mixed-use development comprising very high density housing in conjunction with local and

regional serving commercial uses that link with existing and planned transit facilities to support and maximize transit use. This zone is intended to encourage high quality integrated development consisting of residential and commercial uses in a horizontal and or vertical arrangement to maximize open space of active and passive use and provide opportunities for place making. The allowable residential density range is 51-120 dwelling units per acre.

18.14.020 – Mixed Use Land Uses and Permit Requirements

A. **Table 2-10 Mixed-Use Zone Allowed Uses and Permit Requirements.** Table 2-10 indicates the uses allowed within each mixed-use zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration).

B. **Additional Regulations.** Where the last column in the Table 2-8 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code and City Code may also apply.

C. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.

D. **Zoning Clearance required.** Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearance).

E. **Uses not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

F. **Temporary Uses.** For all allowed temporary uses and specific standards see Section 18.60.190 (Temporary Uses) in Article 4.

Table 2-10
Mixed Use Zones Allowed Uses and Permit Requirements

Mixed Use Zones Permit Requirements					
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed					
Land Use (see Article 8 for land use definitions).	**MU-NC**	**MU-CC**	**MU-RC**	**MU-VHD**	**Additional Regulations**
Residential Uses					
Caretaker Housing	CUP	-	-	P	Section 18.60.060
Dwelling, Multifamily	P	P	P	P	Section 18.10.040(C) Section 18.14.040(S)
Employee Housing	P	-	-	-	
Home Occupations	P	P	P	P	Section 18.14.040 Section 18.60.120
Live-Work	P	P	P	P	Section 18.14.040 Section 18.60.130
Single-Room Occupancy (SRO) Facilities	-	P	P	-	
Supportive Housing	P	P	P	P	

Table 2-10
Mixed Use Zones Allowed Uses and Permit Requirements

Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations
Mixed Use Zones Permit Requirements					
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed					
Transitional Housing	-	-	-	P	
Human Services Uses					
Assisted Living Facilities	-	CUP	-	CUP	Section 18.60.080
Child Day Care Facilities	P	P	P	P	Section 18.60.070
Community Care Facilities	CUP	CUP	-	CUP	
Residential Care Facilities, six or fewer residents	P	P	-	P	
Residential Care Facilities, seven or more residents	MUP	MUP	-	MUP	
Day Care Homes, Up to 14 Children	P	P	P	-	
Low Barrier Navigation Centers	P	P	P	P	
Emergency Shelters	-	-	-	P	Section 18.60.110
Recreation, Education, and Public Assembly Uses					
Cemeteries and Mausoleums	-	-	-	CUP	
Community Gardens	MUP	MUP	MUP	-	
Commercial Recreation Facilities, Indoor	MUP	P	P	CUP	
Commercial Recreation Facilities, Indoor	-	-	-	P	
Fitness Facilities	P	P	P	P	
Libraries	P	P	-	P	
Museums	P	P	P	P	
Parks and Public Plazas	P	P	P	P	
Places of Assembly	MUP	CUP	CUP	P	
Public Schools	P	P	P	P	
Private Schools	CUP	CUP	CUP	CUP	
Public/Private Colleges and Universities	P	P	P	P	
Theaters and Auditoriums	P	P	P	P	
Vocational/Trade Schools	-	P	P	P	
Utility, Transportation, and Communication Uses					
Broadcasting and Recording Studios	-	-	-	P	

Table 2-10
Mixed Use Zones Allowed Uses and Permit Requirements

Mixed Use Zones
Permit Requirements

P	Allowed by Right
MUP	Minor Use Permit (Chapter 18.124)
CUP	Conditional Use Permit (Chapter 18.124)
TUP	Temporary Use Permit (Chapter 18.122)
-	Not allowed

Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations
Park and Ride Facilities	P	P	P	-	
Parking Structures	MUP	MUP	MUP	P	Section 18.14.040
Public Safety Facilities	P	P	P	P	
Wireless Telecommunications Facilities and Towers, Co-location/Small Cell	P	P	P	P	Section 18.14.040 Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	MUP	Section 18.14.040 Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	-	CUP	CUP	CUP	Section 18.14.040 Chapter 18.66
Transit Stations and Terminals	P	P	P	CUP	
Utility Facilities and Infrastructure	CUP	CUP	CUP	CUP	Section 18.14.040
Photovoltaic Systems	P	P	P	P	
Retail, Service, and Office Uses					
Alcoholic Beverage Sales and Service	P	P	P	P	Section 18.60.040
Ambulance Services	CUP	CUP	-	CUP	
Animal Sales and Grooming Facilities	P	P	P	P	Section 18.14.040
Banks and Financial Establishments, General	P	P	P	P	
Banks and Financial Establishments, Stand-alone ATM	P	P	P	P	
Bars	CUP	CUP	CUP	CUP	
Bed and Breakfast Inns	-	-	-	CUP	
Business Support Centers	P	P	MUP	P	
Drive-in/Drive-through Establishments	CUP	-	-	CUP	Section 18.60.100
Equipment Sales and Rentals	-	-	-	P	
Garden Centers/Plant Nurseries	-	-	-	P	
Hotels and Motels	P	P	P	CUP	Section 18.14.040
Kennels	MUP	MUP	-	-	Section 18.14.040

Table 2-10
Mixed Use Zones Allowed Uses and Permit Requirements

Mixed Use Zones Permit Requirements					
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed					
Land Use (see Article 8 for land use definitions).	**MU-NC**	**MU-CC**	**MU-RC**	**MU-VHD**	**Additional Regulations**
Live Entertainment, Incidental	P	P	P	P	
Live Entertainment, Standalone	MUP/CUP	MUP/CUP	MUP/CUP	MUP/CUP	Section 18.14.040
Maintenance and Repair Services	P	P	P	P	
Nightclubs	CUP	-	CUP	CUP	
Offices	P	P	P	P	
Outdoor Dining and Seating	MUP	MUP	MUP	MUP	Section 18.60.140
Outdoor Displays and Sales	CUP	CUP	CUP	CUP	Section 18.60.150
Personal Services	P	P	P	P	
Personal Services, Restricted	MUP	MUP	MUP	MUP	Section 18.60.170
Restaurants	P	P	P	P	
Retail Establishments:					
General, Small Format	P	P	P	P	
General, Medium Format	P	MUP	P	MUP	
General, Large Format	CUP	-	CUP	CUP	
Veterinary Facilities	P	P	P	MUP	Section 18.14.040
Vehicle Oriented Uses					
Vehicle Service Stations	-	CUP	CUP	-	
Vehicle Rental Facilities, Limited	MUP	-	-	-	
Vehicle Rental Facilities, Office Only	P	-	-	-	
Vehicle Repair Facilities, Minor	MUP	-	-	-	Section 18.14.040 Section 18.60.200
Industrial, Manufacturing, and Processing Uses					
Printing and Publishing Facilities	P	P	P	P	
Wineries, Distilleries, Breweries, and Micro-Breweries	MUP	MUP	MUP	MUP	

18.14.030 – Mixed Use Development Standards

A. **Table 2-11 Mixed-Use Zone Development Standards.** The intent of the mixed-use zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the mixed-use zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-

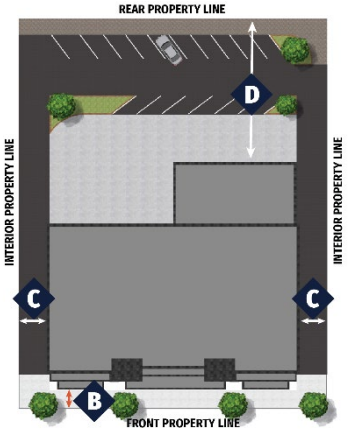
street parking, landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Master Plan, Specific Plan, or Area Plan.

C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

Table 2-11
Mixed-Use Zone Development Standards

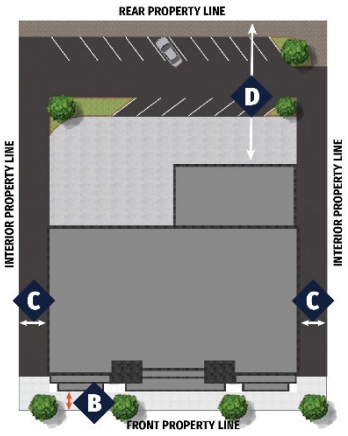




Development Feature (minimum unless otherwise indicated)	MU-NC	MU-CC	MU-RC	MU_VHD	Additional Regulations
Parcel Area - area required for each NEWLY CREATED parcel.					
Parcel Area (min)	None	None	None	None	
A **Street Frontage (feet)**	None	None	100	None	
Density (where residential is proposed)					
Minimum Density (units/acre)	19	20	37	50	
Maximum Density (units/acre)	36	36	50	120	
Setbacks -Setback lines are measured in feet, from the back of walk.					

Table 2-11
Mixed-Use Zone Development Standards

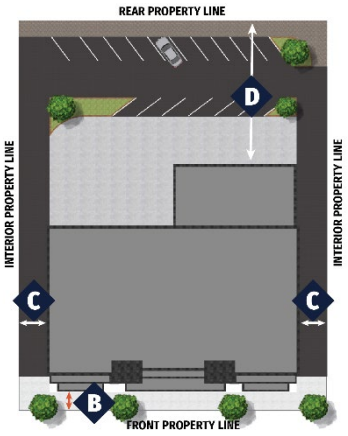




Development Feature (minimum unless otherwise indicated)	MU-NC	MU-CC	MU-RC	MU_VHD	Additional Regulations
B **Front setback** (min/max)	0	0* or 5 10	0* or 5 10	None	Section 18.14.040(A) Section 18.30.050 *Can be reduced to 0 feet if the total area is less than 20 feet
B **Front setback for other ground floor uses** (min/max)	0	10/15	10/15	None	
Side, Corner	0	0	0	None	Section 18.14.040(J) Section 18.30.050
C **Side, Interior** (adjacent to R1 and R2 zones)	10	10	10	None	Section 18.14.040(J) Section 18.30.050
C **Side, Interior** (adjacent to all other zones)	None	None	None	None	Section 18.14.040(J) Section 18.30.050
D **Rear, Single-Story** (adjacent to R1 and R2 zones)	10	10	10	None	Section 18.30.050
D **Rear** (adjacent to all other zones)	10	10	10	None	
D **Rear, Multi-Story** (adjacent to R1 and R2 zones)	15	15	15	None	
Height (maximum) measured in feet					
E **Height** (within 20 feet of the R1 and R2 zones)	32	32	32	None, limited by FAA restrictions	Section 18.30.040
E **Height** (all other zones)	32	40	60	None, limited by	Section 18.30.040

Table 2-11
Mixed-Use Zone Development Standards





Development Feature (minimum unless otherwise indicated)	MU-NC	MU-CC	MU-RC	MU_VHD	Additional Regulations
				FAA restrictions	
Maximum Number of Stories	3	4	6	None, limited by FAA restrictions	
Commercial Floor Area Ratio (FAR)					
Minimum Floor Area Ratio (FAR)	None	None	0.2	None	Section 18.14.040
Additional Regulations					
Residential Accessory Structures	Chapter 18.32				
Basements	Section 18.30.070				
Density Bonus and Affordable Housing	Chapter 18.64				
Fences, Walls, Hedges, and Screens	Chapter 18.34				
Landscaping Standards	Chapter 18.36				
Multi-Story Step-backs	Section 18.14.040(A)				
Open Space Standards	City Code Chapter 17.35				
Off-Street Parking Regulations and Design Standards	Chapter 18.38				
Performance Standards	Chapter 18.40				
Sign Standards	Chapter 18.42				
Solid Waste Enclosures	Section 18.30.060				

18.14.040 – Other Applicable Regulations

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following other applicable mixed-use regulations shall be applicable in the specific mixed-use zones:

A. Balconies.

1. Allowability. Balconies are only allowed on mixed-use structures greater than three stories in height on the front and rear elevations.

2. Step-back Encroachment. Balconies are only allowed to encroach up to 50 percent into the required step-back area.

B. **Encroachments.** The front setback shall be kept open, unobstructed, and unoccupied except by those allowable encroachments identified in Table 2-12 (Mixed-Use Zone Setback Encroachments).

Table 2-12
Mixed-Use Zone Setback Encroachments

Improvement	Maximum Allowed Encroachment
Sills, eaves, cornices, canopies, and other similar architectural features 8 feet or more above surface grade	Allowed in setback area
Movable tables, chairs, umbrellas, outdoor heaters in compliance with Section 18.60.240 (Outdoor Dining) and Section 18.60.260 (Outdoor Seating)	Allowed in setback area
Movable partitions or planters to define an outdoor seating area	Allowed in setback area
Front stoop or porch in compliance with Subsection 18.14.040(K)	Allowed in setback area
Bicycle racks	Allowed in setback area
Trees and tree wells	Allowed in setback area
Planters and planting beds extending not more than 18 inches into the setback area and not more than 18 inches in height above grade	Allowed in setback area
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, occupying in the aggregate not more than 20 percent of the length of the side of the structure on which they are located.	2 feet into setback area
Utility structures	Allowed in setback area

C. **Live-Work Facilities.** Permitted except along for properties fronting El Camino Real street frontage in the MU-RC Zone and shall not count towards commercial FAR requirements but shall count toward residential density.

D. **Mixed Use Development Types.** All mixed-use zoned parcels are allowed either vertical or horizontal mixed-use development types unless otherwise prohibited in a Specific Plan or Master Plan. See Figure 2-1 (Vertical Mixed-Use) and Figure 2-2 (Horizontal Mixed-Use).

E. **Common Living Area Requirements.** For all dwelling units, the minimum percentage of a dwelling devoted to common living area is twenty-five percent (25%).

Figure 2-1
Vertical Mixed-Use



Figure 2-2
Horizonal Mixed-Use



F. **Multi-Story Step-backs.** A minimum step-back of six feet is required for all structures greater than three stories on all elevations of the structure on no less than 60 percent of the first story structure wall length.

G. Transition Standards.

1. Maximum Height Adjacent to Residential. Building Height Limits Abutting Residential Zoning Districts, 45-degree Daylight Plane height transitions are required for any new development adjacent to single family and duplex residential zoning districts, measured from the property line.

2. **Maximum Height Across the Street from Residential.** The following applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.

a. Wall plates and heights shall be no taller than one story above the maximum height allowed in the opposing residential zone.

b. Uses shall be located entirely within structures occupied by the primary use. Building heights shall step up away from the street following a 45-degree Daylight Plane measured from the top of the building facade/wall plate.

3. **Massing and Design.** New development abutting or across from residential zoned properties shall incorporate massing and design treatments to reduce their impacts on adjacent homes. Design treatments include height and/or bulk step downs and other architectural measures such as matching the form or roof style of adjacent properties.

H. **Outdoor Retail Displays.** All Outdoor Retail Displays shall be consistent with the development standards in Section 18.60.250 (Outdoor Displays and Sales).

I. **Placement of Parking Structures.** In addition to the Off-Street Parking Regulations and Design Standards in Chapter 18.38, parking garages in mixed-use zones shall not be located on the ground floor of a structure unless the structure space designed for residential, commercial, or other nonresidential uses is located between the parking garage and the street. This requirement shall not prevent a parking garage entrance at the ground floor of a structure.

J. **Side Setbacks Exceptions.** Parcels zoned Mixed-Use Community Commercial and Mixed-Use Regional Commercial are allowed a side setback of zero feet by the approval of the Review Authority.

K. **Live Entertainment, Standalone Use.** Live Entertainment that meets the following separation and operation requirements requires the approval of a Minor Use Permit by the Review Authority. All other Live Entertainment venues that do not meet the following separation and operation requirements and/or are located outdoors shall require the approval of a Conditional Use Permit by the Commission.

1. Shall be located a minimum of 150 feet from all residential.

2. Shall be conducted within an enclosed structure.

3. Shall be restricted to hours of operations between 11:00 AM to 12:00 AM (Midnight).

L. **Wireless Telecommunication Facilities.** For height exceptions for Wireless Telecommunications Facilities see Chapter 18.66.

M. **Utilities, Facilities, and Infrastructure.** A CUP is required for private utility facilities and infrastructure. Public utilities and infrastructure are permitted uses.

N. **Additional Regional Commercial Mixed Use.** The following additional requirements shall be applied to all parcels zone MU-RC:

1. 75 percent of the structure façade shall be located within the minimum and maximum setback lines.

2. **Setbacks in Open Space.** Setback areas are not considered useable open space unless they are at least 20 feet wide. Up to 50 percent of the required private open space may be provided as common private outdoor areas.

3. Publicly Accessible Open Space. All MU-RC properties shall include ground floor publicly accessible open space. New public open space should have a minimum 30-foot dimension in at least one direction and a minimum total area of 3,000 square feet.

O. **Additional Very High-Density Mixed-Use Standards.** The following additional requirements shall apply:

1. Conditional Uses. Any use identified as a use requiring a Conditional Use Permit shall be subject to the following regulations:

a. Such uses are conditionally permitted only on the ground floor of multi-family dwelling structures.

b. Such uses are conditionally permitted in structures intended solely for retail use, provided that the development of the retail structure would not make it infeasible to achieve the minimum residential density specified in this Article over all contiguous parcels within the VHDMU zone.

c. On the ground floor of multi-family dwelling structures, live-work facilities that meet the glazing and entry door requirements performance standards, but that do not meet one or more of the following minimum performance standards:

(1) A minimum first floor to ceiling height of 12 feet;

(2) A minimum front room depth of 35 feet; or

(3) Live-Work facility units occupy a maximum of 25 percent of an individual structure's ground floor retail frontage.

d. Stand-alone parking garage.

e. Live entertainment as a primary use.

f. Cocktail lounges, bars, taverns not associated with a restaurant or hotel/motel use.

2. Hotels and Motels. Full-service hotels and motels may include restaurants, bars and lounges, massage and spa services, administrative offices, and meeting and banquet rooms.

3. Lighting and Security.

a. Open parking areas and common open space areas shall include lighting which provides a minimum illumination of one-foot candle. Lighting fixtures shall be weather and vandal resistant. Lighting shall reflect downward and away from residential areas and public streets.

b. All main entrance doors to individual dwelling units shall be equipped with 180-degree door viewers. Each main entrance door shall be equipped with a deadbolt lock with a cylinder guard, a minimum of one-inch bolt projection and a maximum-security strike plate.

c. All sliding glass doors and ground floor windows shall be equipped with auxiliary locks, as approved by the Chief of Police.

4. L**ive Entertainment.** All live entertainment shall be incidental to the primary permitted commercial use unless authorized pursuant to Section 18.14.040.P.1.e.

5. Live-Work Facilities. Ground live-work facilities units are subject to the following requirements:

a. A minimum first floor to ceiling height of 12 feet;

b. A minimum front room depth of 35 feet;

c. A minimum of 65 percent glazing along the front elevation;

d. Double entry doors with a minimum of 80 percent transparent glass surface area; and

e. Live-work facility units shall occupy a maximum of 25 percent of an individual structure's ground floor retail frontage.

6. Mortuaries. Mortuaries and similar facilities as determined by the Review Authority are prohibited.

7. Parking Requirements.

a. Minimum Parking Requirements.

(1) The minimum parking requirements for all commercial uses, including restaurants, is three parking spaces per 1,000 square feet of structure area.

(2) Hotel rooms: 0.75 space per lodging unit.

(3) Studio and one-bedroom residential units: One parking space per unit.

(4) Residential units with two or more bedrooms: One and half parking spaces per unit.

b. Shared Parking. Parking shared among uses is encouraged, and a maximum of 20 percent of the parking spaces provided may be shared between two uses. For the purposes of this Article, those parking spaces shared between two uses count towards the parking requirements of both.

8. Parking Structures. Parking structures are allowed in the MU-VHD only as accessory to the primary uses of the site unless authorized pursuant to Section 18.14.040.P.1.d.

9. Outdoor Dining, Seating, and Walk-up Facilities. All outdoor-oriented facilities and designated areas shall be incidental to the primary retail or restaurant use.

10. Restaurants. Restaurants are permitted to include on-premise sales and service of beer, wine, and/or distilled spirits.

11. Trash Disposal. Each property shall provide accessible trash disposal areas. If not placed within a garage or other structure, each disposal area shall be screened from public view. Such enclosures shall provide area of sufficient size to accommodate trash and recycling bins for residential and commercial uses on-site. Trash compactors shall be located within an enclosed building.

12. Vehicle-Oriented Uses. All vehicle-oriented uses are prohibited.

-This page intentionally left blank-

Chapter 18.16 – Office and Industrial Zones (LO-RD, HO-RD, LI, HI)

Sections

18.16.010 – Purpose of Office and Industrial Zones
18.16.020 – Office and Industrial Land Uses and Permit Requirements
18.16.030 – Development Standards
18.16.040 – Other Applicable Regulations

18.16.010 – Purpose of Office and Industrial Zones

A. The purpose of this Chapter is to describe the character and intent of the City's office and industrial zones, identify any supplemental land use regulations applicable to office and industrial zones, describe allowed land uses and permit requirements in office and industrial zones, and establish development standards for the same.

B. The purpose of the individual office and industrial uses and the way they are applied are as follows:

1. **Low-Intensity Office/Research and Development (LO-RD).** The purpose of the RD-OL Office/Research and Development – Low Intensity Zone is to provide areas for the construction, use, and occupancy of office/research and development uses, data centers, limited manufacturing, and employee-serving retail. The intent of this zone is to encourage the development of a richly landscaped campus park like industrial setting. The maximum FAR is 1.00. This zone implements the Low-Intensity Office/Research and Development land use designation in the General Plan.

2. **High-Intensity Office/Research and Development (HO-RD).** The purpose of the HO-RD High-Intensity Office/Research and Development Zone is to provide areas for the construction, use, and occupancy of office/research and development uses, ancillary data centers, limited manufacturing, and other Minor Industrial Uses, and employee-serving retail. The intent of this zone is to encourage the development of compact and urbanized developments that include a mix of mid- to high-rise structures in a richly landscaped campus park like industrial setting. The maximum FAR is 2.00. This zone implements the High-Intensity Office/Research and Development land use designation in the General Plan.

3. **Light Industrial Zone (LI).** The purpose of the LI Light Industrial Zone is to provide areas for the construction, use, and occupancy of a broad range of industrial uses including manufacturing, warehousing (including data centers), and wholesale establishments, as well as ancillary office uses and employee-serving commercial uses. Due to the potential presence of noxious and hazardous materials associated with industrial processes, nonindustrial uses that attract sensitive receptors are strictly limited. The maximum FAR is 0.60. This zone implements the Light Industrial land use designation in the General Plan.

4. **Heavy Industrial Zone (HI).** The purpose of the HI Heavy Industrial Zone is to provide areas for the construction, use, and occupancy of a broad range of heavy industrial uses, including heavy manufacturing and other facilities that use and store noxious and hazardous materials, as well as ancillary office uses and employee-serving retail. Due to the presence of noxious and hazardous materials, nonindustrial uses that attract

sensitive receptors are strictly limited. The maximum FAR is 0.45. This zone implements the Heavy Industrial land use designation in the General Plan.

18.16.020 – Office and Industrial Land Uses and Permit Requirements

A. **Table 2-12 Office and Industrial Zone Allowed Uses and Permit Requirements.** Table 2-13 indicates the Principal Uses allowed within each office and industrial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). Accessory Uses are allowed when customarily associated with and subordinate and incidental to the primary use, subject to Section 18.60.030 (Accessory Uses) in Chapter 18.60 (Standards for Specific Uses).

B. Accessory Uses are allowed when customarily associated with and subordinate and incidental to the primary use, subject to Section 18.60.030 (Accessory Uses) in Chapter 18.60 (Standards for Specific Uses).

C. **Additional Regulations.** Where the last column in Table 2-12 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.

D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.

E. **Zoning Clearance required.** Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearance).

F. **Uses not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

G. **Temporary Uses.** For all allowed temporary uses and specific standards see Section 18.60.190 (Temporary Uses) in Article 4.

Table 2-13
Office and Industrial Zones
Allowed Uses and Permit Requirements

Office and Industrial Zones Permit Requirements					
P	Allowed by Right				
MUP	Minor Use Permit (Chapter 18.124)				
CUP	Conditional Use Permit (Chapter 18.124)				
TUP	Temporary Use Permit (Chapter 18.122)				
-	Not allowed				
Land Use (see Article 8 for land use definitions).	**LO-RD**	**HO-RD**	**LI**	**HI**	**Additional Regulations**
Residential Uses					
Caretaker Housing	CUP	CUP	CUP	CUP	Section 18.60.060
Transitional Housing Facilities	-	-	MUP	-	
Human Services Uses					
Community Care Facilities	MUP	-	-	-	
Low-barrier Navigation Centers	-	-	MUP	-	
Emergency Shelters	-	-	MUP	-	Section 18.16.040 Section 18.60.110
Recreation, Education, and Public Assembly Uses					
Cemeteries and Mausoleums	-	-	CUP	CUP	

Table 2-13
Office and Industrial Zones
Allowed Uses and Permit Requirements

Office and Industrial Zones
Permit Requirements

P	Allowed by Right
MUP	Minor Use Permit (Chapter 18.124)
CUP	Conditional Use Permit (Chapter 18.124)
TUP	Temporary Use Permit (Chapter 18.122)
-	Not allowed

Land Use (see Article 8 for land use definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations
Crematories	-	-	CUP	CUP	
Fitness Facilities	P	P	-	-	Section 18.16.040(B)
Parks and Public Plazas	P	P	P	P	
Public Schools	P	-	-	-	
Private Schools	CUP	-	-	-	
Public/Private Colleges and Universities	CUP	-	-	-	
Equipment/Machine/Vehicle Training Facilities	CUP	CUP	P	-	
Vocational/Trade Schools	CUP	-	-	-	
Utility, Transportation, and Communication Uses					
Broadcasting and Recording Studios	P	-	-	-	
Fuel Storage and Distribution Centers	-	-	-	CUP	
Park and Ride Facilities	P	P	P	P	
Parking Facilities	CUP	CUP	CUP	CUP	
Wireless Telecommunications Facilities and Towers, Co-location/Small Cell	P	P	P	P	Section 18.16.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	MUP	Section 18.16.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	CUP	CUP	CUP	CUP	Section 18.16.040(A) Chapter 18.66
Transit Stations and Terminals	P	P	P	P	
Utility Facilities and Infrastructure	CUP	CUP	CUP	CUP	
Electric Power Plants	MUP	MUP	MUP	MUP	Section 18.60.260
Diesel Back-up Generators	P	P	P	P	Section 18.60.260
Water Wells	MUP	MUP	MUP	MUP	
Photovoltaic Systems	P	P	P	P	
Fuel Cells	P	P	P	P	
Retail, Service, and Office Uses					
Ambulance Services	P	P	-	-	
Banks and Financial Establishments, General	P	P	-	-	
Banks and Financial Establishments, Stand-alone ATM	P	P	-	-	
Business Support Centers	P	P	P	P	
Call Centers	P	P	CUP	-	
Data Centers	C	C	C	C	Section 18.16.040(B)

Table 2-13
Office and Industrial Zones
Allowed Uses and Permit Requirements

Office and Industrial Zones Permit Requirements					
P	Allowed by Right				
MUP	Minor Use Permit (Chapter 18.124)				
CUP	Conditional Use Permit (Chapter 18.124)				
TUP	Temporary Use Permit (Chapter 18.122)				
-	Not allowed				
Land Use (see Article 8 for land use definitions).	**LO-RD**	**HO-RD**	**LI**	**HI**	**Additional Regulations**
					Section 18.60.090
Data Centers, Ancillary	P	P	P		Section 18.16.040(B) Section 18.60.090
Equipment Sales and Rental Facilities	P	P	P	-	Section 18.16.040(B)
Hotels and Motels	P	P	CUP	CUP	Section 18.16.040(A)
Kennels	P	-	-	-	Section 18.16.040(B)
Maintenance and Repair Services	P	P	P	-	
Medical Services	P	P	-	-	
Offices	P	P	-	-	
Outdoor (Ancillary), Dining and Seating	CUP	-	CUP	-	Section 18.16.040(A) Section 18.60.140
Personal Services (Ancillary)	P	P	-	-	Section 18.16.040(A)
Restaurants (Ancillary)	P	P	MUP	MUP	Section 18.16.040(A)
Retail Establishments (Ancillary)	P	P	P	P	Section 18.16.040(A) Section 18.16.040(B)
Vehicle Oriented Uses					
Mobile Fueling Delivery	P	P	P	P	
Vehicle Service Stations	-	-	-	CUP	Section 18.60.220
Vehicle Repair Facilities, Minor	-	-	P	-	Section 18.60.200
Vehicle Repair Facilities, Major	-	-	CUP	P	Section 18.60.200
Vehicle Storage Facilities	MUP	P	MUP	P	
Vehicle Dismantling Facilities	-	-	-	CUP	
Vehicle Impound Facility	-	-	-	CUP	
Industrial, Manufacturing, and Processing Uses					
Freight Yards/Truck Terminals	-	-	CUP	CUP	
Hazardous Material Storage Facilities	-	-	-	CUP	
Industrial, Minor	-	P	P	P	
Industrial, Major	-	-	CUP	P	
Laundry and Dry-Cleaning Plants	-	-	P	P	
Printing and Publishing Facilities	P	P	P	P	
Recycling Facilities					
Reverse Vending and Collection Boxes	-	-	P	P	Section 18.60.180
Collection Small	-	-	P	P	Section 18.60.180
Collection, Processing, and Transfer	-	-	CUP	CUP	Section 18.60.180
Research and Development Facilities	P	P	P	P	
Storage					
Personal Storage Facilities	CUP	-	CUP	-	
Warehouse	P	P	P	P	

Table 2-13
Office and Industrial Zones
Allowed Uses and Permit Requirements

Office and Industrial Zones Permit Requirements					
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed					
Land Use (see Article 8 for land use definitions).	**LO-RD**	**HO-RD**	**LI**	**HI**	**Additional Regulations**
Wholesaling and Distribution Centers	-	CUP	P	P	

18.16.030 – Office and Industrial Development Standards

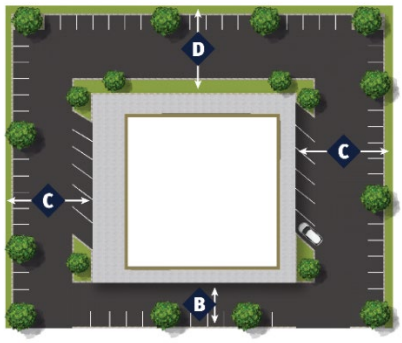
A. **Table 2-14 Office and Industrial Zone Development Standards.** The intent of the office and industrial zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the office and industrial zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to office and industrial zones.

B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Master Plan, Specific Plan, or Area Plan.

C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

Table 2-14
Office and Industrial Zone Development Standards





Development Feature (minimum unless otherwise indicated)	LO-RD	HO-RD	LI	HI	Additional Regulations
Parcel Requirements (minimum) area required for each NEWLY CREATED parcel.					
Parcel Area	20,000	43,560	20,000	20,000	
A **Street Frontage (feet)**	100	100	100	100	
Setbacks (minimum) -Property lines are measured in feet, with those adjacent to the street measured from the face of the curb., adopted plan line, or edge of right-of-way.					
B **Front**	15	20	15	15	Section 18.30.030 Section 18.30.050
C **Side, Corner**	15	15	15	15	Section 18.30.030 Section 18.30.050
C **Side, Interior**	10	10	0	0	Section 18.30.050
D **Rear**	20	20	0	0	Section 18.30.050
D **Rear or Side,** (adjacent to a parcel in a residential or mixed-use zone)	25	25	25	25	Section 18.30.050
Height (maximum) measured in feet					
E **Height**	100	200	70	70	Section 18.16.040(1) and (2)(c) Section 18.30.040
Maximum Number of Stories	8	12	6	6	Section 18.16.040(1)
Additional Regulations					
Fences, Walls, Hedges, and Screens	Chapter 18.34				
Accessory Uses	Section 18.60.030				
Landscaping Standards	Chapter 18.36				
Nonconforming Uses	Chapter 18.94				
Off-Street Parking Regulations and Design Standards	Chapter 18.38				
Performance Standards	Chapter 18.40				
Sign Standards	Chapter 18.42				
Solid Waste Enclosures	Section18.30.060				
Temporary Uses	Section 18.60.190				

18.16.040 – Other Applicable Regulations

A. In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following other applicable mixed-use regulations shall be applicable in the specific office and industrial zones:

B. General Office and Industrial Regulations.

1. Commercial Ancillary Uses. Commercial support uses are allowed in the LO-RD and HO-RD zones, and may be granted with approval of a Minor Use Permit by the Zoning Administrator in the LI and HI zones when the uses are found to comply with all of the following provisions:

a. The uses are intended to support and serve employees and visitors in the immediate area.

b. Uses shall be located entirely within structures occupied by the primary use.

c. Ancillary uses shall occupy no more than 10 percent of the gross floor area of any structure or a maximum of 20,000 square feet, whichever is less.

d. Ancillary uses are limited to the following:

(1) Retail Establishments.

(2) Personal Services Establishments.

(3) Restaurants.

(4) Alcohol service incidental to a restaurant.

(5) Drinking Establishments, subject to a Conditional Use Permit.

(6) Outdoor Seating, ancillary to a restaurant.

(7) Banks and Financial Establishments.

2. Development Standards.

a. Private Easements or Covenants. Private easements or covenants between parties may further restrict the use of setbacks or other areas of a site beyond the requirements of this Chapter.

b. Minimum Parcel Size and Frontage.

(1) The required area of any parcel, as shown on a parcel or final subdivision map approved before the effective date of this ordinance that is less than the minimum parcel area required for the zoning district in which the parcel is located, but is not less than 3,000 square feet, the required parcel area shall be the area shown for the parcel on the approved parcel or subdivision map.

(2) The required frontage of any parcel, as shown on a parcel or final subdivision map approved before the effective date of this ordinance that is less than the minimum parcel frontage required for the zone in which the site is located, but is not less than 45 feet, the required frontage shall be the frontage shown for the parcel on the approved parcel or subdivision map.

c. Maximum Height. Parcels within the designated flight path zones for Mineta San Jose International Airport shall conform to Federal Aviation Administration (FAA) height requirements or the height limitations of Table 2-12, whichever are less.

d. Setback Encroachments. Except as otherwise expressly and specifically provided in other Sections of this Chapter, every part of every setback area

shall be unobstructed and unoccupied except for those allowable encroachments identified in Table 2-15 (Office and Industrial District Setback Encroachments).

Table 2-15
Office and Industrial Zone Setback Encroachments

Improvement	Setback Area	Maximum Allowed Encroachment
Bicycle racks	Front, Side Corner, Side, Rear	Allowed in setback area
Landscaping	Front, Side Corner, Side, Rear	Allowed in setback area
Overhead wires and underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the parcel or structure on the parcel. Overhead wires and lines shall not be constructed if prohibited by another section of this Code or by any other law.	Side Corner, Side, Rear	Allowed in setback area
	Front	Allowed in setback area
Pedestrian walkways and plazas, vehicle driveways for access to the parcel.	Front, Side Corner, Side, Rear	Allowed in setback area
Sills, eaves, cornices, canopies, and other similar architectural features eight feet or more above surface grade	Front, Side Corner, Side, Rear	8 feet into setback area
Stairs, wells for basement windows, and architectural features which occupy, in the aggregate, not more than 20% of the length of the side of the structure on which they are located.	Front, Side Corner, Side, Rear	2 feet into setback area
Utility structures	Front, Side Corner, Side, Rear	Allowed in setback area

3. Transition Standards.

a. Maximum Height Adjacent to Residential. Shall be located a minimum of 150 feet from all residential. Building Height Limits Abutting Residential Zoning Districts, 45-degree Daylight Plane height transitions are required for any new development adjacent to single family and duplex residential zoning districts, measured from the property line at ground level.

b. Maximum Height Across the Street from Residential. The following applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.

(1) Wall plates and heights may be no taller than one story above the maximum height allowed in the opposing residential zone.

(2) Uses shall be located entirely within structures occupied by the primary use. Building heights shall step up away from the street following a 45-degree Daylight Plane measured from the top of the building facade/wall plate.

4. Fencing. For additional fencing requirements see Chapter 18.34 (Fences, Walls, and Hedges).

5. Hotel and Motel Uses. Hotels and motels are allowed in the Low-Intensity and High-Intensity Research and Development Zones north of the Caltrain Corridor, at a maximum FAR of 2.0, provided that the property is annexed to the City's Community Facilities Assessment District, or similar district, and that the use is compatible with planned uses on neighboring properties.

6. Loading Docks. Loading docks shall be located a minimum of 75 feet distance from any residential zone.

7. Retail Sales (Ancillary) in Industrial Zones.

a. Ancillary retail sales shall be directly related to, and supportive of, the industrial products or products manufactured on-site.

b. Ancillary retail sales shall comply with one of the following:

(1) The ancillary retail sales area occupies no more than 10 percent of the floor area occupied by the primary use; or

(2) The ancillary retail sales area is incidental to the wholesale of construction materials including, but not limited to, lumber, tile, stone, plumbing materials, garage doors, windows, and roofing, and no more than 50 percent of the structure floor is used for product display and retail sales.

8. Performance Standards. All uses in the office and industrial zones shall comply with the performance standards in Chapter 18.40 (Performance Standards). In addition to the performance standards listed in Article 3, all uses shall also comply with the following standards:

a. Incineration. Incineration of waste material is prohibited.

b. Noise. On-site noise shall be in compliance with the Performance Development Standards in Section 18.40.060 (Noise Standards) and SCCC Title 9.

c. Vibration. Except during construction, activity causing ground vibration which is perceptible without instruments at the property line is prohibited.

9. Screening Adjacent to Residential or Mixed-Use Zones. For additional screening requirements see Section 18.34.040 (Additional Requirements by Land Use Type).

10. Vehicle Repair and Services. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed structure.

11. Wireless Telecommunication Facilities and Towers. For height exceptions for Wireless Telecommunications Facilities and Towers see Chapter 18.66.

C. Specific Office and Industrial Regulations.

1. Low-Intensity Office/Research and Development Zone (LO-RD).

a. The following uses are only allowed as ancillary to a primary use:

(1) Fitness Facilities;

(2) Equipment Sales and Rental Facilities;

(3) Maintenance and Service Repairs;

(4) Personal Services; and

(5) Retail Establishments.

b. Kennels. Shall only be operated and conducted entirely within an enclosed structure.

2. High-Intensity Office/Research and Development Zone (HO-RD).

a. Floor Area Ratio. Commercial support uses are not included in FAR calculations.

b. The following uses are only allowed as ancillary to the primary use:

(1) Fitness Facilities;

(2) Equipment Sales and Rental Facilities;

(3) Maintenance and Service Repairs;

(4) Personal Services;

(5) Retail Establishments; and

(6) Data Centers

3. Light Industrial Zone (LI).

a. **Height.** Low-intensity uses such as Data Centers are allowed a maximum height of 90 feet.

b. **Development Review.** Any structure with an FAR greater than the General Plan allows shall a lower intensity use in the Light Industrial Zone as determined by the Review Authority.

c. **Offices.** Offices may occupy no more than 20 percent of the structure floor area

d. Medical offices are not allowed.

e. The following uses are only allowed as ancillary to the primary use:

(1) Equipment Sales and Rental Facilities;

(2) Maintenance and Service Repairs; and

(3) Offices.

4. Heavy Industrial Zone (HI).

a. **Offices.** Offices may occupy no more than 10 percent of the structure floor area.

b. Medical offices are not allowed.

Chapter 18.18 – Special Purpose Zones (OS, PQP)

Sections

18.18.010 – Purpose of Special Purpose Zones
18.18.020 – Special Purpose Land Uses and Permit Requirements
18.18.030 – Development Standards
18.18.040 – Other Applicable Regulations

18.18.010 – Purpose of Special Purpose Zones

A. The purpose of this Chapter is to describe the character and intent of each of the City's special purpose zones, identify any supplemental land use regulations applicable to special purpose zones, and establish development standards for the same.

B. The purpose of the individual special purpose zones and the way they are applied are as follows:

1. **Parks/Open Space Zone (OS).** The purpose of the OS Parks/Open Space Zone is to provide land areas for improved and unimproved park and open space facilities, managed natural resource areas, and outdoor recreation areas (e.g., neighborhood parks, community parks, regional parks, public golf courses, recreational facilities, nature preserves). It is the intent of this zone to provide open space and outdoor recreational opportunities for the community. This zone implements the Parks/Open Space land use designation in the General Plan.

2. **Public/Quasi-Public Zone (PQP).** The purpose of the PQP Public/Quasi-Public Zone is to provide land areas for the construction, use, and occupancy for public and quasi-public uses including, but not limited to government offices, fire and police facilities, transit stations, commercial care centers, religious institutions, schools, cemeteries, hospitals and convalescent care facilities, places of assembly and other facilities that have a unique public character as their primary use. This zone implements the Public/Quasi-Public land use designation in the General Plan.

18.18.020 – Special Purpose Land Uses and Permit Requirements

A. Table 2-16 Special Purpose Zone Allowed Uses and Permit Requirements. Table 2-16 indicates the uses allowed within each special purpose zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration).

B. Additional Regulations. Where the last column in the Table 2-13 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.

C. Definitions. See Article 8 (Definitions) for land use definitions and explanations.

D. Zoning Clearance required. Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearance).

E. Uses not Listed. Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

F. Temporary Uses. For all allowed temporary uses and specific standards see Section 18.60.190 (Temporary Uses) in Article 4.

Table 2-16
Special Purpose Zones Allowed Uses and Permit Requirements

Special Purpose Zones Permit Requirements			
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed			
Land Use (see Article 8 for land use definitions).	**OS**	**PQP**	**Additional Regulations**
Residential Uses			
Supportive Housing Facilities	-	CUP	
Transitional Housing Facilities	-	CUP	
Human Services Uses			
Child Day Care Facilities	-	MUP	Section 18.60.070
Community Care Facilities	-	MUP	
Low-barrier Navigation Centers	-	MUP	
Emergency Shelters	-	MUP	Section 18.18.040 Section 18.60.110
Medical Services, Hospitals	-	CUP	
Recreation, Education, and Public Assembly Uses			
Cemeteries and Mausoleums	-	CUP	
Community Gardens	MUP	P	Section 18.18.040
Libraries	P	P	
Museums	-	P	
Parks and Public Plazas	P	P	
Commercial Recreation Facilities, Outdoor	P	CUP	Section 18.18.040(B)
Places of Assembly	-	CUP	
Public Schools	-	P	
Private Schools	-	CUP	
Public/Private Colleges and Universities	-	CUP	
Theaters and Auditoriums	-	CUP	
Vehicle Oriented Uses			
Mobile Fueling Delivery	-	P	
Utility, Transportation, and Communication Uses			
Public Safety Facilities	-	P	
Wireless Telecommunications Facilities and Towers, Co-location	-	P	Section 18.18.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	Section 18.18.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	-	CUP	Section 18.18.040(A) Chapter 18.66
Transit Stations and Terminals	-	P	
Utility Facilities and Infrastructure	CUP	CUP	

Table 2-16
Special Purpose Zones Allowed Uses and Permit Requirements

Special Purpose Zones Permit Requirements			
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed			
Land Use (see Article 8 for land use definitions).	**OS**	**PQP**	**Additional Regulations**
Electric Power Plants	-	MUP	Section 18.60.260
Diesel Back-up Generators	-	MUP	Section 18.60.260
Water Wells	-	MUP	
Photovoltaic Systems	-	P	
Fuel Cells	-	P	
Retail, Service, and Office Uses			
Offices	-	P	
Outdoor Dining and Seating	-	MUP	
Retail Establishments, Ancillary	-	MUP	

18.18.030 – Special Purpose Development Standards

A. **Table 2-17 Special Purpose Zone Development Standards.** The intent of the special purpose zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the special purpose zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to special purpose zones.

B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Master Plan, Specific Plan, or Area Plan.

C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

Table 2-17
Special Purpose Zone Development Standards

Development Feature (minimum unless otherwise indicated)	**OS**	**PQP**	**Additional Regulations**
Setbacks (minimum) -Property lines are measured in feet, with those adjacent to the street measured from the face of the curb., adopted plan line, or edge of right-of-way.			
Front	10	10	Section 18.30.050
Side, Corner	10	10	Section 18.30.050
Side, Interior	10	10	Section 18.30.050
Rear	10	10	Section 18.30.050
Height (maximum) measured in feet			

Table 2-17
Special Purpose Zone Development Standards

Development Feature (minimum unless otherwise indicated)	OS	PQP	Additional Regulations
Height (within 20 feet of the R1 and R2 zones)	25	32	Section 18.30.040
Height (all other zones)	32	60	Section 18.18.040 Section 18.30.040
Maximum Number of Stories	2	6	
Additional Regulations			
Fences, Walls, Hedges, and Screens	Chapter 18.34		
Landscaping Standards	Chapter 18.36		
Open Space Standards	City Code Chapter 17.35		
Off-Street Parking Regulations and Design Standards	Chapter 18.38		
Performance Standards	Chapter 18.40		
Sign Standards	Chapter 18.42		
Solid Waste Enclosures	Section18.30.060		

18.18.040 – Other Applicable Regulations

A. General Special Purpose Regulations.

a. Community Gardens. Community gardens are only allowed as an ancillary use to parks and public plazas.

b. Wireless Telecommunication Facilities. For height exceptions for Wireless Telecommunications Facilities see Chapter 18.66.

c. Emergency Shelters. Emergency shelters are a permitted use only if they meet the minimum property development standards for the zone in which they are located when, on the date that a complete shelter management plan is required and submitted to the City, the number of existing shelter beds within the City is fewer than the City's most recent annual count of homeless persons residing within the City.

B. **Open Space Zone (OS).** Golf Courses and ancillary clubhouses are the only allowed Commercial Recreation Facilities, Outdoor uses in the OS Zone.

Chapter 18.19 – Planned Development Zone (PD)

Sections

18.19.010 – Purpose of Special Purpose Zones
18.19.020 – Special Purpose Land Uses and Permit Requirements
18.19.030 – Development Standards

18.19.010 – Purpose of Planned Development Zones

A. The purpose of the PD Planned Development Zone is to designate property with a minimum project size of 25 acres, where special consideration of the site and surroundings are necessary to allow creative development solutions that do not meet the allowed use regulations and/or development standards of the base zone. It is the intent of the PD Zone to allow modification of requirements established by other ordinances and diversification in the relationship of different uses, structures, parcel sizes, and open spaces, while ensuring compliance with and implementation of the General Plan.

18.19.020 – Planned Development Zone Land Uses and Permit Requirements

A. **Planned Development Allowable Land Uses.** Land uses allowed in the PD zone shall be consistent with the General Plan land use designation and description. Fuel cells and photovoltaic arrays ar a permitted use in all PD Planned Development zones.

B. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.

18.19.030 – Planned Development Zone Standards

A. **Planned Development Zone Development Standards.** The development standards allowed in the PD zone shall be consistent with the General Plan land use designation and description. Any changes to an approved PD Zone project shall be in compliance with Section 18.128.080 (Changes to an Approved Project).

B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Master Plan, Specific Plan, or Area Plan.

C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Santa Clara " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

Chapter 18.20 – Lawrence Station Area Plan Zoning District (LSAP)

Sections

18.20.010 – Application
18.20.020 – Intent
18.20.030 – Allowable Uses
18.20.040 – Development Standards
18.20.050 – Parking Requirements
18.20.060 – Additional Development Standards

18.20.010 – Application

A. The regulations set forth in this chapter apply to all parcels in the Lawrence Station area plan (LSAP) zoning district, except as otherwise provided in SCCC 18.23.050 (Existing industrial buildings/uses). The LSAP encompasses approximately seventy-two (72) gross acres of property and right-of-way, situated between Kifer Road, Lawrence Expressway, Central Expressway, and Calabazas Creek. (Ord. 1961 § 1, 12-13-16).

18.20.020 – Intent

A. This zone is designed to implement the vision of the Lawrence Station area plan, creating a high-density, transit-oriented residential district with supportive retail services. The Lawrence Station area plan is expected to be implemented over time, and the district contains provisions for the continuation of existing industrial buildings and uses. (Ord. 1961 § 1, 12-13-16).

18.20.030 – Allowable Uses

A. **Permitted Uses.**

1. Single-family dwellings.

2. Two-family dwellings.

3. Dwelling groups.

4. Multiple-family dwellings.

5. Private garages and accessory buildings (see Chapter 18.66 SCCC) customarily appurtenant to the permitted use.

6. Home occupation as defined under Chapter 18.06 SCCC.

7. Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.

8. Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.

9. On the ground floor of multifamily dwellings with a dwelling unit density greater than fifty (50) dwelling units per acre, or in buildings intended solely for retail use, any use

permitted in the CC community commercial district (Chapter 18.36 SCCC), CN neighborhood commercial district (Chapter 18.34 SCCC), or OG general office district (Chapter 18.32 SCCC), each as amended, subject to the regulations set forth in this chapter.

10. On the ground floor of multifamily dwellings with a dwelling unit density greater than fifty (50) dwelling units per acre, live/work units, subject to the following performance standards:

a. A minimum first floor to ceiling height of twelve (12) feet;

b. A minimum front room depth of thirty-five (35) feet;

c. A minimum of sixty-five percent (65%) glazing along the front elevation;

d. Double entry doors with a minimum of eighty percent (80%) transparent glass surface area; and

e. Live/work units occupy a maximum of twenty-five percent (25%) of an individual building's ground floor retail frontage.

11. Outdoor seating and dining areas appurtenant to retail uses.

12. Live entertainment that is wholly incidental to an otherwise permitted commercial use.

13. Outdoor walk-up facility appurtenant to retail uses. (Ord. 1961 § 1, 12-13-16).

B. **Conditional Uses.**

1. Notwithstanding any other provision in this chapter, the lawful use of buildings existing prior to the adoption of this chapter may continue and none of the other sections of this chapter shall apply, as though the prior zoning of the parcel remained in place, until such time as the existing use (including any expansions) has been discontinued in its entirety, at which time the prior zoning shall become inapplicable and the other sections of this chapter shall apply from that point forward.

2. **Allowed Uses.** For parcels with legal uses of buildings existing prior to the adoption of this chapter, permitted uses of the ML light manufacturing district are allowed, and none of the other sections of this chapter shall apply to such building and use, until such time as the existing use (including any expansions) has been discontinued in its entirety.

3. **Conditional Uses**. For parcels with legal uses of buildings existing prior to the adoption of this chapter, conditional uses of the ML light manufacturing district are conditionally permitted, and none of the other sections of this chapter shall apply, until such time as the existing use (including any expansions) has been discontinued in its entirety.

4. **Development Standards.** For parcels with legal uses of buildings existing prior to the adoption of this chapter, development standards of the ML light manufacturing district shall apply, and none of the other sections of this chapter shall apply, until such time as the existing use (including any expansions) has been discontinued in its entirety. (Ord. 1961 § 1, 12-13-16).

18.20.040 – Development Standards

A. **Maximum Dwelling Unit Density.** For the LSAP district, the maximum dwelling unit density is one hundred (100) dwelling units per acre.

B. **Minimum Lot Area.** None.

C. **Minimum Lot Width.** None.

D. **Building Height Limits.** The maximum height limit in the LSAP district is one hundred (100) feet in height.

E. **Front Yard Requirements.** None.

F. **Side Yard Requirements.** None.

G. **Maximum Building Coverage.** No maximum, subject to providing adequate pervious area to meet stormwater requirements. (Ord. 1961 § 1, 12-13-16).

18.20.050 – Parking Requirements

A. Minimum Parking Requirements.

a. The minimum parking requirements for all commercial uses, including restaurants, is four parking spaces per one thousand (1,000) square feet of building area.

b. Studio and one-bedroom residential units: one parking space per unit.

c. Residential units with two or more bedrooms: 1.5 parking spaces per unit.

B. **Shared Parking.** Parking shared among uses is encouraged, and up to twenty percent (20%) of parking spaces provided may be shared between two uses. For the purposes of this title, those parking spaces shared between two uses counts towards the parking requirement of both.

C. **Minimum Bicycle Parking Requirements**.

a. For each multifamily unit, one Class 1 parking space per three units and one Class 2 bike rack, accommodating two bikes, per fifteen (15) units is required.

b. For each single-family home, townhouse, row house or other residential unit with independently secured vehicle parking, one Class 1 parking space per unit is required.

c. For retail or restaurant uses, for every three thousand (3,000) square feet of floor area, one Class 2 bike rack (accommodating two bikes) is required. In addition, one Class 1 parking space is required for every thirty (30) employees or fraction thereof. (Ord. 1961 § 1, 12-13-16).

18.20.060 – Additional Development Standards

A. Lighting and Security.

a. Open parking areas and common open space areas shall include lighting which provides a minimum illumination of one footcandle. Lighting fixtures shall be weather and vandal resistant. Lighting shall reflect away from residential areas and public streets.

b. All main entrance doors to individual dwelling units shall be equipped with one hundred eighty (180) degree door viewer. Each main entrance door shall be equipped with a deadbolt lock with a cylinder guard, a minimum of one-inch bolt projection and a maximum security strike plate.

c. All sliding glass doors and ground floor windows shall be equipped with auxiliary locks, as approved by the Chief of Police.

B. **Trash Disposal.** Each property shall provide accessible trash disposal areas. If not screened within a garage or structure, each disposal area shall be screened from public view. Such enclosures shall provide area of sufficient size to accommodate trash and recycling bins for residential and commercial uses on site. Trash compactors shall be located within an enclosed building. (Ord. 1961 § 1, 12-13-16).

Chapter 18.21 – Two-Unit Dwelling Residential Development and Urban Lot Splits

Sections

18.21.010 – Purpose
18.21.020 – Applicability
18.21.030 – Construction of multiple units in single-family zones
18.21.040 – Development Standards applicable to all lots with two units
18.21.050 – Development Standards within R-1 building envelope
18.14.050 – Accessory Dwelling Units
18.14.060 – Definitions

18.21.010 – Purpose

A. The purpose of this chapter is to regulate two dwelling unit residential development and urban lot splits in compliance with California Government Code Sections 65852.21 and 66411.7 to allow two detached or attached housing units on one parcel, and ancillary uses and structures, and to allow urban lot splits. Proposed two dwelling unit housing developments and urban lot splits shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the requirements of this chapter. (Ord. 2048 § 1, 8-16-22).

18.21.020 – Applicability

A. This chapter shall apply to properties within the single-family residential zone (R1-6L) and single-family residential, larger parcel zone (R1-8L), with the following exceptions:

1. The development site is within a State or local historic district or is included on the State Historical Resources Inventory or on the City's Historic Resource Inventory.

2. The property is located on a hazardous waste site, as defined by Government Code Section 65913.4(a)(6)(E).

3. The property is within a special flood hazard area subject to inundation by the one percent annual chance flood (one hundred (100)-year flood), as defined by Government Code Section 65913.4(a)(6)(G).

4. The property is within a regulatory floodway, as defined by Government Code Section 65913.4(a)(6)(H).

5. The development would demolish or alter any existing dwelling unit that is subject to affordability restrictions under a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

6. The development would demolish or alter any existing dwelling unit on the lot that has been occupied by a tenant in the last three years prior to the date of application. (Ord. 2048 § 1, 8-16-22).

18.21.030 – Construction of multiple units in single-family zones

A. Notwithstanding SCCC 18.10.030 and 18.12.030, up to two homes are permitted on a single parcel within the R1-6L and R1-8L zones, subject to the requirements of this chapter. On a

parcel that has not been divided pursuant to SCCC 18.13.050, accessory dwelling units meeting the requirements of SCCC 18.10.030(d) or 18.12.030(d) are also permitted. (Ord. 2048 § 1, 8-16-22).

18.21.040 – Development Standards applicable to all lots with two units

A. **Off-Street Parking Requirements.** For development that will result in two units on a lot, the minimum parking requirement shall be one space per unit, with the exception that no parking is required if the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or if the parcel is located within one block of a car share facility.

B. **Off-Street Parking Design Standards.** If off-street parking is required, the parking shall meet the parking design standards in Chapter 18.74 SCCC.

C. **Solar Access.** After the installation of solar collector, a person owning or in control of another property shall not construct or alter a residence so as to cast a shadow greater than ten percent of the collector absorption area upon that solar collector surface at any one time between the hours of 10:00 A.M. and 2:00 P.M., Pacific Standard Time. (Ord. 2048 § 1, 8-16-22).

18.21.050 – Development Standards within R-1 building envelope

A. For development that will result in two units on a lot, if both units proposed will be located entirely within the allowed R-1 building envelope, the development standards of the R1-6L or R1-8L zone will apply to each house, except that the maximum number of houses shall be two per lot. (Ord. 2048 § 1, 8-16-22).

18.21.060 – Development Standards outside R-1 building envelope

A. For development that will result in two units on a lot, where any portion of a building or buildings is proposed to be located outside of the allowed R-1 building envelope, the following development standards apply.

B. Residential developments shall comply with the development standards in this chapter and for the R1-8L and R1-6L zones, as applicable, set forth in Chapters 18.10 and 18.12 SCCC (Single-Family, Larger Lot Area Zoning and Single-Family Zoning Districts) and additional parking regulations set forth in Chapter 18.74 SCCC (Parking Regulations), with the following exceptions:

a. Size. Units may be as small as two hundred twenty (220) square feet in floor area or as large as one thousand (1,000) square feet in floor area.

b. Maximum Height/Stories.

(1) Rear fifteen (15) feet of a parcel: buildings or structures shall not exceed one story in height or sixteen (16) feet.

(2) All other areas on the parcel: buildings or structures shall not exceed one and one-half stories or twenty-five (25) feet in height.

c. Side and Rear Setbacks. Minimum side and rear setbacks shall be the least of the following:

(1) As required by Chapters 18.10 (R1-8L) or 18.12 (R1-6L) SCCC, as applicable;

(2) Four feet;

(3) The setbacks of an existing structure for which there is no proposal to alter its dimensions, or a structure constructed in the same location and to the same dimensions as an existing structure.

d. Upper Story Windows. Second story egress windows shall face the front property line or interior of the project. Otherwise second story windows must be either of the following:

(1) Five-foot minimum sill height above finished floor; or

(2) Clerestory; or

(3) Opaque/frosted glass.

e. Second Story Balconies and Roof Decks. Balconies with a maximum depth of four feet allowed within the R1-6L and R1-8L setbacks. Roof decks are not allowed.

f. Front Door Placement/Orientation. For units within thirty (30) feet of a street, the main entrance door or entry porch must be oriented to the street and be located no more than five feet behind the front most wall of the unit.

g. Garage Location/Size. For garages within thirty (30) feet of a street, the maximum width for a garage with a garage door facing the street is forty percent (40%) of the lot width.

h. Front Yard Landscaping. A minimum of fifty percent (50%) of the front yard shall be maintained as unpaved landscaping, except as may be required to meet minimum off-street parking and access requirements of the Zoning Code.

i. Modification or Waiver of Standards. An applicant for a residential development that will result in two homes on a lot may apply for a modification or waiver of specific development standards, if all of the following requirements are met:

(1) The applicant must demonstrate, to the satisfaction of the Zoning Administrator, that the strict application of development standards in this chapter, or the standards for the R1-6L or R1-8L zones (set forth in Chapters 18.12 and 18.10 SCCC) would preclude the construction of a maximum of two units, where each unit is at least eight hundred (800) square feet in floor area.

(2) The applicant shall have the burden of proof to establish that the modification or waiver is necessary and that there is no redesign possible that would still allow for the construction of two dwellings of at least eight hundred (800) square feet without the modification or waiver.

(3) Notwithstanding the foregoing, a modification or waiver shall not be used to reduce the minimum setback size to less than four feet, unless the setback is on an existing legal structure with setbacks of less than four feet, and the proposed development either (A) does not propose to modify the dimensions of that existing structure, or (B) will replace the structure with another structure with exactly the same dimensions. (Ord. 2048 § 1, 8-16-22).

18.21.070 – Urban Lot Splits

A. An application for a parcel map for an urban lot split within the R1-6L or R1-8L zones shall go through a streamlined review process pursuant to SCCC 17.05.430 if it meets all of the requirements of this section.

B. Subdivision Requirements. A parcel map for an urban lot split must meet all of the following requirements:

a. The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area; provided, that one parcel shall not be smaller than forty percent (40%) of the lot area of the original parcel proposed for subdivision.

b. Both newly created parcels are no smaller than one thousand two hundred (1,200) square feet.

c. Both newly created parcels have a minimum twenty-four (24) feet of street frontage with a minimum average width of twenty-four (24) feet. For flag lots, the flagpole portion, whether this is part of the flag lot or an easement to the flag lot, shall have a minimum width of twelve (12) feet and a maximum width of fifteen (15) feet and the flag portion shall have a minimum depth of forty (40) feet.

d. Both parcels resulting from the urban lot split have access to, provide access to, or adjoin the public right-of-way through right-of-way frontage or recorded access easements (as a covenant of easement on the parcel map).

e. The approved parcel map shall include a notation that the parcels were created using the urban lot split provisions of this chapter and the resulting parcels cannot be further subdivided under this section.

f. The urban lot split conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

g. The parcel being subdivided was not established through prior exercise of an urban lot split as provided for in this chapter.

h. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this chapter.

2. Development Standards. Development standards for each new parcel resulting from an urban lot split shall conform to SCCC 18.13.030. Development standards shall be applied to each new parcel individually. New flag lots shall provide a fifteen (15)-foot minimum front setback (measured from the property line shared between the front lot and the flag lot).

3. Nonconforming Zoning Conditions. Correction of legal nonconforming zoning conditions shall not be required as a condition for ministerial approval of a parcel map application for the creation of an urban lot split.

4. Residency Requirement. An applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This requirement shall not apply to an applicant that is a “community land trust” as defined in Revenue and Taxation Code Section 402.1(a)(11)(C), or is a “qualified nonprofit corporation” as described in Revenue and Taxation Code Section 214.15.

5. Residential Use. Except as authorized by Chapter 18.100 SCCC, any parcel created through this chapter may only be used for residential purposes and any unit created through this chapter shall not be used as a short-term rental (rented for a period of thirty (30) days or less). (Ord. 2048 § 1, 8-16-22).

18.21.080 – Accessory Dwelling Units

A. On a parcel that has not been divided pursuant to SCCC 18.13.050, an accessory dwelling unit (ADU) and/or a junior ADU (JADU) that conform with California Government Code Sections 65852.2 (ADUs) and 65852.22 (JADUs) are allowed in addition to the units allowed in this section. Once a parcel has been divided pursuant to SCCC 18.13.050, however, the maximum number of dwellings on each resulting parcel, inclusive of any ADU or JADUs, is two. (Ord. 2048 § 1, 8-16-22).

18.21.090 – Definitions

A. For purposes of this chapter the following definitions shall apply:

1. "Acted in concert" means that the owner, or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel.

1. "Car share facility" means one or more parking spaces that have been designated permanently for car share vehicles, where the vehicles are leased for short periods of time, often by the hour.

2. "Demolish or alter" means removal of more than twenty-five percent (25%) of exterior walls on a building even if the rental unit itself is not altered.

3. "Egress window" means a window with minimum net clear opening dimensions of at least twenty (20) inches in width and twenty-four (24) inches in height.

4. "Flag lot" means a parcel with access provided to the bulk of the lot by means of a corridor between twelve (12) and fifteen (15) feet in width, inclusive.

5. "Half story" means a habitable living space with a sloping roof, which may have dormer windows.

6. "R-1 building envelope" means an area defined by the minimum setback and maximum lot coverage requirements of Chapter 18.10 or 18.12 SCCC, whichever is applicable.

7. "Solar collector" means a fixed device, structure, or part of a device or structure, on the roof of a building, comprising photovoltaic panels, that is used primarily to transform solar energy into electrical energy.

8. "Urban lot split" means a subdivision of a residential lot located in either the R1-6L or R1-8L zone into two lots subject to the requirements of this chapter. (Ord. 2048 § 1, 8-16-22).

Chapter 18.22 – Downtown Form-Based Code (PLACEHOLDER)

Article 3 – Site Planning and General Development Standards

December 2023

Title 18 – Development Code

TABLE OF CONTENTS

Chapter 18.30 - Site Planning and General Development Standards ---------- 3-5

18.30.010 – Purpose and Applicability ---------- 3-5
18.30.020 – Permitted Projections into Required Setback Areas ---------- 3-5
18.30.030 – Sight-Distance Triangle ---------- 3-6
18.30.040 – Height Measurement and Exceptions ---------- 3-6
18.30.050 – Setbacks – Measurement and Requirements ---------- 3-7
18.30.060 – Solid Waste and Recycling Enclosures and Storage Areas ---------- 3-11
18.30.070 – Basements ---------- 3-12

Chapter 18.32 - Residential Accessory Structures ---------- 3-15

18.32.010 – Purpose and Applicability ---------- 3-15
18.32.020 – Permit Requirements ---------- 3-15
18.32.030 – Development Standards ---------- 3-15

Chapter 18.34 - Fences, Walls, Hedges, and Screens ---------- 3-17

18.34.010 – Purpose and Applicability ---------- 3-17
18.34.020 – Permit Requirements and Exemptions ---------- 3-17
18.34.030 – Measurement of Fence, Wall, Hedge, and Screen ---------- 3-17
18.34.040 – Maximum Heights ---------- 3-18
18.34.050 – Additional Requirements by Land Use Type ---------- 3-19
18.34.060 – Materials and Maintenance ---------- 3-22

Chapter 18.36 - Landscaping Standards ---------- 3-24

18.36.010 – Purpose ---------- 3-24
18.36.020 – Applicability ---------- 3-24
18.36.030 – Landscape and Irrigation Plans ---------- 3-24
18.36.040 – Landscape and Irrigation Plan Review Process ---------- 3-25
18.36.050 – General Landscape Standards ---------- 3-25
18.36.060 – Special Landscape Requirements ---------- 3-26
18.36.070 – Additional Requirements for Residential Zones ---------- 3-29
18.36.080 – Removal and Replacement of Required Landscaping ---------- 3-29
18.36.090 – RESERVED SECTION ---------- 3-29
18.36.100 – Water-Efficient Landscaping ---------- 3-29

Chapter 18.38 - Off-Street Parking Regulations and Design Standards ------ 3-30

18.38.010 – Purpose and Applicability ---------- 3-30
18.38.020 – Permit Requirements and Exemptions ---------- 3-31
18.38.030 – Off-Street Vehicle Parking Requirements ---------- 3-31
18.38.040 – Exceptions and Reductions to Parking Requirements ---------- 3-35
18.38.050 – Bicycle Parking Requirements ---------- 3-37
18.38.060 – General Parking Standards ---------- 3-41
18.38.070 – Off-Street Loading ---------- 3-47
18.38.080 – Maintenance ---------- 3-49
18.38.090 – Temporary Valet Parking ---------- 3-49
18.38.100 – Recreational Vehicle Parking in Residential Zones ---------- 3-49
18.38.110 – Central Business Area Parking Requirements ---------- Error! Bookmark not defined.
18.38.120 – Off-Site Designated Parking: Alternate Parking Location ---------- 3-50

Chapter 18.40 - Performance Standards ---------- 3-53
18.40.010 – Purpose and Applicability ---------- 3-53
18.40.020 – Compliance ---------- 3-53
18.40.030 – Air Emissions ---------- 3-53
18.40.040 – Dust ---------- 3-53
18.40.050 – Hazardous Materials ---------- 3-53
18.40.060 – Noise and Vibration ---------- 3-54
18.40.070 – Odor ---------- 3-54
18.40.080 – Outdoor Lighting ---------- 3-54
18.40.090 – Heat, Electrical Disturbance, and Glare ---------- 3-56
18.40.100 – Wastewater ---------- 3-56
Chapter 18.42 - Sign Standards ---------- 3-57
18.42.010 – Purpose and Applicability ---------- 3-57
18.42.020 – Effect of Chapter ---------- 3-58
18.42.030 – Definitions ---------- 3-58
18.42.040 – Sign Permit Required ---------- 3-60
18.42.050 – Comprehensive Sign Program ---------- 3-60
18.42.060 – Application and Review of Sign Permits ---------- 3-62
18.42.070 – Exempt Signs ---------- 3-62
18.42.080 – Prohibited Signs ---------- 3-63
18.42.090 – Billboards ---------- 3-64
18.42.100 – Temporary Signs ---------- 3-65
18.42.110 – Standards for Signs Requiring a Sign Permit ---------- 3-67
18.42.120 – Standards for Specific Sign Types ---------- 3-71
18.42.130 – Iconic Signs ---------- 3-84
18.42.140 – Electronic Digital Display Message Signs ---------- 3-85
18.42.150 – Signs in Residential Zones ---------- 3-87
18.42.160 – Signs in Commercial and Mixed-Use Zones ---------- 3-89
18.42.170 – Signs in Office and Industrial Zones ---------- 3-91
18.42.180 – Sign Construction and Maintenance ---------- 3-92
18.42.190 – Removal of Unlawful, Unsafe, and Unauthorized Signs ---------- 3-92
18.42.200 – Nonconforming Signs ---------- 3-93
18.42.210 – Revocation of Sign Permits ---------- 3-94

TABLES

Table 3-1 Maximum Height of Fences, Walls, Hedges, and Screens in Setback Areas ---------- 3-18
Table 3-2 Patrick Henry Parking Requirements ---------- 3-32
Table 3-3 Off-Street Parking Requirements ---------- 3-32
Table 3-4 Required Bicycle Parking ---------- Error! Bookmark not defined.
Table 3-5 Parking Space and Drive Aisle Dimensions ---------- 3-42
Table 3-6 Spaces Required to be Pre-Wired for Electric Vehicles ------ Error! Bookmark not defined.
Table 3-7 Motorcycle Parking Requirements ---------- 3-47
Table 3-8 Signs Allowed in Residential Zone ---------- 3-68
Table 3-9 Signs Allowed in Commercial, Mixed-Use, Office, and Industrial Zones ---------- 3-69
Table 3-10 Residential Zones Allowed Sign Types and Permit Requirements ---------- 3-88
Table 3-11 Commercial and Mixed-Use Zone Allowed Sign Types and Permit Requirements 3-89
Table 3-12 Office and Industrial Zones Allowed Sign Types and Permit Requirements --------- 3-91

FIGURES

Figure 3-1 Sight-Distance Triangle ---- 3-6
Figure 3-2 Height Measurement ---- 3-7
Figure 3-3 Setback Measurements ---- 3-8
Figure 3-4 Allowable Fence Height ---- 3-18
Figure 3-5 Retaining Wall Height Measurement ---- 3-19
Figure 3-6 Fence Height Exception – Abutting Corner Parcel ---- 3-21
Figure 3-7 Parking Lot Tree Requirement ---- 3-28
Figure 3-8 Parking Lot Landscaping ---- 3-28
Figure 3-9 Parking Lot Planter Design ---- 3-28
Figure 3-10 Class I Bicycle Parking ---- 3-38
Figure 3-11 Class II Bicycle Parking ---- 3-39
Figure 3-12 Parking Space and Drive Aisle Dimensions ---- 3-43
Figure 3-13 Motorcycle Parking Configuration ---- 3-46
Figure 3-14 Delivery Loading Areas ---- 3-48
Figure 3-15 Shielding and Maximum Height of Freestanding Outdoor Light Fixtures ---- 3-55
Figure 3-16 Sign Area Measurement[1] ---- 3-68
Figure 3-17 Awning and Canopy Sign ---- 3-72
Figure 3-18 Subdivision Entry Sign ---- 3-73
Figure 3-19 Directional Sign ---- 3-74
Figure 3-20 Directory Sign ---- 3-74
Figure 3-21 Freestanding and Monument Signs ---- 3-76
Figure 3-22 Freeway - and Expressway-Oriented Signs ---- 3-77
Figure 3-23 Luminous Tube Sign ---- 3-78
Figure 3-24 Painted Sign ---- 3-79
Figure 3-25 Menu Board Sign ---- 3-79
Figure 3-26 Freestanding Drive-thru Menu Board Sign ---- 3-80
Figure 3-27 Service Station Gas Price Sign ---- 3-81
Figure 3-28 Projecting Sign ---- 3-82
Figure 3-29 Wall Sign ---- 3-83
Figure 3-30 Window Sign ---- 3-84

-This page intentionally left blank

Chapter 18.30 - Site Planning and General Development Standards

Sections

18.30.010 – Purpose and Applicability
18.30.020 – Permitted Projections into Required Setback Areas
18.30.030 – Sight-Distance Triangle
18.30.040 – Height Measurement and Exceptions
18.30.050 – Setbacks – Measurement and Requirements
18.30.060 – Solid Waste Enclosures

18.30.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter is to ensure that development is consistent with the General Plan to the maximum extent possible, complies with the standards of this Chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

B. Applicability.

1. The standards in this Chapter apply to all zones.

2. These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 4 (Regulations for Specific Land Uses and Activities). Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards in this Chapter.

3. All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director.

18.30.020 – Permitted Projections into Required Setback Areas

In applying the regulations of this Section, the following features of a structure shall not be included in the parcel coverage and may project into a required setback to the extent specified. None of the identified exceptions shall be permitted if they encroach into an adopted plan line, right-of-way, or public use easement.

A. Bay windows, Chimneys, Cornices, canopies, eaves or other projections that do not increase the volume of space enclosed by the structure may project up to two feet into a required side yard setback or three feet into a required front or rear yard setback.

B. Fire escapes may project into a required setback up to four feet, six inches.

C. Covered front porches including architectural features and roof projections, patios, decks, stairs, ramps, railings and landings may project up to six feet into a required front or corner side yard setback and may project up to three feet from the parcel line in any rear yard setback.

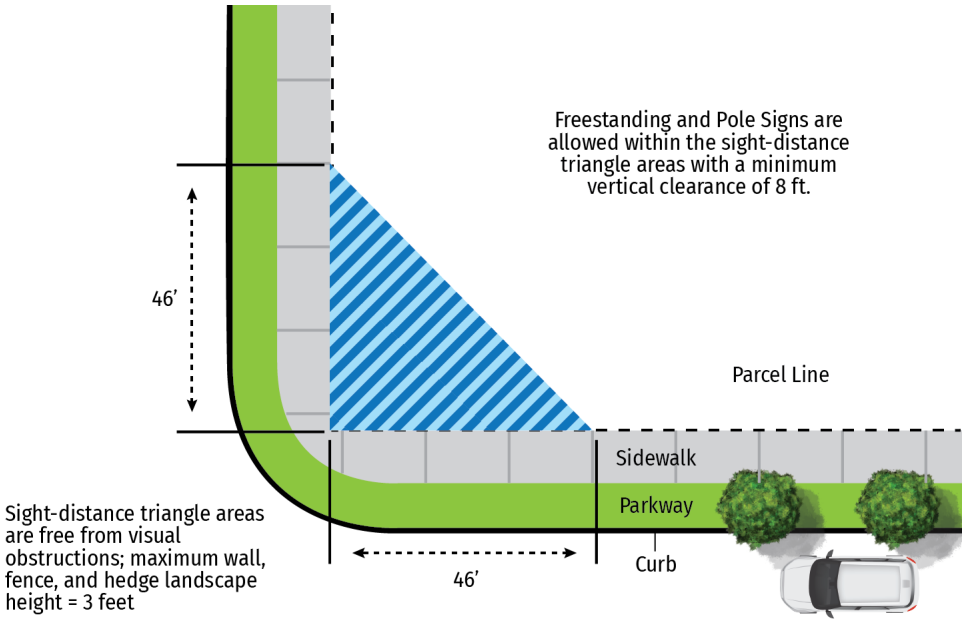
D. In order to qualify for this exception, bay window and chimney projections may not occupy more than 33 percent the length of the structure wall on which they are located.

E. Equipment and/or structures enclosing equipment (e.g., solar panels, water storage tanks, heating and air conditioning equipment, or similar mechanical equipment) that are attached to a primary structure or an accessory structure shall be permitted to encroach into a required rear or side setback area, provided they do not encroach more than 50 percent of the depth of the rear or side setback.

18.30.030 – Sight-Distance Triangle

No fence, wall, hedge or shrubbery higher than three feet above the top of the grade shall be installed or maintained within the sight distance triangles, at public roadway intersections and private driveways. The dimensions of these sight distance triangles, and any exceptions, shall be determined by the Director of Public Works. See Figure 3-1 (Sight-Distance Triangle) (illustrative, based on speed of the roadway).

Figure 3-1
Sight-Distance Triangle

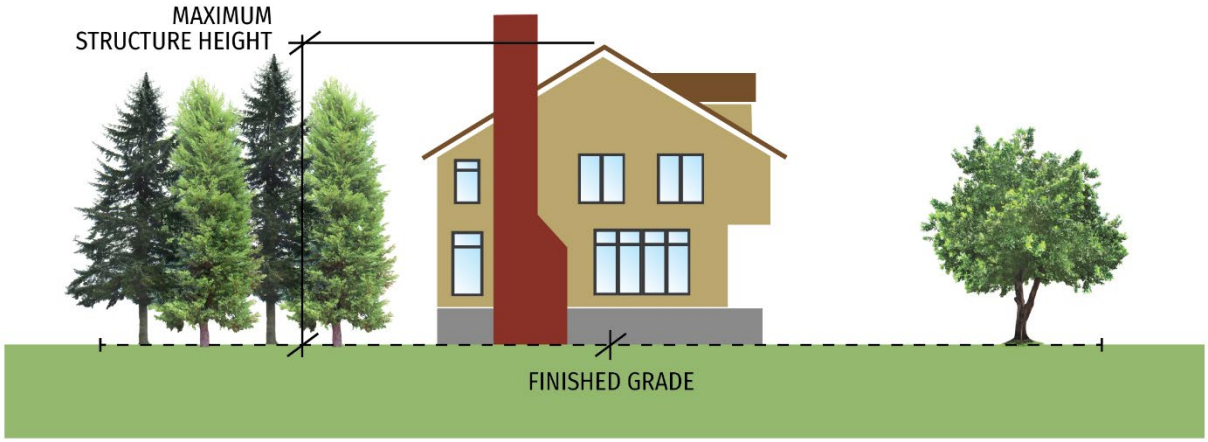


18.30.040 – Height Measurement and Exceptions

A. Maximum Height Allowed. The height of structures shall not exceed the standards established by the applicable zone in Article 2 (Zones, Allowable Uses, and Development Standards), except as otherwise provided in this Section.

B. Height Measurement. The height of a structure shall be measured as the vertical distance from the elevation of the finished grade to the highest point of the structure. This would be the coping of a flat roof, or the deck line of a mansard roof, or to the highest gable of a pitched or hip roof. See Figure 3-2 (Height Measurement).

Figure 3-2
Height Measurement



C. Height Exceptions. The maximum structure height specified in this Zoning Code shall not apply to the following miscellaneous structures and may be exceeded by no more than 25 percent of the maximum structure height, except that a lower maximum height may be required by the Review Authority through the conditions of an approved discretionary permit.

1. Antennas
2. Chimneys
3. Cupolas
4. Elevators
5. Flag poles, sculptures, and radio towers, provided that they are compatible with surrounding structures.
6. Other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purpose.
7. Spires
8. Ventilators
9. Water Tanks

18.30.050 – Setbacks – Measurement and Requirements

A. Purpose. The purpose of this Section is to establish measurement requirements for setbacks, exceptions to those setback requirements, and allowances for projections into the setback areas. The intent of these regulations is to standardize requirements for regular parcels and to allow exceptions where needed due to parcel shape or other special circumstances.

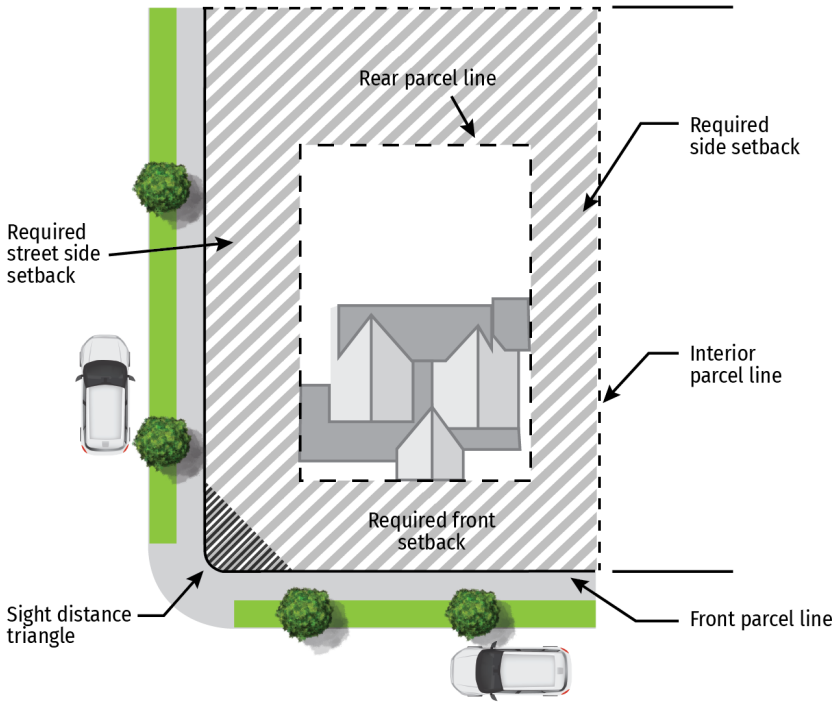
B. Setback Requirements.

1. **General Setback Requirements.**
   a. **Required Setback Area.** Except as otherwise specified in this Zoning Code, required setback areas shall be kept free of buildings and structures.

b. Exclusivity of Required Setback Area. No setback or other open space provided around any structure for the purpose of complying with this Zoning Code shall be considered as providing a setback or open space for any other structure.

2. Setback Measurement. Setbacks shall be measured from parcel lines as detailed below in Figure 3-3 (Setback Measurements). Parcel lines are not necessarily located at the back of the adjoining sidewalk. There shall be, at a minimum, one front parcel line and one rear parcel line. The rear parcel line shall be the line parallel, or most nearly parallel, to the front parcel line and of a width of at least 40 feet. If more than one such parcel line exists, the Director shall make the final determination as to the rear parcel line of the parcel. Except as permitted in Subsection 18.30.020 (Permitted Projections into Required Setback Areas), or as otherwise specified in this Zoning Code for specific types of structures (e.g., accessory structures, signs) structures shall not extend beyond required setback lines.

Figure 3-3
Setback Measurements



a. Front Yard Setback Area Measurement.

(1) Non-Corner, Regular Parcels. For any parcel other than a corner parcel or an irregular parcel, the front setback area means the area which extends across the full width of the parcel and from the front parcel line along the street to a line defined by the front setback dimension.

(2) Corner Parcels. For a corner parcel, the front setback area means the area which extends across the full width of the parcel and from the narrower parcel line along a public street to a parallel line defined by the front setback line.

(3) Irregular Parcel. For flag parcels and irregularly shaped parcels, the front parcel line is determined to be the narrowest portion of the parcel adjoining a public right-of-way.

(4) Front setback average. Notwithstanding the foregoing, in the R1-6L, R1-8L, and R2 zones (Section 18.10.030), if four or more parcels in a block have been legally improved with structures, the minimum required front yard for main structures shall be the average of the front yards of the improved parcels along a block face if less than the current front yard requirements. Front setback measurement shall be from the front parcel line to the front wall of the residence and shall not be measured to a porch or any other projection.

b. Rear Setback Area Measurement.

(1) For an interior parcel, the rear setback area means the area which extends across the full width of the parcel and from the rear parcel line to a parallel line defined by the rear yard setback dimension.

(2) For a corner parcel, the rear setback area means the area which extends across the full width of the parcel and from the parcel line opposite the narrower parcel line along a public street to a parallel line defined by the rear setback line.

(3) When computing the depth of a rear setback, for any structure where such setback opens onto an alley, one-half of such alley may be assumed to be a portion of the rear setback.

c. Side Setback Area Measurement.

(1) For an interior parcel, the side setback means that area which extends from a side parcel line to a parallel line defined by the interior side setback between the front setback area and the rear setback area.

(2) On any parcel of land having an average width of less than 50 feet, which parcel was of record or is shown as a parcel on any subdivision map on file in the office of the Santa Clara County Recorder on January 11, 1955, and where no adjoining land is in the same or common ownership with the parcel, the width of each interior side setback may be reduced to 10 percent of the width of the parcel, but in no case to less than three feet.

(3) For a corner parcel, the interior side setback area is the area which extends from the interior side parcel line to a parallel line defined by the side setback distance, between the rear property line and the front setback area.

(4) For a corner parcel, the corner side setback area is that area which extends from the corner side parcel line to a parallel line defined by the side setback distance, between the rear property line and the front setback area.

d. Vertical clearance. Except as otherwise provided in this Title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Structure overhangs, bay windows, and other elements may intrude as permitted, in compliance to Subsection 18.52.030 (Exceptions and Projections).

e. Official Plan Lines. Whenever an official plan line has been established for any public street, required yards shall be measured from the plan line, and in no case shall the provisions of this Title be construed as permitting any encroachment upon any official plan line.

C. Permitted Uses

1. Front Setback. Except as otherwise permitted, a front setback shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.

2. Rear and Side Setbacks. Except as otherwise permitted, rear and side setbacks shall be used only for landscaping, pedestrian walkways, driveways, recreational activities or facilities, or similar accessory activities.

D. Activities Prohibited. Any of the acts specified in subsection (1) of this section, when performed, maintained, permitted, or allowed in any of the front yard or side yard areas specified in subsection (2) of this section, are hereby declared to be public nuisances and are unlawful. Every person who creates, maintains, permits, or allows such nuisance upon his/her property or the premises of another who creates, maintains, permits, or allows any such nuisance thereon, is guilty of a misdemeanor and shall be punished accordingly.

1. The following acts are prohibited in the areas specified in subsection (2) of this section:

a. Household or Construction Property; Wrecked, Disabled, or Inoperative Vehicles. Any household appliance, other household equipment, machinery, or furniture; or of any motor vehicle that is not displaying current registration or is registered with the Department of Motor Vehicles as Non-Operational, or is wrecked, dismantled, or inoperable, or missing any part thereof; or of any construction equipment, machinery, or materials. Construction equipment, machinery, or materials temporarily kept within such area for and during the improvement of the lot within which such area is situated, or the construction or installation of improvements of facilities therein, are exempt from this prohibition;

b. Portable, temporary, or inflatable swimming pools left unattended;

c. Outdoor sporting or game equipment: including but not limited to ping pong/beer pong tables, cornhole, horseshoes, or volleyball nets, etc. that are unattended, abandoned, or that create a hazard.

d. Shipping containers of any size.

2. The following are the front yard and side yard areas within which the acts above specified in subsection (1) are prohibited.

a. The front building setback area, the street side yard area, and all other open areas that are visible from the public right-of-way of any interior or corner lot that is situated within any residential district established by or pursuant to the provisions of this title. The items specified in subsection (1) of this section shall only be permitted within entirely enclosed structures or behind six-foot-high fencing in interior side yard and rear yard setback areas. In no case shall these described items be visible from the public right-of-way even when placed in permitted areas. Any shipping containers located in the interior side or rear setback areas shall be 80 square feet or less in floor area.

18.30.060 – Solid Waste and Recycling Enclosures and Storage Areas

A. Purpose. The purpose of this Section is to provide standards for the provision of solid waste (refuse) and recyclable material storage areas. Projects that are not subject to a Building Permit and are only providing refuse/recyclable materials storage areas (trash enclosures) shall not be subject to the following standards but are subject to review by Public Works. The intent of these regulations is to comply with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 et seq.).

B. Solid Waste Enclosure Standards. All solid waste enclosures shall comply with the development standards in SCCC Title 8 (Health and Safety Code), Section 8.25.100.

C. Location Requirements. Solid waste and recyclable materials storage areas shall be located in the following manner:

1. Solid waste and recyclable material storage shall be adjacent/combined with one another.

2. Exterior Storage areas shall not be located in a required:

b. Front yard;

c. Street side yard;

d. Parking space; or

e. Landscaped or open space area.

3. Storage area(s) shall be accessible to residents and employees at all times. Storage areas in multifamily residential developments must be located within 250 feet of an access doorway to the dwellings they are intended to serve.

4. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.

5. Storage areas shall not be located closer than 20 feet from doors or operable windows of adjacent structures.

D. Design Requirements. The design and construction of solid waste and recycling enclosures shall:

1. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials.
2. Provide a concrete pad within the fenced or walled area(s) and a concrete apron that facilitates the handling of the individual bins or containers.
3. Be accessible to persons with disabilities in compliance with the Americans with Disabilities Act (ADA).
4. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable.

18.30.070 – Basements

A. Purpose. The purpose of this Section is to provide standards for basements, lightwells, stairwells, and other excavated features.

B. Allowable Basement Area. Basements shall not extend beyond the structure footprint and are not allowed below any portion of a structure that extends into required setbacks.

C. Inclusion as Gross Floor Area. Basements shall not be included in the calculation of gross floor area, provided that the:

1. Basement area is not deemed to be habitable (i.e., crawlspace); or
2. Basement area is deemed habitable space, but the finished level of the first floor is no more than three feet above the grade around the perimeter of the structure foundation. Grade is measured at the lowest point of an adjacent ground elevation prior to grading, filling, or finished grade, whichever is lower.

D. Lightwells, Stairwells, and other Excavated Features. Excavated features shall not affect the measurement of the grade for determining gross floor area, so long as the excavated features meet the following standards:

1. Lightwells, stairwells, and similar excavated features along the perimeter of the basement shall not affect the measurement of grade provided that:
    a. Features are not located in the front of the structure;
    b. Features shall not exceed three feet in length;
    c. Cumulative length of all features does not exceed 30 percent of the perimeter of the basement;
    d. Features do not extend more than three feet into a required side setback or no more than four feet into a required rear yard setback, except when a side yard setback is less than six feet, then features shall not encroach closer than three feet from the adjacent side parcel line;
    e. Cumulative length of any features or portions of features that extend into a required side or rear yard setback do not exceed 15 feet in length;
    f. Property owner shall provide documentation to the Planning Division prior to the issuance of a Building Permit that any features or portions of features that extend into a required side or rear yard setback, and how the projections will affect any mature trees on the parcel or abutting parcels; and
    g. Features have either a drainage system that meets the requirements of the Public Works Department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature.

2. Below-grade patios, sunken gardens, or similar excavated areas along the perimeter of the basement that exceed the dimensions allowed in Subsection (1) above, are allowed and shall not affect the measurement of the basement or the grade provided that:

a. Areas are not located in the front of the structure;

b. All areas combined do not exceed two percent of the area of the parcel or 200 square feet, whichever is greater, that each area does not exceed 200 square feet, and that each area is separated from another by a distance of at least 10 feet. Areas devoted to stairway access shall not be included in the 200 square foot limitation.

c. Cumulative length of any excavated area that extends into a required side or rear yard setback does not exceed 15 feet;

d. Property owner shall provide documentation to the Planning Division prior to the issuance of a Building Permit that any features or portions of features that extend into a required side or rear yard setback will not affect any mature trees on the parcel or abutting parcels;

e. Features are sheltered from the rain by a roof overhang or canopy of a permanent nature; and

f. Any roof overhang or canopy allowed in subsection (e) shall comply with the requirements in Section 18.30.020 (Permitted Projections in Required Setbacks).

-This page intentionally left blank

Chapter 18.22 - Residential Accessory Structures

Sections:

18.32.010 – Purpose and Applicability
18.32.020 – Permit Requirements
18.32.030 – Development Standards

18.32.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter is to provide development standards for detached non-habitable residential accessory structures. The purpose of this Chapter is to protect the public health, safety, and welfare by maintaining safe distances between structures, establishing architectural compatibility between primary and residential accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

B. Applicability. The provisions in this Chapter shall apply to detached non-habitable residential accessory structures on private property and shall be in addition to any other development standards contained elsewhere in the Zoning Code. In the event of a conflict between the provisions of this Chapter and any other provisions of this Title, the stricter regulation shall control. Generally, this Chapter regulates detached accessory structures that are larger than 120 square feet in size. For the purposes of this Zoning Code, residential accessory dwelling units (ADU's) are governed by the requirements of Article 4 (Standards for Specific Land Uses) and are exempt from the requirements of this Chapter. Accessory structures shall not contain indoor cooking facilities (any combination of a sink, cooking apparatus, and refrigeration appliance) and shall not be designed for living or rental purposes.

18.32.020 – Permit Requirements

A. Permit Requirements. Except as otherwise exempt in Subsection b, residential accessory structures require Site Plan and Design Review Check as described in Chapter 18.120 (Site Plan and Design Review).

B. Exemptions. The following residential accessory structures are exempt from permits and approvals governed by this Title, provided they comply with any specified limitations. Exempt accessory structures may require building permits in keeping with the California Building Code. Enclosed and/or solid-roofed accessory structures that are 120 square feet or smaller and no greater than 16 feet in height. Structures shall not be located in a required front yard. In order to maintain necessary fire breaks, all combustible residential accessory structures shall be set back a minimum of four feet from side and rear property lines with a minimum six-foot separation between structures.

18.32.030 – Development Standards

The development standards in this Section are intended to supplement the standards in the underlying base zone for residential accessory structures. In the event of conflict between these standards and the underlying base zone standards, the provisions of this Section shall apply.

A. Height and Roof. The maximum height of a residential accessory structure shall be 16 feet, provided that the height of such a structure is no greater than the height of the primary building.

B. Floor Area. Floor Area of Accessory Structures is limited to 600 square feet maximum. Residential accessory structures larger than 600 square feet may be allowed subject to the approval of a minor use permit.

C. Phasing. Residential accessory structures must be constructed subsequent to construction of the primary structure(s) on the site.

D. Interior Side and Rear Setbacks. Proposed residential accessory structures shall provide a three-foot setback from interior side property line and a five-foot setback from the rear property line.

E. Structure Separation. Residential accessory structures shall maintain a six-foot separation from other structures, including the primary structure on the parcel.

F. Front and Corner Side Setbacks. The minimum setback shall be consistent with the minimum setback distance for the primary structure in the underlying zone. On all parcels, residential accessory structures shall not be placed in the front setback of the primary structure. If located to the side of the primary structure on an interior parcel, the structure shall maintain the same front, side, and rear yard setbacks as required for the primary structure and shall not be placed closer to the front lot line than the farthest back front wall of the primary structure.

G. Yard Coverage. Not more than 40 percent of the required rear setback shall be occupied by residential accessory structures.

H. Play Structures. Swing sets, playground equipment, and treehouse structures for residential use shall be exempt from the provisions of this section and long as they meet the following requirements:

1. The area of the treehouse shall not exceed 120 square feet.
2. The total height of any portion of the structure shall not exceed 15 feet from grade to the top of the structure.
3. A child’s playhouse and/or playground equipment, shall be located in the rear yard and not in the front or side yards. Non-conforming properties without rear yards exempted.
4. Any play structure located within an easement or encroachment shall be removed within ten days upon request.

Chapter 18.34 - Fences, Walls, Hedges, and Screens

Sections

18.34.010 – Purpose and Applicability
18.34.020 – Permit Requirements and Exemptions
18.34.030 – Measurement of Fence, Wall, Hedge, and Screen
18.34.040 – Maximum Heights
18.34.050 – Additional Requirements by Land Use Type
18.34.060 – Materials and Maintenance

18.34.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter to regulate the height and location of fences, walls, hedges, and screens to provide light, air, and privacy without obstructing views, to establish buffers between different land uses, and to safeguard against visual obstructions at the intersections of streets and/or driveways.

B. Applicability. The intent of this Chapter is to provide specific regulations for fences, walls, hedges, and screens as they apply across parcels and to certain land uses.

18.34.020 – Permit Requirements and Exemptions

A. Site Plan Design Review Required. Unless otherwise exempt below, a Site Plan and Design Review (Chapter 18.120) is required for new fences, walls, hedges, and screens.

B. Exemptions for Residential Fences, Walls, and Screens. Any fences, walls, and screens located on R1-6L, R1-8L, and R2 parcels constructed in compliance with the requirements of Section 18.34.030 are exempt from Site Plan and Design Review (Chapter 18.120).

18.34.030 – Measurement of Fence, Wall, Hedge, and Screen

Fence, wall, hedge, and screen heights shall be measured as the vertical distance between the finished grade of the ground and the top edge of the fence, wall, or hedge. Adjacent grades shall not be artificially elevated to allow for a fence, wall, hedge, or screen that is higher than the allowable maximum height.).

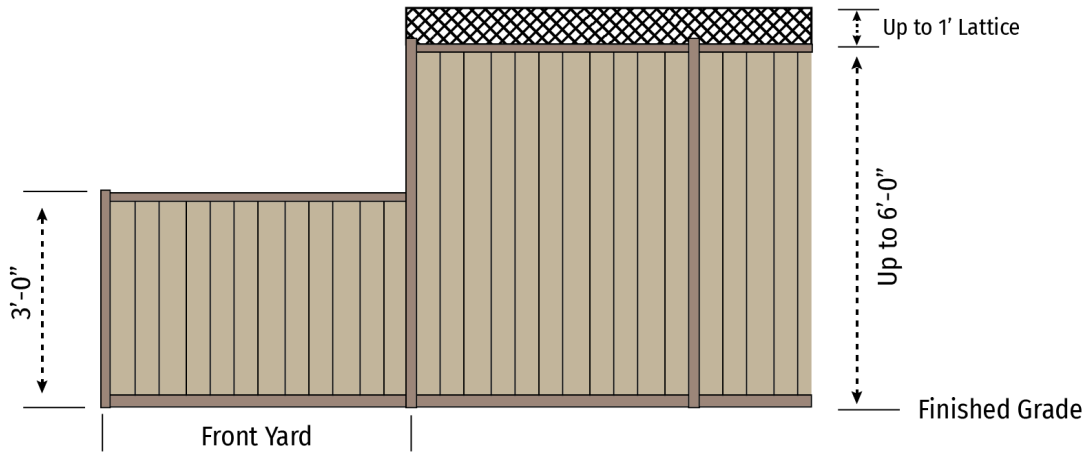
18.34.040 – Maximum Heights

A. Maximum Height Standards. Except as otherwise provided by this Chapter, the maximum height of fences, walls, and screening in yard areas shall be consistent with Table 3-1 (Maximum Height of Fences, Screens, Walls, Hedges and Shrubbery in Setback Areas) and the Section 18.30.030 (Sight-Distance Triangle). For maximum allowable fence height see Figure 3-4 (Allowable Fence Height).

Table 3-1
Maximum Height of Fences, Walls, Hedges, and Screens in Setback Areas

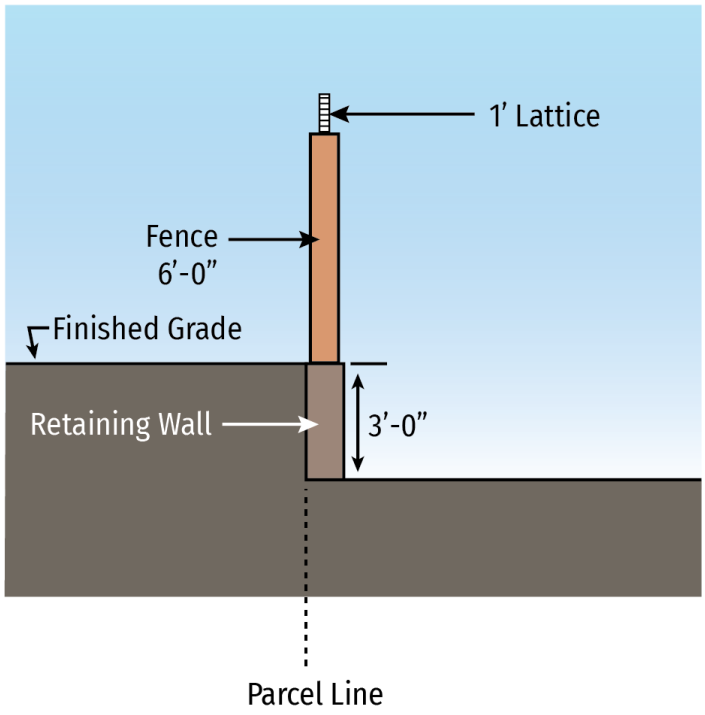
Location of Fence/ Wall/Hedge/Screen/Shrubbery	Maximum Height
Required front setback area	3 feet
Required street side setback area (along corner side property lines)	3 feet
All other areas of a parcel	6 feet with up to an additional one foot of lattice

Figure 3-4
Allowable Fence Height



B. Retaining Walls. Retaining walls are limited to three feet in height with a six-foot fence above, and one additional food of lattice. Properties with a grade differential of greater than four feet, a taller retaining wall is permissible, subject to Director approval. See Figure 3-5 (Retaining Wall Height Measurement).

Figure 3-5
Retaining Wall Height Measurement



18.34.050 – Additional Requirements by Land Use Type

A. Screening for Separating Residential and Non-Residential Uses and Parking Lots. Any nonresidential use shall provide screening from adjacent residential uses and parking lots at the property line. The screening required shall be a solid wall or fence, six feet in height, except that any portion situated in the required setback area from adjacent public streets shall be no more than three feet in height.

B. Applicable to All Land Use Types.

5. **Swimming Pools, Spas, and Similar Water Features**. Swimming pools, spas, and other similar water features shall be enclosed in compliance with Building Code requirements. Required fencing surrounding the immediate swimming pool area shall not exceed the height required by the Building Code.
6. **Temporary Fences.** Nothing in this Chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable requirements of the SCCC.
7. **Outdoor storage.** Outdoor storage shall be screened from public view by a solid wall, fence or other screening as approved by the Review Authority. No outdoor storage shall extend above the height of any screening wall or fence, except as expressly authorized by the Review Authority.
8. **Screening of Mechanical Equipment.** In order to minimize visibility from adjacent roads and properties, ground-level and rooftop mechanical equipment shall be screened so as to not be visible from a public road or a public space. This screening may be provided by a primary structure. Mechanical equipment not screened by a primary structure shall be screened by a

visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the primary structure. Notwithstanding the requirements of this Subsection, mechanical equipment located in a manner found to have no adverse visual impact on adjacent roads and properties, as determined by the Director, shall not be required to be screened.

9. **Yards on Thoroughfares.** Rear yard fencing abutting on any major thoroughfare of four or more motor vehicular traffic lanes may be erected and shall not exceed eight feet in height. Fencing shall be subject to a Site Plan and Design Review (Chapter 18.120).

10. **Outdoor Recreation Courts.** Fencing for outdoor recreation courts (e.g., tennis courts, basketball courts) shall not exceed 12 feet in height. Fencing for outdoor recreation courts shall be located five feet from any rear or side property lines, except when adjacent to outdoor recreation courts on adjacent properties.

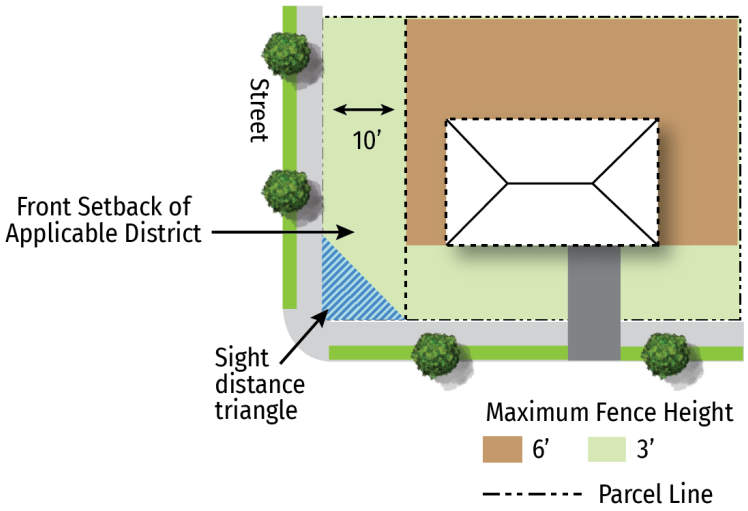
C. Minor Architectural Review. As part of the Minor Architectural Review process, openings or pedestrian connections may be required at the discretion of the Zoning Administrator. In addition, a landscaping strip adjacent to the screening wall (including such trees or plants as the Review Authority requires) with a minimum width of five feet shall be required if the Review Authority deems reasonably necessary to screen the use from the adjoining uses.

D. Abutting Corner Parcel. The following shall apply to any abutting corner parcel developed such that the front entrance of a single-family or two-family dwelling faces the street side property line (see Figure 3-6 (Fence Height Exception – Abutting Corner Parcel):

1. No fence greater than three feet in height shall be located closer to the side corner parcel line than the dwelling.

2. The minimum setback from the front property line for any fence over three feet in height shall be no less than 10 feet.

Figure 3-6
Fence Height Exception – Abutting Corner Parcel



E. Posts, Columns, and Gates. Support posts, columns, or gates shall be allowed within any setback area, provided they do not exceed four feet in height and 18 inches in width, are located 15 feet or more from an intersection and are not located within a driveway vision triangle.

F. Non-Residential Zones Adjoining Residential Zones. Where such zones are adjacent to residential or PD zones parcels, fences shall not exceed six feet in height on common parcel lines; provided, however, that fences on common parcel lines shall not exceed three feet in height in the front or side setback of such adjacent residential or PD zoned parcel.

G. Commercial Zones. Loading docks shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas by a solid fence or wall at least six feet in height on all common property lines.

H. Mixed-Use Zones.

1. At the time of new construction of a structure on property in this zone, the property owner shall install and provide continual maintenance of a solid masonry wall six feet high on all interior property lines. Fencing in front and street side yards shall not exceed a maximum height of three feet.
2. The Director is granted the authority as an administrative function, to permit a suitable alternative for situations where construction of a masonry fence would not be warranted, such as jointly used driveway, parking or recreation areas, or adjacent minimum 10-foot yards.

I. Industrial and Office Zones.

1. Outdoor storage areas shall be screened from view from the public right-of-way or from adjacent properties accessible to the public and the screening shall be architecturally compatible with the surrounding environment.
2. **Security fences and walls.** The purpose of security fencing and wall standards is to provide for a safe environment for businesses in industrial and office land use designations. Palisade fencing may be permitted with the approval of the Review Authority.

18.34.060 – Materials and Maintenance

A. Graffiti Resistance. Graffiti-resistant aesthetic surface treatment shall be required for all fences and walls adjacent to a public right-of-way, or as determined though the Site Plan and Design Review (Chapter 18.120) process.

B. Fences and wall in Industrial and Office Zones.

1. **Storage Area allowable fence and wall material.** Within the Industrial-Heavy category, storage area screening may include masonry or concrete, metal, or chain-link fencing with wood or vinyl slats.
2. **Security fences and walls.** Within all industrial and office zones except Industrial-Heavy, all fencing, or walls shall be wrought iron, concrete, masonry, or other similar materials not to exceed a height of eight feet from the highest finished grade. Chain-link fencing may be used in areas not visible from public rights-of-way.

C. Maintenance. Fences, walls, and screens shall be continuously maintained in an orderly and good condition and shall always be kept free of graffiti.

D. Prohibited Fence, Wall, and Screen Materials. The following materials and fence types are prohibited:

1. Barbed Wire
2. Razor Wire
3. Electrified fences, with the exception of monitored perimeter security fence systems, as described in Section E below
4. Use of grease
5. Broken glass or other sharp materials

E. Monitored perimeter security fence system.

"Monitored perimeter security fence system" means a perimeter alarm system with an assembly of battery-powered equipment, including but not limited to: a monitored alarm device and energizer which is intended to periodically deliver pulses to a security fence, a battery charging device used exclusively to charge the system's battery, and other integrated components.

The design, construction, and use of monitored perimeter security fence systems may be permitted subject to the approval of a conditional use permit pursuant to Chapter 18.114, subject to the following additional requirements:

1. IEC Standard No. 60335-2-76. Unless otherwise specified herein, monitored perimeter security fence systems shall be constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, current edition.

2. Power Source. The energizer for monitored perimeter security fence systems must be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery is charged primarily by a solar panel. The solar panel may be augmented by a commercial trickle charger.

3. Perimeter Barrier. Monitored perimeter security fence systems shall be installed behind a nonelectrified fence or wall that complies with section 18.34.060 B.

4. Emergency Gate Access. Before a monitored perimeter security fence system is activated, a Knox device shall be approved by the fire department. The Knox device will be installed at the main entry gate and fully functional at all times when the monitored perimeter security fence system is operational.

5. Separation. The perimeter security fence shall be set back four (4) inches to twelve (12) inches from the nonelectrified fence or wall in order to prevent inadvertent access to the monitored perimeter security fence.

6. Design/Height. The monitored perimeter security fence shall be visually transparent and comprised of twelve and one-half (12.5) gauge galvanized steel wires which are run horizontally, up to the maximum height of ten (10) feet.

7. Warning Signs. Monitored perimeter security fence systems shall be clearly identified with bilingual warning signs in compliance with Civil Code § 835(b)(3) that read: “Warning – Electric Fence” at intervals of not more than thirty (30) feet.

8. Location. Monitored perimeter security fence systems shall only be permitted on properties zoned LI Light Industrial and HI Heavy Industrial.

9. Alarm Signal. The monitored perimeter security fence system shall transmit a signal to an alarm monitoring business in response to an intrusion or burglary. The system shall not directly connect to or call law enforcement. The business must first verify the alarm event prior to requesting deployment of law enforcement.”

Chapter 18.36 - Landscaping Standards

Sections

18.36.010 – Purpose
18.36.020 – Applicability
18.36.030 – Landscape and Irrigation Plans
18.36.040 – Landscape and Irrigation Plan Review Process
18.36.050 – General Landscape Standards
18.36.060 – Special Landscape Requirements
18.36.070 – Additional Requirements for Residential Zones
18.36.080 – Removal and Replacement of Required Landscaping
18.36.090 – RESERVED SECTION
18.36.100 – Water-Efficient Landscaping

18.36.010 – Purpose

The purpose of this Chapter is to establish minimum landscape and irrigation requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, ensure ongoing maintenance of landscape areas, and ensure that landscape installations do not create hazards for motorists or pedestrians.

18.36.020 – Applicability

The regulations contained in this Chapter shall apply to new and existing development and shall be in addition to any other development standards and regulations contained elsewhere in the Zoning Code.

A. New Development. All new development shall comply with the requirements of this Chapter.

B. Existing Development. The landscaping in an existing development subject to a new permit application that includes expansion of existing structure square footage by more than 10 percent shall be subject to evaluation by the Review Authority.

18.36.030 – Landscape and Irrigation Plans

Preliminary and final landscape plans shall be submitted in accordance with the requirements of this Chapter, and review of the plans shall be conducted by the appropriate Review Authority.

A. Preliminary Landscape and Irrigation Plan. A preliminary landscape and irrigation plan shall be submitted to the Director along with application submittal forms and other required materials for the requested permit or approval. This plan must show a water budget that includes the estimated water use (in gallons), irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute, as well as conceptual locations for trees, shrubs, ground cover, and other landscape elements and a corresponding list of planting material by species, quantity, and container size.

B. Final Landscape and Irrigation Plan. After a preliminary landscape and irrigation plan has been approved by the Review Authority, a final landscape and irrigation plan shall be submitted to the Director in conjunction with site improvement plans. The final landscape and irrigation plan shall be prepared by a registered licensed landscape architect and shall be in substantial compliance with the

preliminary landscape and irrigation plan approved by the Review Authority. Final plans shall show the exact location of and irrigation system for trees, shrubs, and ground cover. The final landscape and irrigation plan shall include, at a minimum, plant name, plant quantity, plant container size, location of impervious surfaces, utilities and lighting, and plans for tree retention and removal where applicable. The final landscape and irrigation plan shall also include a water budget that includes the estimated water use (in gallons), the irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute.

18.36.040 – Landscape and Irrigation Plan Review Process

When the requirements of this Chapter are applicable as established in Section 18.36.020 (Applicability), the following landscape and irrigation plan review process shall be conducted in conjunction with review for the proposed action, pursuant to the requirements of Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).

A. Approval of Preliminary and Final Plans. The Review Authority shall review and approve the preliminary landscape and irrigation plan. Following approval of the preliminary landscape and irrigation plan, a final landscape and irrigation plan shall be submitted to the Director prior to issuance of building permits or planning entitlements for new projects or applicable expansions to existing development as established in Section 18.36.020 (Applicability).

B. Approval Required. The landscape and irrigation shall not be installed until the applicant receives approval of the final landscape and irrigation plan by the Director and any applicable permits have been issued.

C. Changes to Final Plans. Changes to the approved final landscape and irrigation plan that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval by the Director before installation.

18.36.050 – General Landscape Standards

A. General Location for Landscape Improvements. Landscaping shall be provided in the following locations for all types of development as listed below, unless the Review Authority approves an alternative landscape approach. Nothing in this Chapter is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.

1. **Setbacks.** All setback areas required by this Code shall be landscaped in compliance with this Chapter except where a required setback is occupied by a sidewalk, driveway, or permitted off-street parking area, or is enclosed and screened from abutting public rights-of-way.
2. **Undeveloped Areas.** All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped in compliance with this Chapter.
3. **Parking Areas.** All parking areas shall be landscaped for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the requirements of this Chapter.

B. Plant Type. Landscape planting shall emphasize drought-tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

1. **Street and Parking Lot Trees.** Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees.

2. **Trees Adjacent to Walkways.** Trees planted within 10 feet of a street, sidewalk, paved trail, or walkway shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

C. Planting Size, Spacing, and Planter Widths. To achieve an immediate effect of a landscape installation and to allow or sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. **Trees.** The minimum planting size for trees shall be 15 gallons, with at least 25 percent of all trees on a project site planted at a minimum 24-inch box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between five and ten feet, consistent with the City's adopted master list of street trees and parking lot trees.
2. **Shrubs.** Shrub planting shall be a minimum five-gallon size, with a 15-gallon minimum size required where an immediate landscape screen is required by the Review Authority. The minimum planter width for shrubs is four feet.
3. **Ground Cover.** Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than three feet on center to achieve full coverage within one year. Minimum planter width for ground cover is two feet, except for sod, which requires a minimum planter width of six feet.

18.36.060 – Special Landscape Requirements

In addition to the general requirements of Section 18.36.050 (General Landscape Standards), the following requirements apply to the special types of landscaping.

A. Multi-Tenant Project Entry Landscaping. Entries to multi-tenant projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors, and patrons. Flowering access plantings and specimen trees shall be used to reinforce the entry statement.

B. Trees Adjacent to Structure Walls. Except for single-family housing developments, trees shall be planted in areas of public view adjacent to structures at a rate of one tree per 30 linear feet of building dimensions (or fraction thereof), particularly to interrupt expansive horizontal and vertical surfaces.

C. Drive-Through Aisles Screening. For drive-through aisle screening requirements see Section 18.60.110 (Drive-in/Drive Through Establishments).

D. Wireless Telecommunication Facilities. Landscaping is required on the site of wireless telecommunication facilities, including trees, foliage, and shrubs. Additional landscaping may be planted around the tower and related equipment to buffer abutting residential zones or uses and to buffer public trails. Trees shall be fast-growing evergreen species, with a minimum size of 24-inch box. Shrubs shall be a minimum 15-gallon size covering a minimum planter area depth of five feet around the facility. Trees and shrubs shall be located no farther apart on center than the mature diameter of the proposed species.

E. On-Site Pedestrian Pathways and Public Spaces. Pedestrian pathways and public space landscaping shall include shade trees placed so as to cover 50 percent of the total pathway area with tree canopies within 15 years of planting.

F. Landscaping Adjoining Creeks. Landscaping or planting that is adjoining to creeks shall only use native plants.

G. Signs. Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, 50 square feet of sign area requires 100 square feet of landscaped area.

H. Buffering Between Uses. A landscape buffer shall be provided between residential and nonresidential uses and between single-family uses and multi-family uses containing three or more units. Buffer areas shall include a minimum five-foot-wide planter strip with shrubs and both deciduous and evergreen trees planted no farther apart than 30 feet on center.

I. Sound Walls/Masonry Walls. Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided so as to cover 50 percent of the wall by landscape material within five years of securing a Building Permit.

J. Parking Lot Landscaping. Parking lot landscaping shall include perimeter planters, trees for parking lot shade, and a combination of continuous planting strips, planting fingers, and parking islands throughout the parking lot. Parking lot landscape requirements applicable to commercial, industrial, mixed-use, and multifamily parking lots with five or more spaces are as follows:

1. **Number of Trees Required.** One tree for every three parking stalls shall be provided. At maturity, trees must reach a minimum height and spread of 20 feet to form a shade canopy over parking stalls. Smaller ornamental trees may not be used to satisfy this requirement. The minimum width for planters containing a parking lot tree is six feet. Tree selections shall be approved by the Director. See Figure 3-7 (Parking Lot Tree Requirement).
2. **Tree Wells.** Tree wells in a parking lot shall be a minimum of 40 square feet, with a minimum dimension of five feet.
3. **Parking Lots.** See Figure 3-8 (Parking Lot Landscaping).
    a. All parking lots shall include a perimeter landscaped strip at least five feet wide (inside dimension) where the lot adjoins a side or rear property line. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required and shall be continuous, except for driveways and pedestrian access.
    b. All parking lots shall include a minimum 10 feet of landscaping adjacent to any public street, except for driveways and pedestrian access.
4. **Existing Trees.** Existing mature trees on the site in good health shall be preserved as determined by the Director.
5. **Planter Design.** All parking lot planters shall be designed to meet the following minimum requirements (see Figure 3-9 (Parking Lot Planter Design)).
    a. Planters shall be separated from maneuvering and parking areas by a six-inch raised concrete curb or equivalent.
    b. Landscape planters along the sides of parking stalls shall be a minimum of six feet in width.

Figure 3-7
Parking Lot Tree Requirement

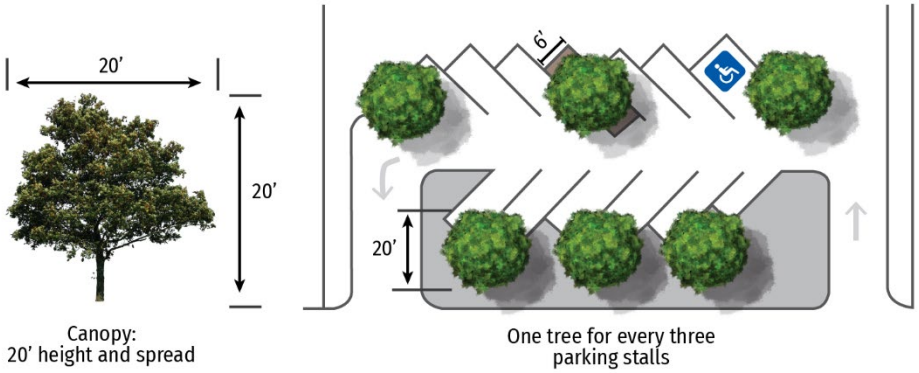


Figure 3-8
Parking Lot Landscaping

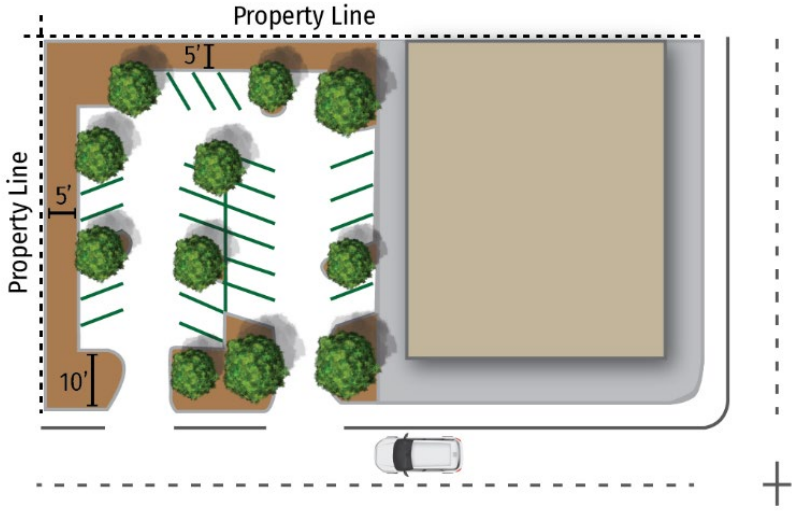
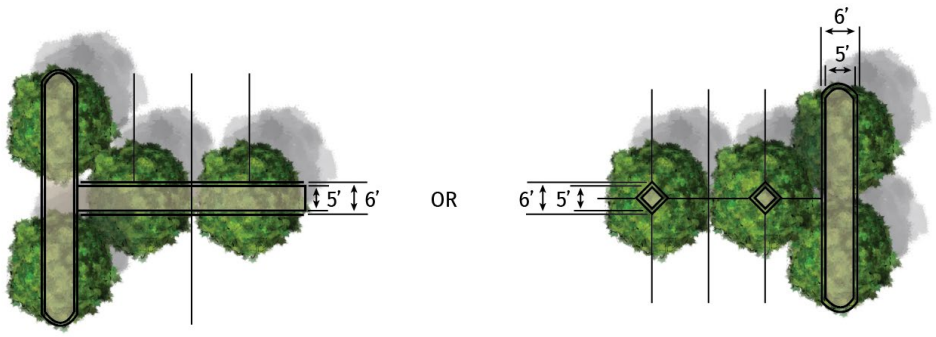


Figure 3-9
Parking Lot Planter Design



18.36.070 – Additional Requirements for Residential Zones

All new development front yard landscaping shall include, at a minimum, one 15-gallon size tree and a permanent irrigation system to be installed by the developer prior to occupancy. This requirement shall be in addition to required street trees which shall be approved by the Department of Public Works.

18.36.080 – Removal and Replacement of Required Landscaping

Replacement Sizes. Any plant material removed from a site for which the Director has approved the landscape and irrigation plan shall be replaced with plants consistent with the approved landscape and irrigation plan. Replacement trees shall be required for trees removed or severely and improperly trimmed, with or without Director approval. Size of replacement trees shall be determined by the Director based on the conditions of the property.

18.36.090 – RESERVED SECTION

18.36.100 – Water-Efficient Landscaping

All landscaping areas shall comply with the requirements contained in the City's water service and use rules and regulations as the same rules and regulations are applicable to promote efficient water use in landscaping by promoting use of region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency.

Chapter 18.38 - Off-Street Parking Regulations and Design Standards

Sections

18.38.010 – Purpose and Applicability
18.38.020 – Permit Requirements and Exemptions
18.38.030 – Off-Street Vehicle Parking Requirements
18.38.040 – Exceptions and Reductions to Parking Requirements
18.38.050 – Bicycle Parking Requirements
18.38.060 – General Parking Standards
18.38.070 – Off-Street Loading
18.38.080 – Maintenance
18.38.090 – Temporary Valet Parking
18.38.100 – Recreational Vehicle Parking in Residential Zones
18.38.110 – Central Business Area Parking Requirements
18.38.120 – Off-Site Designated Parking: Alternate Parking Location

18.38.010 – Purpose and Applicability

A. Purpose. This Chapter establishes standards for the development (including amount and location) of motor vehicle parking, bicycle parking, and off-street loading areas. The purpose of the standards is to provide for safe vehicular parking, vehicular circulation, and loading supportive of a variety of uses in an increasingly pedestrian- and bicycle-friendly and transit-oriented community.

B. Applicability. The regulations contained in this Chapter shall apply to the construction, change, or expansion of a use or structure and shall require that adequate parking spaces, loading areas, and bicycle parking areas are permanently provided and maintained for the benefit of residents, employees, customers, and visitors, within or outside of structures or in a combination of both, in accordance with the requirements listed in this Chapter.

1. **New Uses and Structures.** For all structures erected and all uses of land established after the effective date of this Zoning Code, parking for vehicles and bicycles, and loading facilities shall be provided as required by this Chapter.
2. **Modifications to Existing Structures.** Whenever an existing structure or use is modified that results in an increase of more than 50 percent in the number of parking spaces required, additional parking spaces shall be provided in accordance with the requirements of this Chapter.
3. **Existing Parking and Loading Facilities.** Off-street parking and loading facilities which are located on the same parcel as the structure or use served and which were in existence on the effective date of the ordinance codified in this Chapter, or were provided voluntarily after such effective date, shall not be reduced below or if already less than, shall not further be reduced below the requirements of this Chapter for a similar new structure or use.

18.38.020 – Permit Requirements and Exemptions

A. Parking Requirements. New parking lots and modifications or expansions to existing parking lots will be evaluated as part of project review for other permits and approvals (e.g., Architectural Review, Conditional Use Permit). At a minimum, Site Plan Review is required for new parking lots and modifications to existing parking lots to determine compliance with all applicable provisions of this Zoning Code.

B. Exempt Activities. Parking improvements listed below shall be considered minor in nature and are therefore exempt from Site Plan Review requirements if they do not alter the number or configuration of parking stalls. However, exempt activities listed herein may require other ministerial permits (e.g., Building Permits).

1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks.
2. Repair or replacement in the same location of damaged planters and curbs.
3. Additions to residential floor area for single-family dwellings with existing, nonconforming two-car garages. Additions can be approved without the parking as long as the garage is fully accessible and has at least 17 feet by 17 feet inside dimensions, and a garage door, or doors, at least 15 feet wide..

18.38.030 – Off-Street Vehicle Parking Requirements

A. Required Parking. Table 3-3 (Off-Street Vehicle Parking Space Requirements) establishes the minimum number of on-site parking spaces required for each land use type, regardless of the zoning district in which the use is located.

B. No Parking Required Near Major Transit Stops. Notwithstanding any other provision of this Code, no parking is required for any use within one-half mile of a major transit stop.

C. Off-Street Construction Parking.

1. **When Required.** Off-street construction parking is required for residential development projects over 100 units in size, or over 100,000 square feet in area for non-residential projects.
2. **Timing.** Off-street construction parking is required to be available from the time of issuance of building permits until the issuance of a certificate of occupancy.
3. **Number of Spaces Required.**
    a. For residential development projects, one space per four units proposed is required.
    b. For non-residential development projects, one space per 5,000 square feet proposed is required.
4. **Development Standards.** Parking spaces are required to meet all requirements of the General Parking Standards, Code Section 18.38.060.
5. **Maintenance of off-street construction parking.**
    a. Off-street construction parking lots are required to maintained to be mud-free and dustless. If the off-street construction parking lot is located on an unpaved surface, daily street sweeping of surrounding streets is required.
    b. Off-street construction parking lots are required to be free of construction materials and debris at all times

D. Patrick Henry Specific Plan Parking Requirements. The following parking requirements including those shown in Table 3-2 are required for those zones identified in the Patrick Henry Specific Plan.

1. Patrick Henry Parking Space Requirements. The following parking space requirements apply:

Table 3-2
Patrick Henry Parking Requirements

Use	For Residents/Employees	For Visitors/Customers
Residential	Minimum 1 space per unit for units greater than 550 SF Minimum 0.5 spaces per unit for units less than or equal to 550 SF	Minimum 0.05 spaces per unit
Retail / Flex	None required	Minimum 1 space per 1,000 SF
Office	Minimum one space for each 500 SF of gross floor area	Minimum 1 space per 3,000 SF
Community/Civic	None required	None required

2. Parking is not permitted as a stand-alone use.

3. Shared parking is permitted.

4. Mechanical lifts/stackers may be used to satisfy minimum requirements.

E. Calculation. The following standards apply to the calculation of vehicle parking spaces in this Chapter.

5. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number.

6. For the purposes of this Chapter, "square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a structure and its accessory structures unless otherwise specified. Gross floor area shall not include enclosed or covered areas used for off-street parking or loading, bicycle facilities, heating and air-conditioning equipment, stairs and elevators, mechanical and electrical equipment, and communications equipment.

7. Except as otherwise provided in Section 18.38.040 (Exceptions and Reductions to Parking Requirements), where uses or activities subject to differing requirements are in the same structure or on the same site (e.g., mixed-use developments) or are intended to be served by a common facility, the total requirement shall be the sum of the requirements for each use or activity computed separately. The Review Authority for the associated permit or approval, including parking for multiple uses on a site, may restrict the hours of operation or place other conditions on the multiple uses so that parking needs do not overlap and may then modify the total parking requirement to be based on the most intense combination of uses at any one time.

Table 3-3
Off-Street Parking Requirements

Land Use	Required Parking Spaces
Residential Uses	
Caretaker Housing	1 space per unit
Dwelling, Accessory Unit	No additional parking required.

Table 3-3
Off-Street Parking Requirements

Land Use	Required Parking Spaces
Dwelling, Multifamily	
Studio and one-bedroom units	1 space per dwelling unit
Two- and three-bedroom units	1.5 spaces per dwelling unit, with each unit assigned one space and all other spaces to be provided unbundled
Four- or more bedroom units	1.5 spaces per dwelling unit, with each unit assigned one space and all other spaces to be provided unbundled
Dwelling, Single-Family	2 spaces per dwelling unit, which shall be a covered garage or carport
Dwelling, Two-Family	2 spaces per dwelling unit. At least 1 space for each dwelling unit shall be a covered garage or carport
Senior Housing	1 space per dwelling unit
Employee Housing	1 space per dwelling unit
Home Occupations	No additional spaces required
Live-Work Facilities	1 space per dwelling unit plus 1 for the nonresidential work space
Mixed Use Zones	
Single-Family Dwelling	2 spaces per dwelling unit
Multi-Family Dwelling: Studios/1 Bedroom	1 space per dwelling unit
Multi-Family Dwelling: 2 or more Bedrooms	2 spaces per dwelling unit
Retail and Services	4 spaces per 1,000 square feet
Mobile Home Parks	2 spaces per dwelling unit
Organizational Houses	1 space per bedroom
Rooming and/or Boarding Houses	1 space per bedroom
Single Room Occupancy (SRO) Facilities	1 space per bedroom
Supportive Housing	1 space per bedroom
Transitional Housing	2 spaces per dwelling unit. At least 1 space for each dwelling unit shall be a covered garage or carport
Human Service Uses	
Childcare Facilities, Childcare Centers	1 space per 300 square feet
Childcare Facilities, Family Day Care Homes	2 spaces per dwelling unit. At least 1 space for each dwelling unit shall be a covered garage or carport
Community Care Facilities	1 space per 300 square feet
Residential Care Facilities	1 space for each employee or staff member.
Emergency Shelters	1 space for each employee.
Low-Barrier Navigation Centers	1 space for each employee.
Medical Services, Hospitals	1 space for every 3 beds, plus 1 space per staff doctor, plus 1 space for every 3 staff members
Recreation, Education, and Public Assembly Uses	
Assembly Uses	1 space per 50 square feet of usable assembly area
Cemeteries, Mausoleums	1 space for each employee and 10 guest spaces
Commercial Recreation Facilities (indoor and outdoor)	1 space per 600 square feet
Crematories	1 space per shift employee

Table 3-3
Off-Street Parking Requirements

Land Use	Required Parking Spaces
Golf Courses/Clubhouse	5 spaces per golf course hole, plus 1 space per 250 square feet of retail and dining area, plus 1 space per shift employee
Fitness Facilities (5,000 square feet or less)	1 space per 200 square feet
Fitness Facilities (over 5,000 square feet)	1 space per 100 square feet
Libraries	1 space per 400 square feet
Museums	1 space per 400 square feet
Mortuaries and Funeral Homes	1 space per 50 square feet
Schools	
Elementary and Junior High Schools	1 space for each staff member, faculty member, and employee, plus 10 spaces for visitor parking, and a designated loading/unloading zone for school buses.
High Schools	1 space for every 8 students, plus 1 space for every 2 staff members, faculty members, and employees, and a designated loading/unloading zone for school buses.
Colleges and Universities, Public and Private	0.4 spaces for each enrolled student and employed staff member
Specialized Education and Training/Studios	1 space for every 5 students
Theaters and Auditoriums	1 space per 50 square feet
Vocational/Trade Schools	1 space for every 2 students, plus one space for each employee, plus 1 space for each fleet vehicle.
Utility, Transportation, and Communication Use Listings	
Broadcasting and Recording Studios	1 space per 250 square feet
Fuel Storage and Distribution Centers	1 space per 2 employees, plus 2 additional spaces for visitors
Public Safety Facilities	Determined through Discretionary Review
Transit Stations and Terminals	Determined through Discretionary Review
Retail, Service, and Office Uses	
Adult Oriented Businesses	1 space per 200 square feet
Alcoholic Beverage Sales	1 space per 200 square feet
Ambulance Services	1 space per shift employee, plus 1 space per fleet vehicle
Animal Sales and Grooming Facilities	1 space per 250 square feet
Artisan Shops	1 space per 250 square feet
Banks and Financial Service Establishments	1 space per 300 square feet
Banks and Financial Service Establishments, Stand-alone ATM	2 spaces per machine
Bars	1 space per 200 square feet
Bed and Breakfast Inns	1 space per guestroom, plus 1 space for the resident owner or manager
Building Material Stores and Yards	1 space per 250 square feet
Business Support Centers	1 space per 250 square feet
Call Centers	1 space per 250 square feet
Data Centers	1 space per 10,000 square feet
Drive-in and Drive-through Establishments	1 space per 200 square feet
Equipment Sales and Rentals	1 space per 250 square feet
Garden Centers/Plant Nurseries	1 space per 400 square feet
Hotels and Motels	½ space per guestroom

Table 3-3
Off-Street Parking Requirements

Land Use	Required Parking Spaces
Kennels	1 space per 750 square feet
Maintenance and Repair Services	1 space per 250 square feet
Nightclubs	1 space per 50 square feet
Offices	1 space per 300 square feet
Pawn Shop	1 space per 250 square feet
Personal Services, including Personal Services, Restricted	1 space per 250 square feet
Restaurants	1 space per 200 square feet
Retail (Small, Medium, and Large Format)	1 space per 200 square feet
Veterinary Facilities	1 space per 250 square feet
Vehicle Oriented Uses	
Vehicle Rental Facilities	1 space per 400 square feet
Vehicle Sales Facilities, General and Wholesale	1 space per 400 square feet
Vehicle Sales Facilities, Wholesale	1 space per 1,000 square feet
Vehicle Storage Facilities	1 space per 2,000 square feet
Vehicle Parts Sales	1 space per 200 square feet
Vehicle Dismantling Facilities	3 spaces, plus 1 space for each employee
Car Wash and Detailing Facilities	
Full-Service	1 space per shift employee, plus 2 additional spaces
Self-Service	1 space per shift employee, plus 2 additional spaces
Vehicle Fueling Stations	1 space per 400 square feet
Vehicle Repair and Service Facilities (major and minor)	2 spaces per service bay, plus 1 space per shift employee
Industrial, Manufacturing, and Processing Uses	
Freight Yards/Truck Terminals	1 space per 2,000 square feet
Bulk laundry and Dry-Cleaning Plants	1 space per 1,000 square feet
Industrial (Minor and Major)	1 space per 1,000 square feet
Printing and Publishing Facilities	1 space per 1,000 square feet
Recycling Facilities	1 space per employee, plus 5 additional spaces for visitors.
Research and Development Facilities	1 space per 750 square feet
Storage, Personal Storage Facilities	1 space per 4,000 square feet
Storage, Warehouse	1 space per 2,000 square feet
Wholesaling and Distribution Centers	1 space per 2,000 square feet
Wineries, Distilleries, Breweries and Micro-Breweries	1 space per 1,000 square feet

18.38.040 – Exceptions and Reductions to Parking Requirements

The following are exceptions or reductions to the minimum off-street vehicle parking requirements established in Table 3-3 (Off-Street Vehicle Parking Space Requirements) that are available:

A. Shared Parking. In order to encourage efficient use of parking spaces and reduce the amount of land devoted to vehicle parking, the total parking requirements for adjacent compatible land uses that have differing peak parking demand may be based on the number of spaces adequate to meet needs of those individual land uses operating during the peak parking period. A Conditional Use Permit may be

approved for shared parking facilities serving more than one use on a single site or adjacent sites. The Conditional Use Permit may allow for a reduction of the total number of spaces required by this Chapter if all the following findings are made:

1. The peak hours of parking demand from all uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces.
2. A parking demand study prepared by a qualified traffic engineering professional approved by the City supports the proposed reduction.
3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Subsection B (Off-Site Parking for Nonresidential Uses). The agreement shall include a guarantee that there will be no substantial alteration in the uses that would create a greater demand for parking without application for approval of an amended discretionary permit.

B. Off-Site Parking for Nonresidential Uses. Parking areas for all nonresidential and mixed uses shall be located on the same parcel with the uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make off-site parking desirable. Therefore, off-street parking areas may be constructed on a parcel separate from the primary structure(s) occupied by the nonresidential uses with approval of a discretionary off-site parking permit.

C. Residential Transportation Demand Management (TDM). In addition to the exceptions in Subsections A. and B. for shared and off-site parking, the Review Authority may approve an Administrative Permit for a parking reduction in accordance with the following provisions. Any combination of the following programs may be used; however, the total parking reduction shall not exceed 20 percent of required parking.

1. **Reduction for Secure Bicycle Parking.** Developments which provide additional secure bicycle parking facilities over and above the minimum requirement of this Chapter may reduce their automobile parking requirement by one vehicle space for every two additional bicycle spaces provided, up to a maximum five percent reduction in total vehicle parking spaces.
2. **Reduction for Parking Near Transit Stops and Stations.** Parking requirements may be reduced by a maximum of 10 percent when located within one-quarter mile of a transit stop, and 20 percent for sites located within one-quarter mile of a transit stop at which a minimum of 20-minute peak-hour service is provided.
3. **Carsharing Stalls.** Parking requirements shall be reduced by five stalls for each stall that is dedicated and designated for use by a car sharing program. The maximum reduction allowed is five percent of required parking.

D. Non-Residential Transportation Demand Management (TDM). In addition to the exceptions in Subsections A. and B. for shared and off-site parking, the Review Authority may approve an Administrative Permit for a parking reduction in accordance with the following provisions.

1. A reduction in the required off-street vehicle parking spaces of up to 50 percent may be authorized with an Administrative Use Permit for non-residential structures or uses that conform to all of the following:
    - **a.** The structure or use provides bicycle parking spaces in conformance with the requirements in Section 18.38.050 (Bicycle Parking Requirements); and
    - **b.** For any project that requires a TDM program, the decision maker for the project application shall first find in addition to other required findings that the project applicant has demonstrated that it can maintain the TDM program for the life of the project, and that the TDM strategies proposed provide an offsetting benefit to the parking spaces lost.

2. In addition, the applicant is required to implement at least three transportation demand management (TDM) measures from the possibilities below:

a. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations at the ratio set forth in the development permit or development exception considering type of use; or

b. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA EcoPass system will satisfy this requirement); or

c. Provide preferential parking with charging station for electric or alternatively fueled vehicles; or

d. Provide a guaranteed ride home program; or

e. Implement telecommuting and flexible work schedules; or

f. Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking); or

g. Implement public information elements such as designation of an on-site TDM manager and education of employees regarding alternative transportation options; or

h. Make available transportation during the day for emergency use by employees who commute on alternate transportation (this service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation); or

i. Provide shuttle access to Caltrain stations; or

j. Provide or contract for on-site or nearby child-care services; or

k. Incorporate on-site support services (food service, ATM, drycleaner, gymnasium, etc., where permitted in zoning districts); or

l. Provide on-site showers and lockers; or

m. Provide a bicycle-share program or free use of bicycles on-site that is available to all tenants of the site; or

n. Unbundled parking.

18.38.050 – Bicycle Parking Requirements

A. Purpose. This Section establishes standards for bicycle parking, including Class I and Class II parking types. The purpose of the standards is to provide for adequate bicycle parking, creating a bicycle-friendly and multi-modal transportation network.

B. Applicability. The regulations contained in this Section shall apply to the construction, change, or expansion of a use or structure of more than 10 percent and shall require that adequate bicycle parking areas are permanently provided and maintained for the benefit of residents, employees, customers, and visitors, within or outside of a structure.

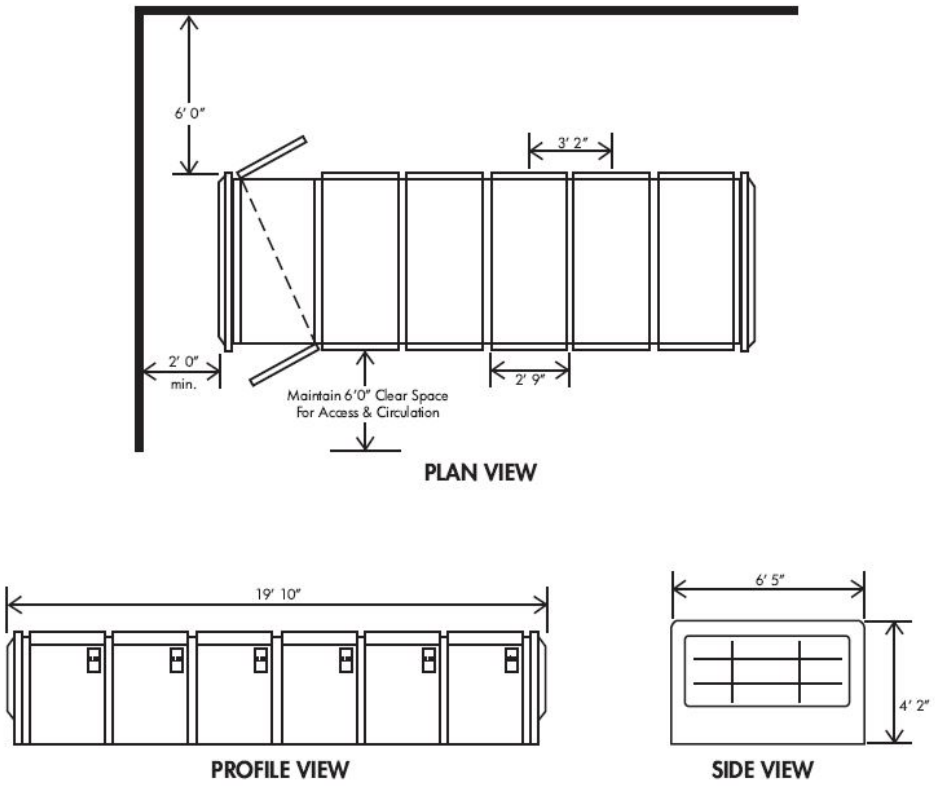
C. Definitions.

Class I Bicycle Parking. Class I bicycle parking includes bicycle lockers, rooms with key access for regular bicycle commuters, valet or check in parking, and guarded parking areas.

Class II Bicycle Parking. Class II bicycle parking includes bicycle racks (i.e., inverted U-rack, ribbon rack, wave rack) suitable for easy access of bicycles not within an enclosed structure, pod, or unit.

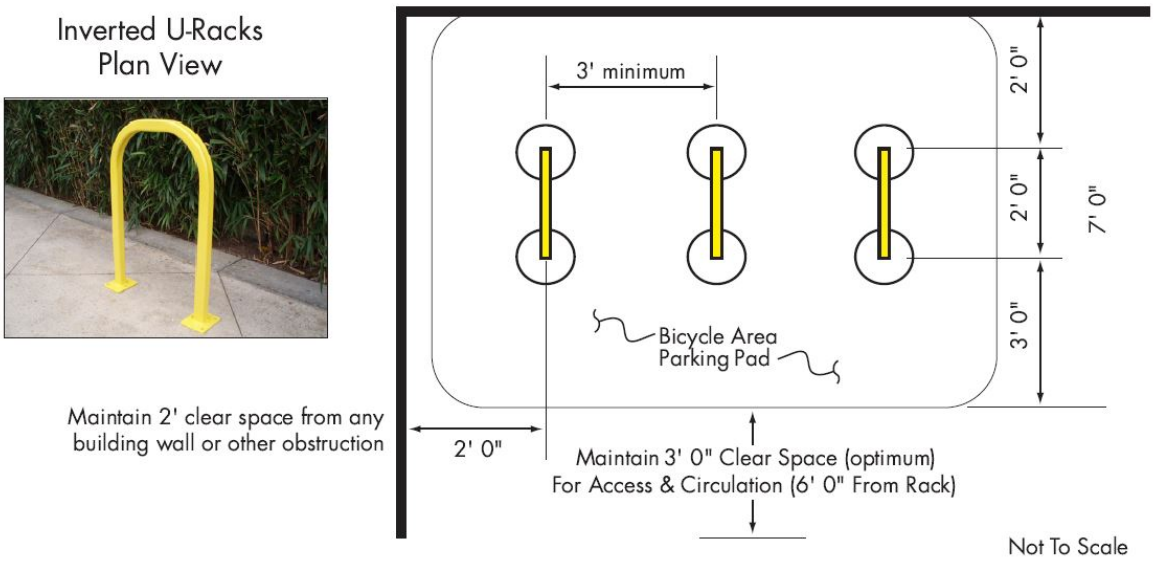
D. Class I Bicycle Storage Locker Design and Location Requirements. Figure 3-10 (Class I Bicycle Parking) provides standards for the design and placement of Class I bicycle storage lockers.

Figure 3-10
Class I Bicycle Parking



E. Class II Bicycle Rack Design and Location Requirements. Figure 3-11 (Class II Bicycle Parking) provides standards for the design and placement of Class II bicycle racks.

Figure 3-11
Class II Bicycle Parking



Required Bicycle Parking. Table 3-4 (Required Bicycle Parking) establishes the minimum number of bicycle parking spaces required for each land use type, regardless of the zoning in which the use is located. If the ratios set by Table 3-4 would result in one or fewer Class II bicycle spaces, the development shall provide two Class II spaces. If the ratios would result in more than one Class II bicycle space but less than four, the development shall provide four Class II spaces. For commercial and industrial uses, at least 50% of the required bicycle parking spaces must be closer than the closest non-handicapped automobile parking space.

Table 3-4
Bicycle Parking Requirements

Use	Required Class I Spaces	Required Class II Spaces
Residential (such as apartments and condominiums, with a common parking area)	Minimum: 1 per unit In Class 1 bike rooms: 1 electrical outlet per 10 bicycle parking spaces All Class 1 bike rooms are also required to have a bike repair station, with a repair stand, pump, and tools for maintenance.	Minimum: 1 per 20 units
Schools		
• Elementary schools	Minimum: 1 per 20 employees	Minimum: 1 per 10 students (in secure area)
• Middle schools	Minimum: 1 per 20 employees	Minimum: 1 per 8 students (in secure area)
• High schools	Minimum: 1 per 20 employees	Minimum: 1 per 6 students (in secure area)
• Colleges - Student residences	Minimum: 1 per 3 beds + 1 per 20 employees	Minimum: 4 per building entrance
• Academic buildings and other university facilities	Minimum: 1 per 10 employees + 1 per 10student seats	Minimum: 1 per 8 student seats
• Parking Garages not associated withspecific land use type(s)	Minimum: 5% of auto parking Goal: Provide 25% of ground-floor auto parking space to secure bicycle parking	Minimum: 5% of Auto Parking

Table 3-4
Bicycle Parking Requirements

Use	Required Long- Term Spaces	Required Short- Term Spaces
Retail Sales/Shopping Center/Financial Institutions/Supermarkets	Minimum: 1 per 20 employees	Minimum: 1 per 4,000 sq. ft.
Office Buildings/Offices	Minimum: 1 per 4,000 sq. ft.	Minimum: 4 per building entranc

Hotels/Motels/Bed-&-Breakfasts	Minimum: 1 per 20 rooms + 1 per 20 employees	Minimum: 1 per 20 rooms
Hospitals	Minimum: 1 per 20 employees	Minimum: 1 per 45 beds
Restaurants	Minimum: 1 per 20 employees	Minimum: 1 per 800 sq. ft. of dining space
Industrial	Minimum: 1 per 20 employees OR per 10,000 sq. ft.	Minimum: 1 per 5,000 sq. ft.
Day Care Facilities	Minimum: 1 per 20 employees	Minimum: 1 per 40 children
Auto-Oriented Services	Minimum: 1 per 20 employees	--
Amphitheaters or Event Centers	Minimum: 1 per 20 employees	Minimum: 1 per 500 seats
Other Uses	Same as most similar use listed	Same as most similar use listed

Notes.

- The minimum number of required long-term bicycle parking spaces is 4, except when the code would require 1 or less, in which case, 2 bicycle spaces must be provided.
- Employees = maximum number of employees on duty at any one time.

18.38.060 – General Parking Standards

A. Location and Design.

1. **Parking within Sight Distance Triangle.** Parking is prohibited within the required sight distance triangle (Section 18.30.030).
2. **Pedestrian Access.** Parking spaces shall not impede direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space.
3. **Multifamily Parking Proximity.** For multifamily residential, parking spaces shall be provided within 200 feet of the main entrance of the unit(s) they intend to serve.
4. **Unpaved Surface Parking Restriction.** All parking areas are required to be mud-free and dustless.
5. **Back-Out Parking.** Except for duplexes and single-family residences, all parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
6. **Turnaround Areas.** Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter a street in a forward manner.

7. **Wheel Stops.** Wheel stops shall be provided for all parking spaces that face landscaped areas or pedestrian walks in order to protect the landscaping and irrigation systems from damage from the front part of the car and to allow adequate space for pedestrian movement.

B. Parking Space and Drive Aisle Dimensions for Parking Lots.

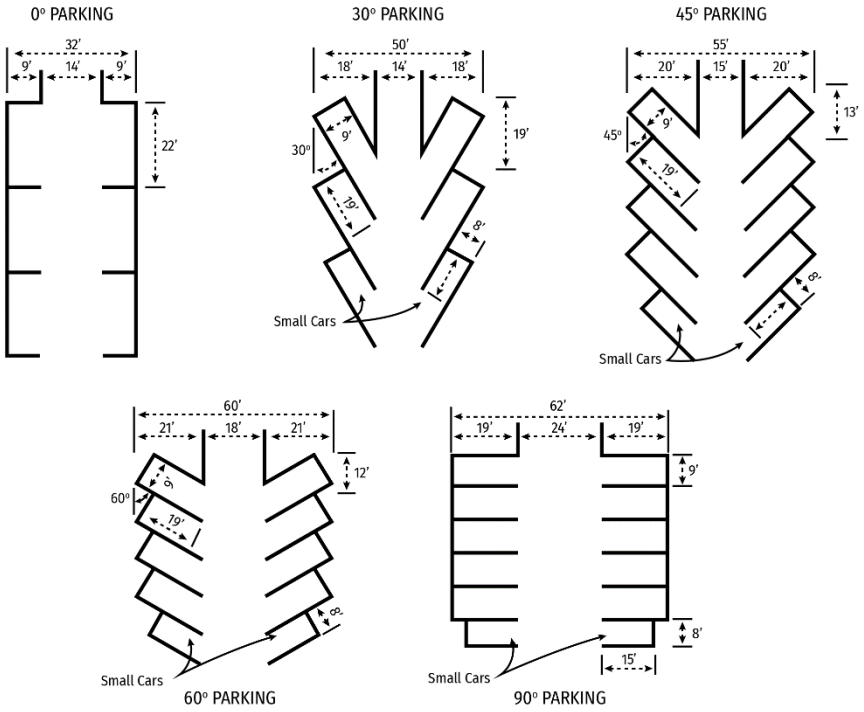
1. **General Parking Space and Aisle Standards.** All surface parking lots shall be designed in compliance with the minimum City standards for stalls and aisles as set forth in Table 3-4 (Parking Space and Drive Aisle Dimensions) and illustrated in Figure 3-12 (Parking Space and Drive Aisle Dimensions). Parking spaces not open on both sides shall have an extra foot in width.
2. **Compact Parking.** Up to 25 percent of the required number of parking spaces may be sized for compact cars for all commercial, industrial, and institutional uses, and for unassigned stalls for residential uses with more than 25 spaces. As used in this paragraph, "required number of parking spaces" shall mean the number of spaces required after any reductions have been taken in compliance with Section 18.38.040.c. Compact car spaces shall comply with the following standards:
    a. Compact car parking spaces shall be clearly marked "compact cars only," "compact," or "c."
    b. Compact car spaces shall incorporate design techniques including the use of lampposts, bollards, or extra landscaped areas at the front of compact spaces, or the location of compact spaces shall be arranged to preclude the parking of standard sized vehicles in compact vehicle spaces.
3. **Unistall Parking.** Parking lots which apply unistall parking spaces for all parking stalls using the unistall parking standards shown in Table 3-5 (Parking Space and Drive Aisle Dimensions) shall not provide compact parking per Subsection 3 (Compact Parking) below.

Table 3-5
Parking Space and Drive Aisle Dimensions

Stall Type	Minimum Space and Aisle Dimensions				
	Stall Width (feet)	Stall Length (feet)	Stall Depth from aisle to curb (feet)	Drive Aisle Width	
				One-Way	Two-Way
Parallel	9	20	9	12	18
30 Degree	9	18	15	14	18
45 Degree	9	18	19.1	14	18
60 Degree	9	18	20.3	16	18
90 Degree	9	18	18	20	24
Unistall	8.5	17	-	Same as standard stalls per stall type	
Compact Stalls, all angles	8	16			

Figure 3-12

Parking Space and Drive Aisle Dimensions



C. Driveways.

1. Driveways to parcels located at the intersection of two streets shall, where feasible, be located on the lesser street. Determination of which street is lesser shall be made by the Director based on total paving width, amount of traffic, adjacent traffic controls, and likely destinations along each street in question.
2. Driveways serving parcels located at the intersection of two streets shall be located at the maximum practical distance from the intersection.
3. Not more than 25 percent of parcel frontage may be devoted to driveways, except for parcels fronting cul-de-sacs, subject to City Engineer approval.
4. Driveways on the same parcel shall be at least 24 feet apart.
5. Driveways shall be adjacent to a property line, but in no case may driveways on adjoining properties be closer than three feet, except where recorded mutual easements provide for a common driveway along the property line. Common driveways shall be subject to all other requirements and specifications.
6. No driveway shall be located less than three feet from the center of a fire hydrant, utility pole, or streetlight standard.
7. No driveway shall be located less than five feet from the center of a traffic signal standard.
8. No driveway may be constructed across any curbing or sidewalk or connected with any uncurbed roadway without first securing a discretionary permit from the City. All driveway construction must conform to City standards and specifications and shall be subject to City inspection.
9. One-way driveways for residences serving not more than three garages or parking spaces shall be at least a minimum width of 10 feet (8-foot pavement with 1-foot clearance on each side). For one- and two-family residences, driveways shall not exceed 20 feet nor exceed two in number for each property. Approaches to one-lane driveways may be 20 feet wide.
10. One-way driveways providing access to more than three residential parking spaces or garage spaces shall be at least a minimum width of 12 feet (10-foot pavement with one-foot clearance on each side).
11. Two-way driveways providing access to less than 25 residential parking spaces or garage spaces shall be at least a minimum width of 14 feet (12 feet of pavement with one-foot clearance on each side). Widths of driveways shall be measured along lowered curb section and shall not exceed 30 feet.
12. Two-way driveways providing access to 25 or more residential parking spaces or garage spaces shall be at least a minimum width of 26 feet (24-foot pavement with one-foot clearance on each side). Widths of driveways shall be measured along lowered curb section and shall not exceed 30 feet.
13. One-way driveways providing access to all properties other than stand-alone residential shall be a minimum width of at least 14 feet (12 feet of pavement with one-foot clearance on each side).
14. Two-way driveways providing access to all properties other than stand-alone residential shall be a minimum width of at least 22 feet (20 feet of pavement with one-foot clearance on each side).

D. Single- and Two-Family Dwellings. Off-street parking and driveways for single-family attached and attached dwellings, and two-family attached dwellings shall meet the following requirements:

1. All vehicles, including motor vehicles, trailers, or vessels which are inoperable or incapable of movement under their own power and/or without current registration, shall be stored entirely

within an enclosed structure and shall not be parked or stored in any required front yard within a residential zone.

2. Each parking space shall be at least 8.5 feet wide by 18 feet deep.
3. The minimum driveway width shall be 10 feet.
4. Minimum driveway length between parking and any public right-of-way line, not including alleys, shall be a minimum of 20 feet.
5. Parking shall be provided on the same lot as the dwelling.
6. Parking shall not be located within the required setbacks, except for Approved accessory structures may be allowed in setbacks where authorized by Section 18.60.030 (Accessory Structures and Uses).
7. The required parking shall not be located within the required yard area, except the required parking may be provided in the rear yard only when an alley is available for access.
8. All vehicles are required to be parked on a continuously paved surface. Driveways and driveway approaches shall be paved.

E. Parking Structure Standards. The following standards apply to structured parking facilities (i.e., parking garages). They are intended to limit parking structure impacts on the pedestrian environment and reduce opportunities for crime in parking structures.

1. **Sidewalks.** Parking structures shall not occupy more than 50 percent of the length of a building's street-level frontage adjacent to a sidewalk.
2. **Parking Structure Openings.** These standards apply to parking structures for five or more vehicles. Parking structure openings, including vehicular access openings, shall not exceed 50 percent of the total ground-floor facade adjacent to a public street or sidewalk. Parking structure openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate decorative grilles, architectural elements, planters, and/or artwork that screen-views of vehicles in the parking structure while still allowing limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20 percent transparent but not more than 80 percent transparent. Vehicular access openings shall be exempt from this standard.
3. **Minimum Landscaped Area Required.** A parking structure located in a commercial or industrial zoning district (including mixed-use) adjacent to a public right-of way shall have a minimum 5-foot-wide landscaped area between the structure and the sidewalk, except where the parking structure contains ground-floor commercial uses.

F. Carpool/Vanpool Vehicles Parking. Where included, carpool/vanpool spaces shall comply with the following provisions:

1. Parking spaces designated for carpool/vanpool use should be those closest to the structure entrance or elevator, but not closer than the spaces for disabled parking and those designed or intended for exclusive customer use.
2. Carpool/vanpool spaces shall be clearly marked with signs or painted markings within the spaces, indicating that the spaces are reserved for carpool/vanpool use.

G. Electric Vehicle Charging Stations. Electric vehicle pre-wiring shall be provided for residential and nonresidential land uses according to the requirements of Chapter 15.38 of the City Code (Green Building Standards Code).

H. Motorcycle Parking. Where included, motorcycle parking facilities shall be in a convenient, highly visible, and well lighted area to minimize theft and vandalism, generally within 50 feet of a building

entrance, adjacent to handicapped parking and within view of pedestrian traffic. Motorcycle parking spaces may be in areas that are otherwise unusable for automobile parking (such as in corners, at aisle ends, and near pillars). Motorcycle parking spaces shall be a minimum of three feet wide by eight feet long and shall provide an adequate maneuvering area to permit easy access to the space. See Table 3-7 (Motorcycle Parking Requirements) and Figure 3-13 (Motorcycle Parking Configuration).

Figure 3-13
Motorcycle Parking Configuration

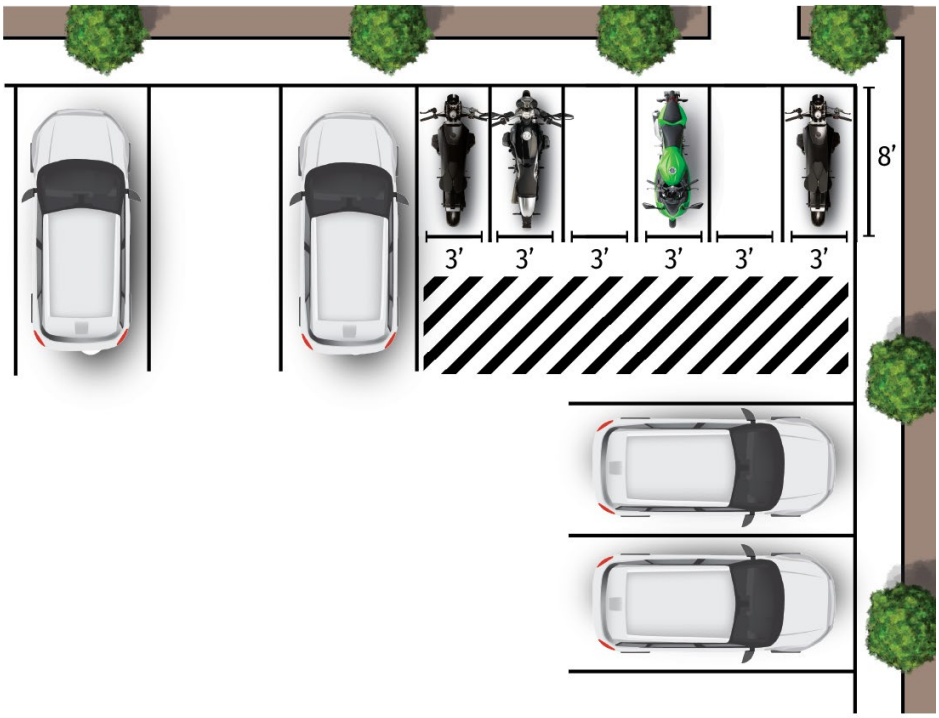


Table 3-7
Motorcycle Parking Requirements

Use	Number of Off-Street Vehicle Spaces Provided	Minimum Number of Motorcycle Parking Spaces Required
Commercial and Mixed-Use	1-25 spaces	None Required.
	26-50 spaces	1 space
	50-100 spaces	2 spaces
	Greater than 100 spaces	2 spaces, plus 1 space for each 100 vehicle spaces
Residential	1-6	None Required.
	Greater than 6 spaces	½ space for every 6 vehicle spaces for more than two dwelling units.

I. Lighting. See outdoor lighting standards in Section 18.40.080 (Outdoor Lighting).

J. Signs. Directional signs are permitted in parking areas in accordance with the sign regulation in Chapter 18.42 (Sign Standards).

K. Setbacks. Parking areas, including spaces, aisles, and turnaround and maneuvering areas, shall not occupy required setbacks. Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting parcels.

L. Pedestrian Walkways. Pedestrian walkways shall be designed to provide pedestrians safe passage throughout parking lots. Pedestrian walkways must comply with the following provisions: A continuous walkway must connect the primary entrances of the structure(s) on the site to the parking lots.

1. There must be a walkway along at least one side of drive aisles leading to primary entrances.
1. Where parking lots are located between a public right-of-way and a primary entrance into a site's primary use structure, a continuous walkway shall be provided through the parking lot that connects the public right-of-way and the primary entrance.

18.38.070 – Off-Street Loading

A. Purpose. The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas for mixed-use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of traffic flow by freight-carrying vehicles and to minimize impacts to vehicular and pedestrian conflicts.

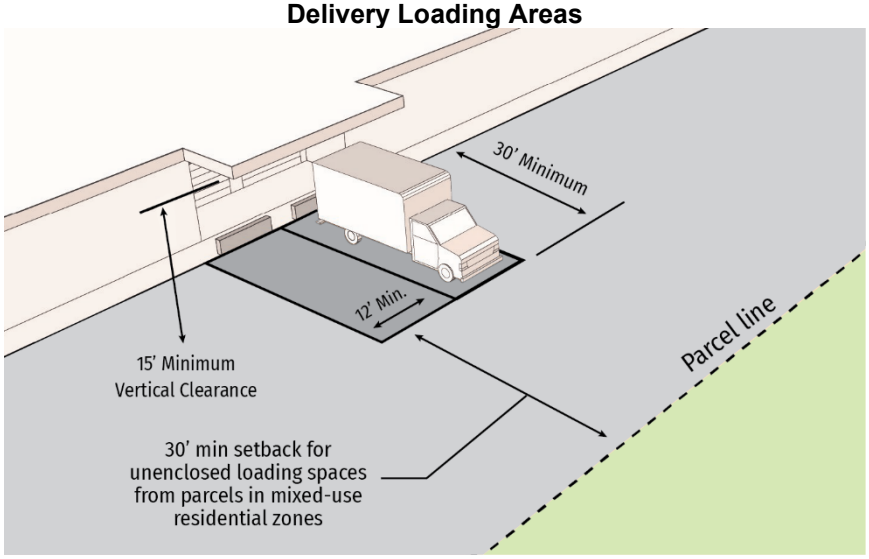
B. Applicability. Off street loading areas are required for all commercial and industrial land uses equal to or greater than 20,000 square feet in size. Compliance with the standards shall be determined in conjunction with discretionary permits or approvals (e.g., Architectural Review). At a minimum, Zoning Clearance is required to determine compliance with the standards of this Section.

C. Required Loading Spaces for Delivery and Distribution—Warehouse and Distribution Primary Uses. A structure, or part thereof, having a floor area of 20,000 square feet or more that is to be occupied by any use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide at least one off-street delivery loading space, plus one additional such delivery loading space for each additional 40,000 square feet of floor area in excess of 20,000 square feet. The delivery loading space(s) must be maintained during the existence of the building or use it is required to serve. Truck-maneuvering areas must not encroach into required parking areas, travel ways, or street rights-of-way (see Figure 3-14 (Delivery Loading Areas)).

D. Required Spaces for Delivery and Distribution – Other Non-Residential Uses. A structure, or part thereof, having a floor area of 20,000 square feet or more that is to be occupied by a manufacturing facility, retail store, hotel, hospital, laundry, wholesale store, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide at least one off-street delivery loading space, plus one additional such delivery loading space for each additional 100,000 square feet of floor area in excess of 100,000 square feet. In multi-tenant buildings, a common loading area may be required. Drive-in roll-up doors may be substituted for loading areas. The delivery loading space(s) must be maintained during the existence of the building or use it is required to serve. Truck-maneuvering areas must not encroach into required parking areas, travel ways, or street rights-of-way (see Figure 3-14 (Delivery Loading Areas)).

E. Location and Dimensions. The minimum size for each delivery loading space required by this Section must be not less than 12 feet wide, 30 feet long, and 15 feet high, exclusive of driveways for ingress and egress and maneuvering areas. See Figure 3-14 (Delivery Loading Areas).

Figure 3-14
Delivery Loading Areas



F. Access. Each off-street delivery loading space required by this Section shall be provided with driveways for ingress and egress and maneuvering space adequate for trucks. All loading spaces shall be designed to ensure ingress and egress in a forward manner.

G. Screening. See Section 18.34.040.H for screening requirements of loading docks.

H. Location of Loading Areas.

1. The off-street loading areas (both delivery and customer), regardless of the development type, shall be on the same parcel as the structure they are intended to serve.
1. No loading space shall be located so that a vehicle using the loading space projects into any public street.
2. The off-street loading areas shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
3. An off-street delivery loading space (excluding loading spaces for customers) required by this Section shall not be located closer than 30 feet to any parcel in a residential zone, unless the

off-street loading space is wholly enclosed within a structure or on all sides by a wall not less than eight feet in height.

4. In industrial zones, a maximum of two loading spaces shall be permitted on the street side of any structure located within 60 feet from the street right-of-way. There is no restriction on the number of loading spaces located more than 65 feet from the street right-of-way.
5. No loading space may be located in a required yard setback.

I. Modifications. In approving a project, the Review Authority may modify the number and size of loading spaces required because of the nature of the use or the design of the project.

18.38.080 – Maintenance

The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained. A parking, loading, or bicycle parking area provided for the purpose of complying with the requirements of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities are approved by the Review Authority in compliance with this Chapter.

18.38.090 – Valet Parking

A. Valet Parking. Valet parking is permitted subject to the issuance of a Minor Use Permit, issued by the Director.

1. The proposed valet parking use must, at a minimum, maintain the number of parking spaces that exist on the site.

B. Temporary Valet Parking. In a circumstance involving a non-reoccurring special event or special needs of an applicant to commence operations prior to the time a Minor Use Permit application can be processed for valet parking service, a Temporary Use Permit for a period of operation not exceeding seven calendar days may be issued by the Director in compliance with Chapter 18.122, accompanied by the applicable fees, and the certificate of insurance. Any other requirement of this Section may be waived by the Director, if the Director determines that it would be impractical for the applicant to comply with the requirement and that compliance with the requirement is not necessary in order to protect the interest of the City or the public peace, health, or safety.

18.38.100 – Recreational Vehicle Parking in Residential Zones

A. Purpose. It is the intent of this Section to establish regulations that apply to the storage and/or parking of trailers, boats, and other recreational vehicles in the City. As applied to this Section, “storage” and “parking” shall be used interchangeably.

B. Residential Zones.

1. In residential zones, recreational vehicles, boats and trailers may be stored only on property on which the vehicle’s owner resides. Storage is permitted outside a structure on a continuously paved, graveled, or approved alternative material driveway, provided all of the following conditions exist:
   a. The vehicle is stored perpendicularly to the front curb;
   b. No part of the vehicle extends over the public sidewalk or public thoroughfare (right-of-way);

c. No more than one recreational vehicle, boat or trailer is stored in the front setback of each residential unit;

d. The vehicle is stored at least three feet from side and rear property lines; and

e. The vehicle does not block access to or occupy any required parking spaces.

2. In residential zones, stored recreational vehicles, boats and trailers shall not be:

a. Used for dwelling purposes, except for temporary residential use during the construction of a permanent dwelling with the approval of a Temporary Use Permit (Chapter 18.122).

b. Permanently connected to sewer lines, water lines, or electricity. Temporary electrical connections for charging batteries and the use of electricity or propane fuel are permitted only when necessary to prepare a recreational vehicle for immediate use and are allowed for a maximum of 72 hours.

c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

C. Non-Residential Zones. An operable recreational vehicle, boat or trailer may be stored in all non-residential zones (excludes mixed-use), where the vehicle belongs to the property owner or the property owner provides written permission allowing the storage. Storage allowed under this Subsection shall be limited to a maximum of three vehicles at any one time. Storage of more than three recreational vehicles, boats, and/or trailers shall be considered a commercial use and shall follow applicable Zoning Code requirements regulating that use. The following rules shall apply to recreational vehicle, boat, and trailer storage in non-residential zones:

1. Storage is permitted inside any enclosed structure that conforms to the requirements of the particular zone in which the structure is located.

2. Storage is permitted outside in a side or rear setback, provided it is not nearer than two feet to the parcel line.

3. Stored recreational vehicles, boats, and trailers shall not be:

a. Used for dwelling purposes.

b. Permanently connected to sewer lines, water lines, or electricity. Temporary electrical connections for charging batteries and the use of electricity or propane fuel are permitted only when necessary to prepare a recreational vehicle for immediate use.

c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

4. The vehicle may not block access to or occupy any required parking spaces.

18.38.110 – Off-Site Designated Parking: Alternate Parking Location

A. Permit Approval. Approval of a Minor Use Permit in compliance with Chapter 18.124 (Conditional Use Permits and Minor Use Permits) shall be required for a parking facility or any portion of required parking that is not located on the same site as the use it is intended to serve.

A. Applicability. Off-site parking in residential zones (excluding mixed-use and Downtown) is prohibited.

B. Enforcement. No person shall solicit off-street parking without having first obtained an off-site parking permit.

C. Application. All property owners, except the City, Housing Authority and Stadium Authority, who seek to provide parking on their parcel or site for a project or use elsewhere, shall submit an application including the following:

1. Aerial photo(s) illustrating the boundaries of the parcel or site generating the parking demand and the parcel or site providing the off-street parking. Aerial photo(s) shall clearly indicate the distance between the project site and the off-site parking locations. A pedestrian path of travel between the parcels or sites shall also be illustrated on the aerial photo(s).
2. A site plan for the site or parcel where the off-site parking will be provided. The site plan shall clearly illustrate all parking spaces, the dimensions of parking spaces, a parking space count, any parking spaces reserved for on-site use(s), driveways, curb cuts, drive aisles, landscaping, signage and light standards.
3. A written description of the off-site parking, which shall include, but not be limited to:
    a. Days/hours of availability for off-site parking;
    b. The term of the off-site parking availability (e.g., annual, until sale of property, etc.);
    c. Responsible party for off-site parking management;
    d. A written statement acknowledging that designated off-site parking spaces are exclusively for the benefit of off-site uses, and are not available for concurrent use to meet on-site parking demand;
    e. Description/count of stalls available under the off-site parking permit; and
    f. Existing uses on the parcels or sites providing the off-site parking, and the associated parking requirement.
4. Application submittal fees as indicated in the City's adopted planning application fee schedule for Zoning Administrator actions.

D. Findings. In order to approve a Minor Use Permit for an off-site parking facility, the Review Authority shall make all of the following findings in addition to those required for the approval of a Minor Use Permit:

1. The parking facility is located within 1,000 feet of the parcel line of the subject property where the use it is intended to serve;
2. On-street parking is not being counted towards meeting parking requirements;
3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area;
4. The parking facility will be permanently available and maintained for the use it is intended to serve; and
5. Those sites providing parking for events at sports or entertainment venues located north of State Highway 101 are in compliance with the requirements of any City-adopted parking program for this area.

E. Parking Agreement. A parking agreement, which guarantees the long-term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Recorder. The agreement shall be in a form approved by the City Attorney and the Director.

F. Off-Site Parking Permit Requirements. Off-site parking permits shall be managed by the owner of the property providing the off-site parking. The property owner responsible for the off-site parking permit shall ensure compliance with the following requirements (Conditions of Approval):

1. **Adopted Parking Program.** Off-site parking permits for sites providing parking for events at sports and entertainment venues located north of State Highway 101 shall comply with all requirements of any City Council-adopted parking program for this area, including payment of any fees necessary to mitigate the costs affiliated with the parking program.
2. **Waste and Recycling Receptacles.** Waste and recycling receptacles shall be provided for use by individuals utilizing the off-site parking lot. Any waste or recyclables blown or thrown into the public right-of-way or onto adjacent properties by individuals utilizing the off-site parking lot shall be picked up in a timely manner.
3. **Lighting.** Adequate lighting facilities shall be provided and maintained on the off-site parking lot, consistent with the site plan approved with the off-site parking permit application. Any such lighting shall be directed and maintained so as not to interfere with persons using any public street or improvement, or unnecessarily with the use and enjoyment of any adjacent property.
4. **Signage.** The off-site parking lot shall not be used for advertising, unless otherwise permitted in an adopted parking program. A sign or signs may be installed to indicate the name of the business, activity or event that the parking lot serves. Necessary traffic-control and disclaimer signs are also permitted and not included in the maximum permissible sign area. All signs shall be shown on the site plan. The area of all signs shall be calculated in accordance with this title. The maximum permissible signage shall be one sign per each entrance to the parking lot, with the maximum size of each sign not exceeding twelve (12) square feet, excluding the temporary and permanent signage otherwise allowed for the primary use on the property and any temporary signage permitted as a component of an adopted parking program.
5. **Security.** For special event parking, security may be required for the duration of the event.
6. **Parking Lot Surfacing.** The area reserved for parking and all vehicular and pedestrian access ways shall be appropriately surfaced to the satisfaction of the Zoning Administrator.
7. **Landscaping.** Existing site landscaping and landscape features, such as water features and sculptures, shall be maintained consistent with the requirements of this title.
8. **Existing Nonconforming Conditions.** For purposes of this Section, physical conditions on the site that are legally nonconforming with respect to current standards of the applicable zoning district shall not be required to be rectified as a condition of permit approval.

G. Loss of Off-Site Parking.

1. **Notification to City.** The owner or operator of a business that uses an approved off-site parking facility to satisfy the parking requirements shall immediately notify the Director of any change of ownership or use of the property where the spaces are located, or changes in the use that the spaces are intended to serve, or of any termination or default of the agreement between the parties.
2. **Effect of Termination of Agreement**. Upon notification that the agreement for the required off-site parking has terminated, the Director shall establish a reasonable time in which one of the following shall occur:
    a. Substitute parking is provided that is acceptable to the Director; or
    b. The size or capacity of the use is reduced in proportion to the parking spaces lost.

Chapter 18.40 - Performance Standards

Sections

18.40.010 – Purpose and Applicability
18.40.020 – Compliance
18.40.030 – Air Emissions
18.40.040 – Dust
18.40.050 – Hazardous Materials
18.40.060 – Noise and Vibration
18.40.070 – Odor
18.40.080 – Outdoor Lighting
18.40.090 – Heat, Electrical Disturbance, and Glare
18.40.100 – Wastewater

18.40.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter is to ensure compatibility between land uses by specifying standards and provisions, whether generic or qualitative, for dust, heat, electrical disturbances, fumes, vapors, odor, noise, lighting, glare, vibration, and other performance-based considerations.

B. Applicability. The following provisions, standards, and specifications apply to all properties, structures, uses, and activities in all zones, unless an exception is specifically noted.

18.40.020 – Compliance

The Director may require evidence of ability to comply with any of the following performance standards as deemed necessary prior to approval of a plot plan or issuance of a Zoning Clearance.

18.40.030 – Air Emissions

Any air emissions shall comply with the Bay Area Air Quality Management District (BAAQMD) standards.

18.40.040 – Dust

No urban land use shall create dust which leaves the boundaries of the project site.

18.40.050 – Hazardous Materials

A. Hazardous Materials. Hazardous materials shall include all substances on the comprehensive master list of hazardous materials compiled and maintained by the California Department of Health Services.

B. Storing, Handling, and Transportation. The use, handling, storage and transportation of hazardous materials shall comply with all applicable requirements of state law, as may be amended, including but not limited to Government Code Section 65850.2, California Code of Regulations, Title 23, Chapter 15, Articles One through Four, Health and Safety Code Section 25505, and Part V of the California Fire Code.

18.40.060 – Noise and Vibration

Noise and vibration disturbances from fixed sources and/or from off-street operations on construction sites shall comply with the standards and provisions in SCCC Chapter 9.10 (Regulations of Noise and Vibration). Existing uses rezoned to new districts are subject to the legal non-conforming provisions of this Code.

18.40.070 – Odor

No use shall emit any offensive odor off-site based on typical human reaction except normal odor associated with certain land uses. Bay Area Air Quality Management District (BAAQMD) shall determine whether or not the off-site odor is offensive or causes a nuisance.

18.40.080 – Outdoor Lighting

A. Purpose. The purpose of this Section is to regulate outdoor lighting to balance the safety and security needs for lighting with the City's desire to preserve dark skies and to ensure that light trespass and glare have a negligible impact on surrounding property (especially residential) and roadways.

B. Applicability. The requirements of this Section apply to all new development. Whenever a person is required to obtain a Building Permit, Electrical Permit, and/or approval of a discretionary permit, the applicant shall submit sufficient information for the Review Authority to determine whether the proposed lighting will comply with the requirements of this Section.

C. Exempt Lighting. The following shall be exempt from the requirements of this Section:

1. Temporary lights used for holiday decorations.
2. Emergency lighting erected for official purposes by local, State, or Federal agencies.
3. Lighting for temporary uses and special events permitted consistent with this Zoning Code.

D. Prohibited Lighting. The following types of lighting are prohibited:

1. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the City.
2. Lighting fixtures operated in a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
3. Roof-mounted lighting except for security purposes.
4. Moving, flashing, or animated lighting.

E. General Lighting Requirements.

1. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site. See Figure 3-16 (Shielding and Maximum Height of Freestanding Outdoor Light Fixtures).
2. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
    a. Lighting fixtures shall be weather and vandal resistant.
    b. Burnt-out and broken light bulbs shall be replaced immediately.

c. Lighting fixtures shall remain free of graffiti and rust.

d. Painted light fixtures shall be maintained to minimize chipping or peeling.

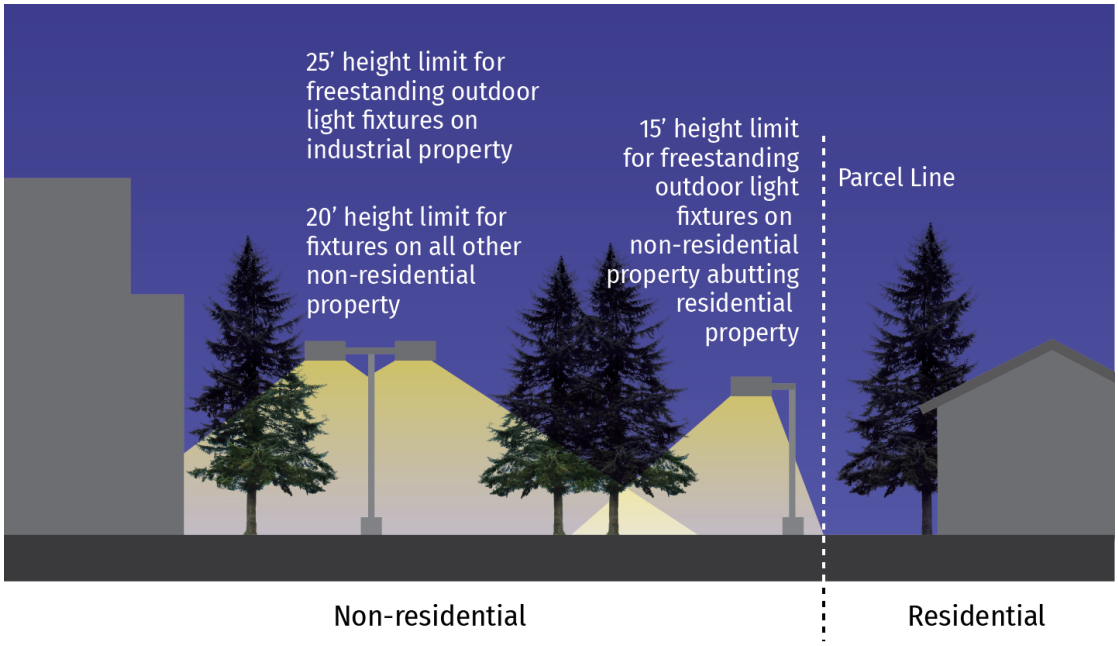
3. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties.

4. **Signs.** Lighting of signs shall be in compliance with Chapter 18.42 (Signs).

5. **Sports Fields/Outdoor Activity Areas.** Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and that light levels at the adjacent parcel are less than 0.1 foot-candle. Additionally, the lights shall be turned off within one hour after the end of the event.

6. **Maximum Height of Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures on nonresidential property abutting residential development shall be 15 feet. The height limit for light fixtures in industrial zoning districts is 25 feet. In all other nonresidential development types, the maximum height for freestanding outdoor light structures shall be 20 feet. Height shall be measured from the finish grade to the bottom of the lens of the fixture. See Figure 3-15 (Shielding and Maximum Height of Freestanding Outdoor Light Fixtures).

Figure 3-15
Shielding and Maximum Height of Freestanding Outdoor Light Fixtures



*Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties

7. **Energy-Efficient Fixtures Required.** Outdoor lighting shall use dimmable white lighting and comply with all applicable requirements of the California Electrical Code. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

8. **Accent Lighting.** Architectural features may be illuminated by up-lighting, provided that the lamps are low-intensity and no glare or light trespass is produced.

9. **Alternative Designs, Materials, and Installations.** The Review Authority may grant approval of alternatives to this Section as part of the Site Plan and Design Review process (Chapter 18.120).

18.40.090 – Heat, Electrical Disturbance, and Glare

No use shall create any heat, electrical disturbances, or glare based on typical human reaction beyond the boundaries of the subject parcel. No use shall cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the parcel on which they are located.

18.40.100 – Wastewater

A. Discharge Limitations. No person or use shall discharge fluids of any kind into a public or private sewage system, water course, body of water, or the ground, except in full compliance with applicable regulations of the California Regional Water Quality Control Board (California Code of Regulations, Title 23, Chapter Three and California Water Code, Division Seven).

B. Compliance. Discharge into the City's sewer system shall comply with the City's discharge requirements.

Chapter 18.42 - Sign Standards

Sections:

18.42.010 – Purpose and Applicability
18.42.020 – Effect of Chapter
18.42.030 – Definitions
18.42.040 – Sign Permit Required
18.42.050 – Comprehensive Sign Program
18.42.060 – Application and Review of Sign Permits
18.42.070 – Exempt Signs
18.42.080 – Prohibited Signs
18.42.090 – Billboards
18.42.100 – Temporary Signs
18.42.110 – Standards for Signs Requiring a Sign Permit
18.42.120 – Standards for Specific Sign Types
18.42.130 – Iconic Signs
18.42.140 – Electronic Digital Display Message Signs
18.42.150 – Signs in Residential Zones
18.42.160 – Signs in Commercial and Mixed-Use Zones
18.42.170 – Signs in Office and Industrial Zones
18.42.180 – Sign Construction and Maintenance
18.42.190 – Removal of Unlawful, Unsafe, and Unauthorized Signs
18.42.200 – Nonconforming Signs
18.42.210 – Revocation of Sign Permits

18.42.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter is to establish sign regulations that are consistent with the goals, objectives, and policies of the General Plan, maintain the City's visual and aesthetic quality, provide adequate identification for uses and activities and improve wayfinding. The City recognizes that signs are an essential element of a community's visual appearance and provide a means to identify places and promote commerce, provide useful information to the public, and should not become visual distractions along public roadways. These regulations are intended to protect the public health, safety, and welfare. In addition, these regulations are intended to:

1. Encourage consolidation of signs to reduce visual clutter.
2. Promote signs that are attractive, pleasing, and harmonized with the physical character of the structure and environment of surrounding properties.
3. Promote economically stable and visually attractive places in the City.
4. Prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message.
5. Encourage excellence of design.
6. Improve traffic safety and the smooth and efficient flow of pedestrians, bicyclists, and vehicles to their destinations.
7. Direct persons to various activities and enterprises, to provide maximum public convenience.

B. Applicability. It is unlawful to post, erect, re-erect, construct, enlarge, alter, repair, move, improve, remove, convert, or equip any sign or sign structure, or paint a new sign, in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Properties located within an area governed by a specific plan are subject to regulations in this Chapter. The provisions of this Chapter shall apply only to the extent the specific or master plan does not regulate a particular sign or provide a standard or regulation and is not in conflict with the provisions of the plan.

C. Maximum Allowed Sign Area. All signs allowed by this Chapter shall be countable toward the maximum allowed sign area unless stated otherwise in this Chapter.

18.42.020 – Effect of Chapter

A. Content Neutrality. It is the City's policy and intent to regulate both commercial and noncommercial signs from a viewpoint-neutral and content-neutral manner. The message of the sign shall not be read or evaluated, except to determine the type and category of the sign.

B. Message Substitution. Signs authorized by this Chapter are allowed to display noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any specific noncommercial message over any other noncommercial message.

18.42.030 – Definitions

A-Frame Sign. A freestanding sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." These signs are usually designed to be portable.

Animated Sign. A sign with motion, flashing lights or color or intensity changes requiring electrical energy or electronic or manufactured sources of supply. Animated sign does not include a sign which tells only time and temperature in alternating sequence.

Awning, Canopy, Marquee sign. A nonelectric sign that is printed on, painted on, or attached to an awning, canopy or marquee and is only permitted on the vertical surface or flap (see Figure 3-17).

Billboard. An off-site freestanding sign.

Building Frontage. The side of the building facing and measured parallel to the street for a single tenant. On a corner parcel, either side may be considered for the structure frontage. For a multi-tenant building, building frontage is the frontage facing the interior parking lot.

Cabinet Sign. Also referred to as wall sign or box sign, are internally illuminated signs, typically mounted to a storefront wall with interchange panel that include sign text.

Comprehensive Sign Program. A program that is required for all new commercial, mixed-use, office, and industrial developments with five or more signs and optional for all new commercial, mixed-use, office, and industrial developments with less than five signs.

Directory Sign. A sign for listing the tenants or occupants of a structure or center. This sign may be combined with the logo sign (see Figure 3-20).

Directional Sign. A sign indicating where customers or clients need to be directed by means of arrows (see Figure 3-19).

Eaveline. The lowest level of a roof, eave or parapet.

Freeway- and Expressway-Oriented Signs. A freestanding sign that is only allowed along designated freeway and expressway roadways (i.e., Highway 101, 237, Interstate 280, El Camino) by the City and is oriented for high-speed vehicle traffic.

Foot-candle. A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Fin, Feather or Sail Sign. A freestanding vertical banner which moves by the wind.

Freestanding Drive-Thru Menu Board. A freestanding sign which is located in the adjacent to the drive aisle for a drive-thru establishment. Typically, these signs include a menu of options and prices (see Figure 3-26).

Freestanding Sign. A sign which is supported by one or more uprights, braces, poles, or other similar structural components that are not attached to a structure (see Figure 3-21).

Graphics. Decorative portion of a sign not containing a commercial message, trademark or logo-type brand name.

Iconic Sign. A sign that is considered historically significant to the City, determined by established criteria and standards (see 18.42.130).

Logo Sign. A trademark or symbol of any business or organization. This sign may be combined with the directory sign.

Luminous Tube Sign. A sign that consists of or is illuminated by exposed electrically charged gas-filled tubing (e.g., neon and argon signs), or by fiber optics, or LEDs (see Figure 3-23).

Menu Board. Menus displayed on the exterior premises of a restaurant (see Figure 3-25).

Monument Sign. A monument sign is a type of Freestanding Sign that has a solid base that extends from ground level, without the use of exposed poles or pylons (see Figure 3-21).

Nameplate. A sign indicating the name and/or address of a structure or occupant.

Nonconforming Sign. A sign that was originally lawfully erected and maintained, but which does not conform to the current standards of this Chapter or is now prohibited.

Obsolete Sign. Sign with no relevant identification or message for a discontinued use, activity or need as displayed on the sign.

Off-Site Sign. A sign which advertises a business, product, service or entertainment primarily conducted, sold or offered other than upon the parcel where the sign is located.

On-Site Sign. A sign which advertises a business, product, service or entertainment primarily conducted, sold, or offered on the premises where the sign is located. Also, cited as on-site sign.

Painted Wall Sign. A sign that is applied with paint or similar substance on the surface of a wall or fence (see Figure 3-24).

Parapet. The extension of a false front or wall above a roofline.

Portable Sign. A sign that is not permanently affixed to a structure or the ground.

Projecting Sign. A sign that projects from and is supported by a wall of a structure (see Figure 3-28).

Real Estate Sign. A sign advertising real property for sale, exchange, lease, or rent.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partially supported by such buildings.

Service Station Gas Price Sign. A sign containing prices and grades of fuel for sale at a service station (see Figure 3-27).

Sign. A structure or visual device or representation designed and used for the purpose of communicating a message or identifying or attracting attention to a parcel, product, service, person, cause or event.

Sign Area. An area designated by a maximum of eight straight connected lines which enclose all words, letters, figures, symbols, designs, and pictures, together with all framing, background material, colored or illuminated areas and attention attracting devices forming an integral part of an individual message (see Figure 3-16).

Sign Height. Sign height is measured by the vertical distance from the top of nearest street curb.

Subdivision Entry Sign. A monument sign identifying a subdivision and located at the entrance of a subdivision (see Figure 3-18).

Temporary Sign. A sign intended to be displayed for a limited period only, including, but not limited to, any sign, display board, handbill, poster, banner, pennant, streamer, whirligig, valance or advertising display constructed of plastic, paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials (with or without structural frame).

Vehicle Sign. A sign which is attached to or painted on a stationary vehicle which is parked on or adjacent to a property with the principal purpose of attracting attention to a product sold, or activity or business located on the property.

Wall Sign. A sign attached (including painted signs) to a wall within the basic structure form. (see Figure 3-29).

Wind-Activated Signs. Signs that are move or are activated by wind. Wind-activated signs include pennants, spinners, banners, and unofficial flags or other similar specialty items

Window Sign. A sign that is applied or attached to a window located in such a manner that it can be seen from the exterior of the structure (see Figure 3-30).

18.42.040 – Sign Permit Required

A Sign Permit is required for all signs, except those specifically exempted in Section 18.42.070 (Exempt Signs), below. Signs that require a Sign Permit shall be subject to approval by the Director or Commission according to the standards specified in Section 18.42.100 (Standards for Signs Requiring a Sign Permit).

18.42.050 – Comprehensive Sign Program

A. Applicability. A Comprehensive Sign Program is required for all new commercial, mixed-use, office, and industrial developments with five or more signs and optional for all new commercial, mixed-use, office, and industrial developments with four or less tenants. If a Comprehensive Sign Program is required for a project, no Sign Permit shall be approved for any sign until the Comprehensive Sign Program has been approved by the Review Authority as conforming to the requirements of this Chapter.

B. Application contents. For any parcel on which five or more signs are proposed that require a Sign Permit the owner(s) shall submit a Comprehensive Sign Program containing all the following:

1. An accurate plot plan of the subject property, of a quality and at a scale as the Director may reasonably require;
2. Location of structures, parking lots, driveways, curb cuts, walkways, and landscaped areas on the subject parcel and names of adjacent streets and other applicable uses;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the parcel included in the proposed plan in compliance with this Section;
4. Drawing(s) depicting the lettering or graphic style, lighting associated with, materials, and sign proportions (scaled) of each proposed sign; and
5. An accurate indication on the plot plan of each present and proposed future sign of any type, as well as scaled elevations depicting the size, height, and location of each present and proposed future sign.

C. Limit on number of freestanding signs. The Comprehensive Sign Program for all parcels with multiple uses or multiple users shall limit the number of freestanding signs to a total of one for each street on which the parcels included in the plan have frontage and shall provide for shared or common usage of the freestanding signs.

D. Consent. The Comprehensive Sign Program shall be signed by all property owners or their authorized agents in a form required by the Director.

E. Procedure. If a Comprehensive Sign Program is to be included within a development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development, then a Conditional Use Permit shall be processed simultaneously with other plans or permit applications.

F. Amendment. A Comprehensive Sign Program may be amended by filing a new Comprehensive Sign Program application that conforms to all requirements in effect at the time.

G. Nonconforming existing signs. If a new or amended Comprehensive Sign Program application is filed for a parcel(s) on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or the requirements of this Chapter in effect on the date of submission.

H. Binding effect. After approval of a Comprehensive Sign Program, no sign shall be erected, placed, painted, or maintained, except in compliance with the program, and the program may be enforced the same way as any provision of this Chapter.

I. Required Findings. The Director shall approve a Comprehensive Sign Program if all the following findings can be made:

1. The sign program meets the standards and sign design criteria specified in this Chapter; and
2. The sign program is compatible with development on the subject property and developments in the immediate vicinity of the subject property and does not detract from the character or quality of surrounding properties.

J. Appeals. A decision by the Director may be appealed in compliance with the applicable provisions of Chapter 18.144 (Appeals).

18.42.060 – Application and Review of Sign Permits

A. Application Submittal. A Sign Permit application shall be submitted to the Department in compliance with all of the provisions of this Section.

B. Applications and Fees. All applications for Sign Permits shall be accompanied by drawings and diagrams of suitable scale and clarity to fully describe the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s). In proposing signs, applicants shall give explicit attention to designing and locating signs to ensure harmony with the existing or proposed architecture and landscape design of the property upon which the sign is to be situated. Fees for Sign Permits shall comply with the Planning Application Fee Schedule.

C. Expiration. If the work authorized under the properly approved Sign Permit has not been started within 60 days following the date of its issuance, the permit shall become null and void. If after 60 days from the date of the issuance of a Sign Permit any portion of a sign has been erected and the construction work is not completed, the Director may cause the removal of the partially completed sign.

18.42.070 – Exempt Signs

A. Exempt Signs. The following signs are allowed without a Sign Permit in any zone and shall not be included in the determination of type, number, or area or signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type as provided in this Section.

1. Signs required by Federal/State law;
2. Official signs posted by a governmental body, including, flags, banners, emblems, traffic or highway signs, railroad crossing signs, or similar regulatory or warning devices and legal notices;
3. Holiday displays and decorations, only when not creating a traffic hazard or located within any visual setback area in the sight distance triangle;
4. Commemorative plaques, tables, date of construction, and similar signs constructed of permanent material. Only one sign for each structure, not to exceed two square feet in area for each sign is allowed;
5. Signs located inside a structure, mall, or other similar structure, provided these signs are not conspicuously visible and readable from a public street or adjacent properties not under the same ownership;
6. Murals or other artistic paintings on walls, provided no names, information, logos, emblems or other similar information or illustrations of activities associated with uses on the premises or in the vicinity are included in the mural or painting;
7. **"No Trespassing" signs.** Each sign limited to one square foot in area. Signs may be placed at each corner and each entrance to a parcel and at intervals of not less than 50 feet or in compliance with legal requirements;
8. **Real estate signs.**
    a. "For Rent", "For Sale", and "For Lease" signs shall be posted on the subject parcel, including common driveways, that is being advertised by an authorized agent;
    b. Real estate signs shall not exceed six square feet for single-family residential and 32 square feet for multi-family or non-residential for each side of a double-sided sign;
    c. There shall be no more than one sign per street frontage; and
    d. Illuminated real estate signs are prohibited.

9. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags;
10. Copy changes in approved changeable copy signs;
11. Signs or notices incidental to a commercial, mixed-use, or industrial establishment (e.g., hours of operation, credit card information, emergency contact information, help wanted, open-close) provided the signs do not contain any commercial messages, the establishment logo, and in total do not exceed four square feet in area for all incidental signs;
12. Memorial tablets or signs and iconic markers; and
13. Window signs not exceeding 25 percent of a tenant's total window space. Notwithstanding the foregoing, window signs shall not include the outline of windows with neon/LED light borders.

B. Routine Maintenance. Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign. No Sign Permit shall be required unless structural changes are proposed to be made.

C. Building Permit may be required. Under certain circumstances, temporary signs and other exempt signs may require a Building or Electrical Permit, as required by the uniform codes adopted by the City.

18.42.080 – Prohibited Signs

Except as otherwise provided in this Chapter, the following signs, including any sign on public property or within the public right-of-way, except government signs, shall be prohibited throughout the City.

A. Animated Signs, including blinking and flashing lights and signs.

B. Banners, pennants, statuary, streamers, fin, feather, whirligigs, displays, signs placed on architectural projections and merchandise primarily designed and used for sign purposes located outside of structures.

C. Billboards, pursuant to Section 18.42.090.

D. Nonconforming sign structure(s) reconstructed beyond the scope and limitations of Section 18.42.200 (Nonconforming Signs) of this Chapter.

E. Red, green, blue or amber lights or illuminated signs that could interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

F. Portable signs (including sign(s) placed on operable other than stationary vehicle).

G. Signs emitting foreign material or sound.

H. Signs on a natural feature (i.e., rock, tree, mound, hill, or mountain).

I. Signs on roof, parapet, or wall above the eave line.

J. Tethered balloon(s) or other temporarily or continuously inflatable objects used to draw attention to a use or event.

K. Neon or LED lighting bordering the outline of windows.

18.42.090 – Billboards

A. Intent.

14. The City has had a policy since 1978 (Ordinance No. 1365) to limit the number of outdoor advertising signs (also commonly referred to as "billboards") in order to improve the quality of urban life for its citizens. It had been determined that billboards, by their very nature, constitute visual clutter and blight to the appearance of the City. It has also been determined that billboards impede traffic safety by unduly distracting motorists and pedestrians, creating traffic hazards, and reducing the effectiveness of signs needed to direct the public.

15. In 2016, the City Council approved a Master Community Plan and Comprehensive Sign Program for the CityPlace Santa Clara Project. In adopting the Master Community Plan, the Council made a finding that creating a specific, limited exception to the limitations on billboards for outdoor advertising facing inward into the "City Center" portion of the CityPlace Santa Clara Project, or facing toward Levi's Stadium on Tasman Drive, would facilitate the City's objective to create a pedestrian friendly "live, work, and play" environment that would function as a well-defined center of for the Santa Clara community. The City Council further found that creating this specific limited exception did not weaken the direct link between the City's objectives and its general prohibition of new billboards, and would not denigrate the City's interests in reducing visual clutter and blight to the appearance of the City, and in promoting traffic safety and reducing traffic hazards.

16. The City reasserts its policy that the obtrusive nature of billboards makes it imperative that the City control the number, size, and location of billboards. With the exception of the billboards authorized pursuant to the Master Community Plan for the CityPlace Santa Clara Project and the Comprehensive Signate Program for that project (the "CityPlace Billboards"), it is the continued position of the Council that billboards are not permitted within the jurisdictional boundaries of the City unless a particular billboard location has been approved. In the absence of a billboard location receiving affirmative approval from the Council, the application shall be denied.

17. It is the Council's intent to permit no more billboards within the City except for the specific, limited exception for the CityPlace Billboards. The Council intends to restrict the presence of other billboards in the City by limiting the number of billboards other than CityPlace Billboards to those physically in place or for which approvals have been granted as of the effective date of the ordinance codified in this chapter. Additionally, as billboards are physically removed or destroyed, it is the intent of the Council that the number of billboards will be permanently reduced by that number. As of December 19, 2023, there are 14 billboards physically in place that do not qualify as CityPlace Billboards. There are two signs which have been treated historically as directional signs, and there is one approval for a directional sign yet to be constructed. It is the intent of the Council to encompass all signs which conceivably could be construed as billboards within the definition of billboard other than the CityPlace Billboards. Consequently, the total of 17 billboards is the starting point and ceiling for billboards at the effective date of the ordinance codified in this chapter.

18. It is the express intent of the Council to permit no further billboards within the City, other than the CityPlace Billboards, and to reduce their number through attrition rather than pay compensation pursuant to the provisions of Article 7 (commencing with Section 5400) of Chapter 2 of Division III of the California Business and Professions Code, which provisions require compensation for billboards removed at governmental insistence.

B. General Provisions. All Billboards, other than the CityPlace Billboards, are subject to the following:

1. Existing billboards shall not be relocated on the property.

2. There shall be no moving, rotating, or revolving signs or panels.

3. Signs are to be painted, repaired, backed with lattice when single-faced, and panels aligned as appropriate, and maintained in good condition.
4. The signs and sites of signs are to be maintained in a clean condition, and landscaping is required where such is practical.
5. In no event shall the total of billboards in the entire City exceed 17.
6. There are currently 17 billboards in place or approved for construction. If and when a billboard, either nonconforming or with a permit, is physically destroyed or in a state of disrepair (50 percent or more of its reasonable construction value in either case), dismantled, removed, ceases to be used as a billboard for at least 120 consecutive calendar days, or is in any way terminated for any reason, the maximum number of billboards permitted to be in the City shall be reduced by that extent.

C. Outdoor advertising display relocation requirements.

1. The provisions in SCCC 18.42.090(A) and (B) and pursuant to Section 5412 of the California Business and Professions Code, the City may enter into agreements with advertising display owners to provide for the relocation of outdoor advertising displays.
2. The Council, following the review and recommendation from the Commission, may approve the relocation of advertising displays relocated pursuant to agreements made under this section.

18.42.100 – Temporary Signs

A. Sign Permit Required. A Sign Permit shall be required for all temporary commercial signs and is subject to Director review and approval.

B. Allowed Sign Area. Temporary sign areas are not counted under the maximum allowed sign area.

C. Temporary On-site Commercial Signs. The following signs may be allowed as on-site temporary commercial signs in all zones on a temporary basis, subject to subsection A:

1. **On-site Subdivision Signs.**
    a. Sign Permits for on-site subdivision signs may be issued at any time after recordation of the final subdivision map and shall be removed following the sale of the final home or parcel. All signs shall then be removed upon expiration of the Sign Permit, unless renewal of the permit for a period of not more than one additional 12-month period is approved by the Director; and
        (1) On-site subdivision signs shall be continuously maintained, not adversely affect the use and appearance of existing structures or landscaping and shall not create hazardous traffic conditions. On-site subdivision signs are subject to all the following standards: The construction of any sign shall be in strict compliance with the provisions of this Chapter and all other laws of the City.

(2) All signs shall be removed from the property prior to the sale of the final parcel.

(3) All signs shall be located on the subdivision site which they advertise.

(4) Signs shall not exceed 10 feet in height.

(5) No sign shall exceed 32 square feet in area.

(6) Identification signs are allowed provided no more than one sign for every five parcels with a maximum of four signs. Signs shall not exceed six square feet in area.

(7) If the on-site subdivision sign is within the sight distance triangle of any driveway or intersection, it shall not exceed two feet, six inches in height.

(8) Signs are allowed on parcels with a model home, provided they do not exceed four in number and six square feet each in area. Signs shall be removed immediately after the sale of the final parcel or home.

(9) Illuminated residential signs are prohibited.

2. Construction Project Signs.

a. A Sign Permit shall be required for any temporary construction project sign. The permit may be issued at any time on or after issuance of a Building Permit for the structure in question. The sign permit shall expire six months following the date on which the permit was issued or upon the completion of construction, whichever occurs sooner. The sign shall be removed on expiration of the permit unless, prior to expiration, the permit is renewed on approval of the Director. The permit renewal shall not be for a period greater than six months.

b. No more than one sign having an area not exceeding 16 square feet shall be permitted on the construction project site. Temporary construction signs are not allowed for residential subdivisions where temporary subdivision signs are erected.

3. Special Event Signs. Special events signs are limited to the approval of up to two permits per calendar year for each business or organization.

a. Holiday Special Event Signs. Holiday special event signs or banners directly related to the holiday or special event during the holiday period or special event are permitted for only 60 days from placement.

b. Grand Opening Banner. One temporary on-site grand opening banner for a period not to exceed two weeks after the opening day of the newly established business as established by the start date on the City Business Tax Certificate. The grand opening banner shall not exceed 32 square feet in area and no higher than first story.

D. Temporary Noncommercial signs. Temporary noncommercial signs are allowed subject to the following limitations:

4. Residential Zones and Uses. Up to four temporary noncommercial signs, each no larger than six (6) square feet in area, are permitted per dwelling unit. Notwithstanding the foregoing, no more than four such signs are permitted to be located in the front yard or street-facing side yard of any residential property, whether single-family, two-family, or multi-family. Temporary Non-Commercial Signs may be attached to freestanding sign structures no more than five feet in height, building walls, or fences. Temporary noncommercial signs must be removed or replaced within 60 days of placement.

5. **Non-Residential and Mixed-Use Zones and Uses**. Temporary Noncommercial Signs meeting the requirements of this Section are permitted in commercial, mixed-use, and other non-residential zones and uses. Temporary Noncommercial Signs must be removed or replaced within 60 days of placement, and each sign shall not exceed 32 square feet in sign area. For properties not subject to a Comprehensive Sign Program, the maximum number of Temporary Noncommercial Signs per property at one time shall be four.
6. Signs are prohibited within a street intersection, sight distance triangle, or at a location where the sign may interfere with, obstruct the view of, or be confused with an authorized traffic sign.
7. Signs shall not be nailed or affixed to trees, fences, or public utility polices and shall not be located in the public right-of-way, parkway, or on publicly owned land.
8. Signs shall be removed or replaced within sixty days following placement.

18.42.110 – Standards for Signs Requiring a Sign Permit

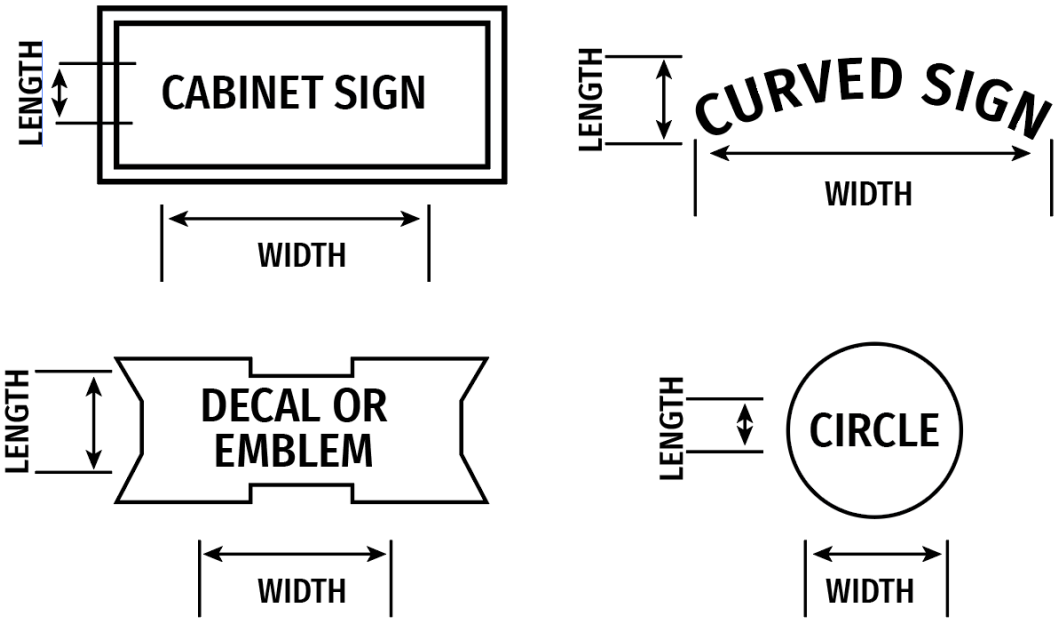
A. Signs. Signs are allowed and shall be maintained in the zones where the sign is allowed after having secured approval of the location, number, size, and design of the sign or advertising structure subject to the conditions in each zone.

B. Quality of materials and workmanship. All signs shall be constructed in a workmanship manner of durable materials intended to provide long life, ease of maintenance, high quality appearance, and clearly legible information for the sign user and public. The Review Authority shall retain the right to require that a licensed sign contractor(s) design, build, and/or erect the sign if the value, location, and/or visual impact of the sign warrants this requirement.

C. Sign Area Calculations.

1. **Allowable Sign Square Footage.** All signs are measured based on every linear foot of structure frontage to determine the maximum allowable sign square footage, unless noted otherwise in Section 18.42.110 (Standards for Specific Types of Signs).
2. **Sign Area Calculations.** Sign area calculation is based on every linear foot of structure frontage, to a specified amount of sign square footage. For example, if a structure has 100 feet of linear frontage, parallel to a public street or public right-of-way and one foot of sign area is allowed for every foot of linear frontage the maximum allowable sign square footage would be 100 square feet. The sign area calculations described above do not include sign area from secondary signage that is not visible from the right-of-way.
3. **Sign Area Calculation.** The sign surface area shall be calculated by measuring square footage based on the height and length of sign copy (sign text) on all sign faces. See Figure 3-16 (Sign Area Measurements).

Figure 3-16
Sign Area Measurement



D. Residential Zones. Table 3-8 (Signs Allowed in Residential Zones) provides regulations for permanent signs in residential zones (not including mixed-use zones), and legal nonconforming residential uses in nonresidential zones. In the case of inconsistency between regulations provided in the table and regulations provided for specific sign types, the regulations for specific sign types shall take precedence.

Table 3-8
Signs Allowed in Residential Zone

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Notes
Name Plate Single-Family Uses	Wall	1 per single-family use	4 sq ft	Below eave of roof or parapet	18.42.110(L)
Identification sign Multifamily uses	Wall or Freestanding	1 per multi-family use	24 sq ft	Wall signs shall be below the eave of the roof or parapet. Freestanding sign: 6 ft	18.42.110(E) 18.42.110(L) Cabinet signs and internally illuminated signs are prohibited
Residential Subdivision Entry Signs	Freestanding (monument)	2 per primary entrance	40 sq ft for both signs	6 ft	18.42.110(E) 18.42.110(L) Cabinet signs and internally illuminated signs are prohibited

E. Commercial, Mixed-Use, Office, and Industrial Zones. Table 3-9 (Signs Allowed in Commercial, Mixed-Use, Office, and Industrial Zones) provides regulations for permanent signs in commercial, mixed-use, and industrial zones. In the case of inconsistency between regulations provided in the table and regulations provided for specific sign types, the regulations for specific sign types shall take precedence.

F. Retail Signage. In addition to the standards listed in Subsection 18.42.110(E) and Table 3-9, retail uses are allowed a sign area with a maximum square footage of 2 square feet per each foot of linear frontage. Sign width is limited to 75 percent of business frontage width and 50 percent of structure wall/facia heights.

Table 3-9
Signs Allowed in Commercial, Mixed-Use, Office, and Industrial Zones

Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Notes
Freestanding Signs				
Sites with up to 150 lineal ft of structure frontage	1 per primary structure frontage	1 square foot for each linear foot of primary structure frontage	Freestanding Signs- 12 ft	18.42.110(E) 18.42.110(L) May be used in combination with allowed structure signs.
Sites with over 150 lineal ft of structure frontage	1 per primary structure frontage	1 square foot for each linear foot of primary structure frontage	Freestanding Signs- 12 ft	18.42.110(E) 18.42.110(L) May be used in combination with allowed structure signs.
	1 per secondary structure frontage	Max 50 percent of area of primary sign		
Structure Signs				
Canopy	Two per canopy if both are not visible at the same time.	N/A	Minimum of one foot below the top of the parapet; the sill of a second-floor window; or the lowest point of any cornice or roof overhang, whichever is applicable.	18.42.110(A) 18.42.110(E) May be used in combination with allowed structure signs.
Primary Frontage				
Awning/Canopy	One sign per awning	N/A	Minimum of one foot below the top of the parapet; the sill of a second-floor window; or the lowest point of any cornice or roof overhang, whichever is applicable.	18.42.110(A) 18.42.110(E) May be used in combination with allowed structure signs.
	Two per canopy if both are not visible at the same time.			
Projecting Signs	One projecting sign per establishment	8 sq ft	N/A	18.42.110(E) 18.42.110(K) May be used in combination with allowed structure signs.

Table 3-9
Signs Allowed in Commercial, Mixed-Use, Office, and Industrial Zones

Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Notes
Painted or Wall Signs	One wall sign per primary frontage	32 sq ft; or one square foot per lineal foot of structure frontage, whichever is greater, up to a maximum sign area of 150 sq ft	N/A	18.42.110(E) 18.42.110(H) and (L) May be used in combination with allowed structure signs. Total area of all primary and accessory wall signs not to exceed 150 sq ft
	One accessory wall sign per establishment for a structure with a gross leasable area of over 10,000 sq ft	Area of all accessory wall signs not to exceed area of primary wall signs		
Secondary Frontage				
Awning/Canopy Signs	One sign per awning	N/A	Minimum of one foot below the top of the parapet; the sill of a second-floor window; or the lowest point of any cornice or roof overhang, whichever is applicable.	18.42.110(A)
	Two per canopy if both are not visible at the same time.			
Projecting Signs	One projecting sign per establishment	4 sq ft		18.42.110(K)
Painted and Wall Signs	One additional wall sign per establishment with a gross leasable area of 10,000 sq feet or greater with a public side street	32 sq ft; or one square foot per lineal foot of structure frontage, whichever is greater, up to a maximum sign are of 100 sq ft		18.42.110(L) Total area of all primary and accessory wall signs not to exceed 150 sq ft
	One wall sign per secondary frontage for structures with less than 10,00 sq ft of gross leasable area	50 percent of sign area allowed for primary frontage total for any combination of structure signs.		
Other Signs (also see Sections 18.42.150,160, and 170)				
Community Entry Signs	See Subsection 18.42.110(B) (Standards for Specific Sign Types)			
Directory and Directional Signs	See Subsection 18.42.110(C) (Standards for Specific Sign Types)			
Electronic Digital Display Message Signs	See Subsection 18.42.110(D) (Standards for Specific Sign Types)			
Freeway- and Expressway-Oriented Signs	See Subsection 18.42.110(F) (Standards for Specific Sign Types)			

Table 3-9
Signs Allowed in Commercial, Mixed-Use, Office, and Industrial Zones

Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Notes
Iconic Signs	See Subsection 18.42.120 (Iconic Signs)			
Luminous Tube Signs (neon)	See Subsection 18.42.110(G) (Standards for Specific Sign Types)			
Price and Menu Boards	See Subsection 18.42.110(I) (Standards for Specific Sign Types)			
Temporary Signs	See Section 18.42.090 (Temporary Signs)			
Window Signs	See Subsection 18.42.110(M) (Standards for Specific Sign Types)			

G. Location Restrictions.

1. All signs shall meet the setback requirements of the zone in which the subject parcel is located, unless otherwise noted in Section 18.42.140 (Signs in Residential Zones), Section 18.42.150 (Signs in Commercial and Mixed-Use Zones), and Section 18.42.160 (Signs in Office and Industrial Zones) or approved by the Director or Planning Commission.

H. Signs shall not be placed in the public right-of-way.

I. Sign Illumination.

1. Lights used to illuminate signs shall be installed to concentrate the illumination on the sign and to minimize glare upon a public street or abutting property. Unless otherwise noted, all sign acrylic panels shall be opaque, to only allow the text or logo to shine through, minimizing nighttime light pollution.
2. Illuminated signs shall require the approval of a Building Permit.

J. Sign Modifications. The Director may grant a Minor Variance (Chapter 18.126) up to 25 percent of the requirements of this Chapter.

18.42.120 – Standards for Specific Sign Types

A. Awning and Canopy Signs. The following standards shall apply to all signs placed on an awning or canopy attached to a structure. See Figure 3-17 (Awning and Canopy Sign).

1. Lettering, logos, symbols, and graphics are allowed on up to 25 percent of the area of a shed (slope) portion of the awning and valance portion of the awning. Signs shall be applied flat against the awning surface. In the case of a barrel shaped (curved) awning, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.
2. Only permanent signs that are an integral part of the awning are allowed. Temporary signs shall not be placed on awnings or canopies.
3. Awning signs are allowed for first and second story commercial and mixed-use occupancies only. No awning signs shall be allowed above the second floor.
4. Awnings shall conform to the size and shape of the window or door above which they are located. Subject to the determination of the Director, overly large awnings and awnings with unusual shapes designed for the purpose of providing additional sign area are not allowed.
5. A minimum of eight feet of clearance shall be provided between the lowest part of an awning or canopy and the grade below.
6. External illumination with a full cut-off floodlight is permitted.

7. Awnings and canopies shall not be constructed of translucent materials and shall not be lighted from under the awning/canopy (back-lit awning) so that the awning/canopy appears internally illuminated.

Figure 3-17
Awning and Canopy Sign



B. Subdivision Entry Signs.

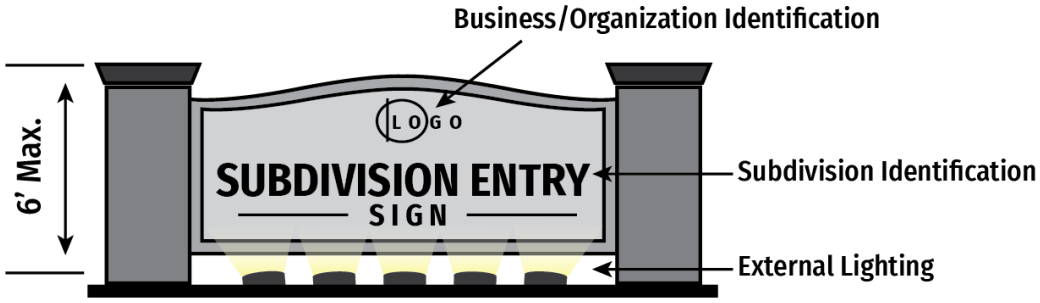
1. Individual Subdivision entry signs shall not exceed 75 square feet of total sign area (a double-sided subdivision entry sign would equal 37.5 square feet per side). See Figure 3-18 (Subdivision Entry Sign).

2. Subdivision entry signs shall not exceed a height of six feet.

3. Monument style subdivision entry signs are allowed; all other sign types for subdivision entry signs are prohibited.

4. A minimum of 50 percent of the sign area shall be devoted to subdivision identification.
5. Up to 30 percent of the sign area may be devoted to individual business or organization logos.
6. External illumination is permitted.

Figure 3-18
Subdivision Entry Sign



C. Directional and Directory Signs.

1. **Directional Signs.** See Figure 3-19 (Directional Sign).
   a. Directional signs shall not be counted against allowable sign area, unless the signs include business logo, name, or advertising. If a business logo, name, or advertising is a component of a directional sign, then the area of the sign devoted to the logo, name, or advertising will be counted toward the allowable sign square footage.
   b. If the directional sign is located within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.
   c. Directional signs shall not exceed six square feet of sign area.
   d. External illumination is permitted.
   e. Freestanding signs shall not be located on the subject property and not within a dedicated utility easement.

Figure 3-19
Directional Sign



2. Directory Signs. See Figure 3-20 (Directory Sign).

a. Directory signs shall not be counted in the allowable sign area based on frontage, unless the business logo, name, or advertising is used. If a logo is a component of a directory sign, then the square footage of the portion of the sign that is advertising the specific establishment will be counted toward the total allowable square footage of sign area.

b. Directory signs shall not exceed 16 square feet of sign area.

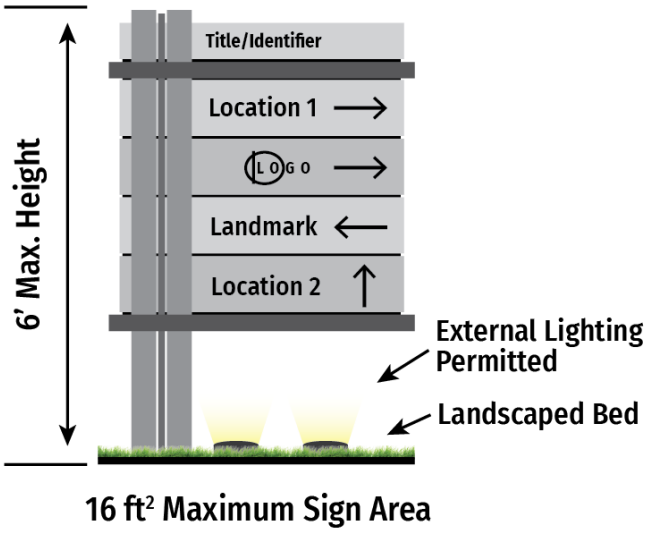
c. Directory signs shall not exceed six feet in height.

d. If the directory sign is located within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.

e. Directory signs shall be placed in a landscaped bed and shall have a minimum of two square feet of landscaping for every square foot of sign area measured at the base of the sign.

f. External or internal illumination is permitted. External illumination by downward lighting is prohibited.

Figure 3-20
Directory Sign



D. Electronic Digital Display Message Signs. See Section 18.42.130 (Electronic Digital Display Message Signs) for development standards and permit requirements.

E. Freestanding and Monument Signs. See Figure 3-21 (Freestanding Monument Sign).

1. Freestanding Signs.

a. A freestanding sign is allowed by the provisions of this Chapter provided the freestanding sign complies with the provisions of this Chapter.

b. Freestanding signs may not exceed 150 square feet of sign area per individual sign (a double-sided freestanding sign would equal 75 square feet per side).

c. Freestanding signs not exceeding six feet in height and thirty 30 square feet in total sign area are allowed, at a minimum setback of four feet behind parcel line.

d. Freestanding signs shall not exceed a height of 20 feet.

e. If the freestanding sign is within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.

f. Freestanding signs shall not be located within a dedicated utility easement.

g. To ensure the readability, the minimum letter size required on all freestanding signs shall be 10 inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.

h. External illumination with a hooded floodlight is prohibited. Internal illumination is permitted.

i. Freestanding signs shall be placed in a landscaped bed and shall have a minimum of two square feet of landscaping for every square foot of sign area measured at the base of the sign.

2. Monument Signs.

a. A Monument sign is allowed by the provisions of this Chapter provided the monument sign complies with the provisions of this Chapter.

b. Monument signs may not exceed 100 square feet of sign area per individual sign (a double-sided freestanding sign would equal 50 square feet per side).

c. Monument signs not exceeding four feet in height and thirty 20 square feet in total sign area are allowed, at a minimum setback of four feet behind parcel line.

d. Monument signs shall not exceed a height of 12 feet.

e. If the monument sign is within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.

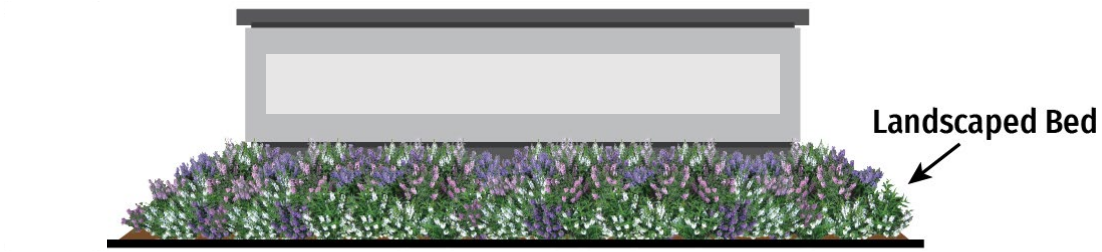
f. Monument signs shall not be located within a dedicated utility easement.

g. To ensure the readability, the minimum letter size required on all monument signs shall be six inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.

h. External illumination with a hooded floodlight is permitted. Internal illumination is permitted.

i. Monument signs shall be placed in a landscaped bed and shall have a minimum of two square feet of landscaping for every square foot of sign area measured at the base of the sign.

Figure 3-21
Freestanding and Monument Signs



F. Freeway- and Expressway-Oriented Signs. See Figure 3-22 (Expressway-Oriented Sign).

1. Freeway- and Expressway-Oriented signs shall be located on the same parcel on which the structure or use is being advertised.

2. Freeway- and Expressway-Oriented signs shall not exceed 30 feet in height.

3. Freeway- and Expressway-Oriented signs may only be located on parcels located no more than 500 feet from the outside edge of a freeway right-of-way.

4. Freeway- and Expressway-Oriented signs shall not be placed within 750 feet of another freeway-oriented sign.

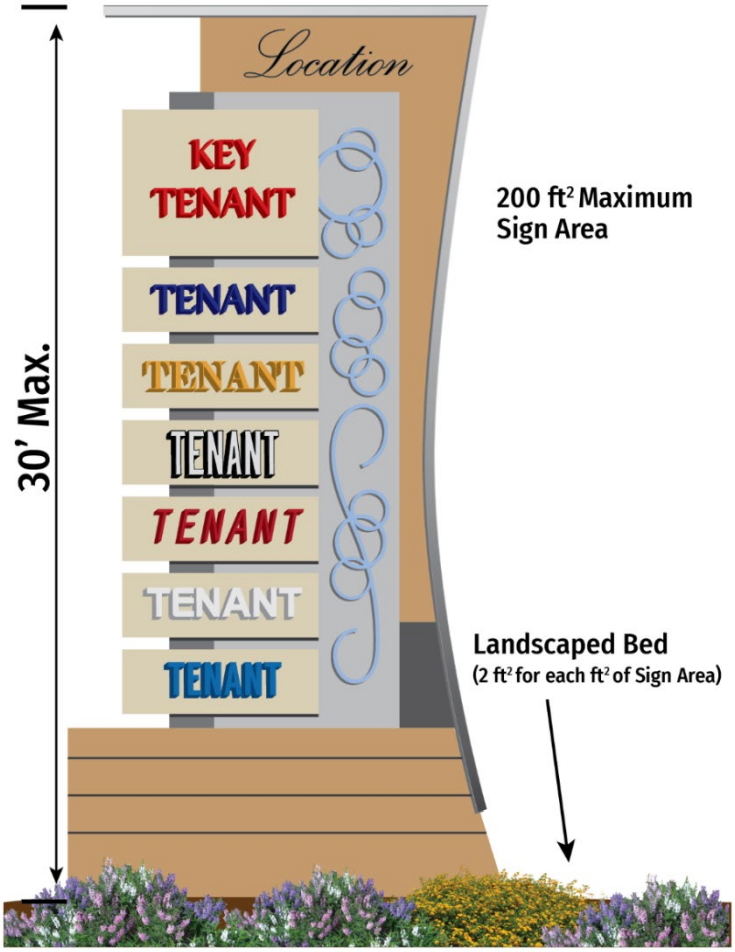
5. Freeway- and Expressway-Oriented signs shall not exceed 200 square feet in sign area.

6. Freeway- and Expressway-Oriented signs shall require the approval of a Conditional Use Permit in compliance with Chapter 18.124 (Conditional Use Permits and Minor Use Permits).

7. External illumination is prohibited.

8. Freeway- and Expressway-Oriented signs shall be placed in a landscaped bed and shall have a minimum of two square feet of landscaping for every square foot of sign area measured at the base of the sign.

Figure 3-22
Freeway- and Expressway-Oriented Sign



G. Luminous Tube Signs (neon). See Figure 3-23 (Luminous Tube Sign).

1. Tubing shall not exceed one-half inch in diameter.
2. Luminous tube lighting adjacent to residential uses shall not exceed one half foot-candle measured at the property line where the sign is located.
3. No luminous sign containing red or green colors shall be erected within 150 feet of an intersection containing traffic lights.
4. Luminous tubes shall not be combined with any reflective materials (e.g., mirrors, polished metal, highly glazed tiles, or other similar materials).
5. Luminous tube lighting shall not be used to surround a window, door, or similar element except as part of an allowed sign.

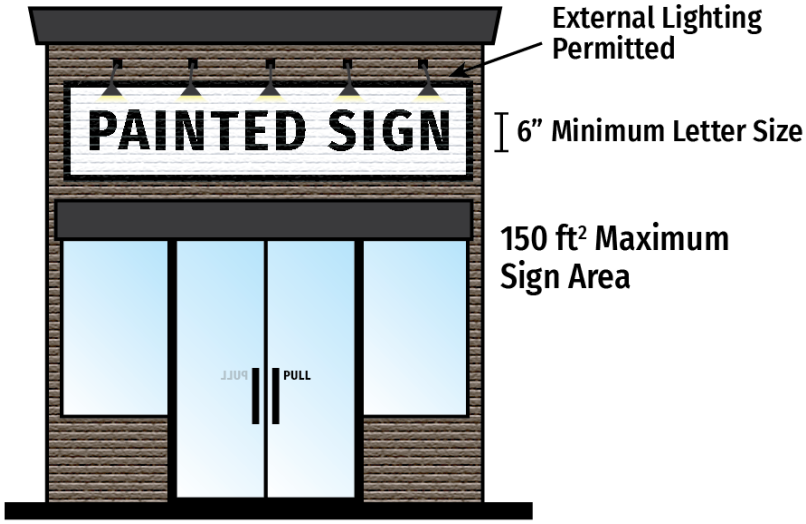
Figure 3-23
Luminous Tube Sign



H. Painted Signs. See Figure 3-24 (Painted Sign).

1. Painted signs shall not exceed 150 square feet per individual sign on the primary street frontage and 100 square feet on the secondary street frontage of a corner parcel. The signs shall count toward the maximum allowable sign area.
2. Painted signs shall be centered on structures unless otherwise determined by the Director due to existing architectural features of the structure.
3. If a structure is located on a corner parcel with two street frontages, both frontages may be used when calculating allowable sign area.
4. To ensure the readability, the minimum sign letter size shall be six inches.
5. External illumination with a hooded floodlight is permitted.

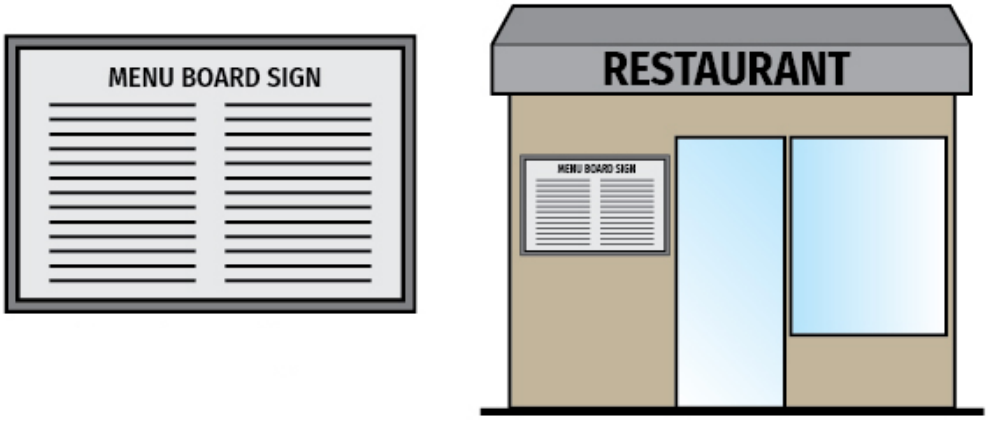
Figure 3-24
Painted Sign



I. Price and Menu Boards.

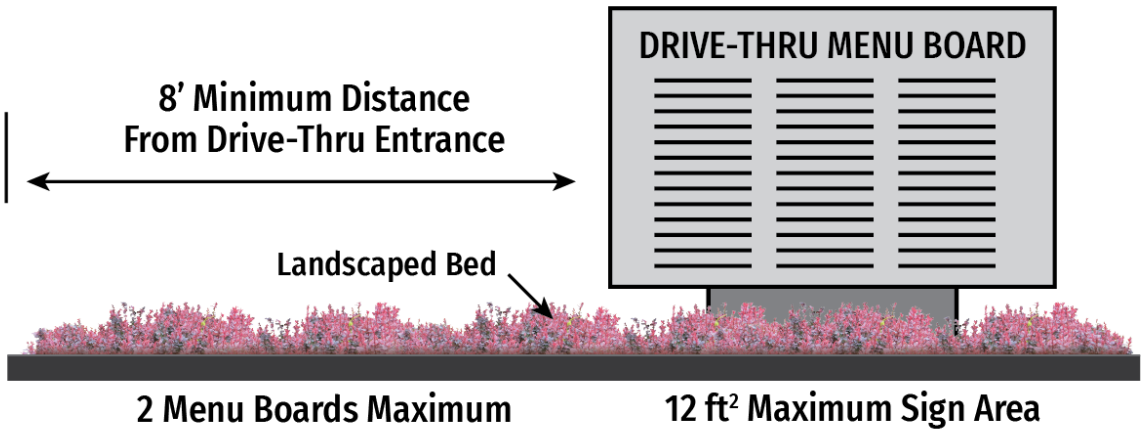
1. **Menu Boards (Excluding Freestanding Dive-thru menu boards).** See Figure 3-25 (Menu Board Sign).
   - **a.** Menu boards are not counted against the maximum allowable sign area.
   - **b.** Menu boards shall not exceed 30 square feet in area.
   - **c.** Menu boards shall be located at the front entrance to the establishment and mounted flat against the wall.
   - **d.** Internal or external illumination is permitted.

Figure 3-25
Menu Board Sign



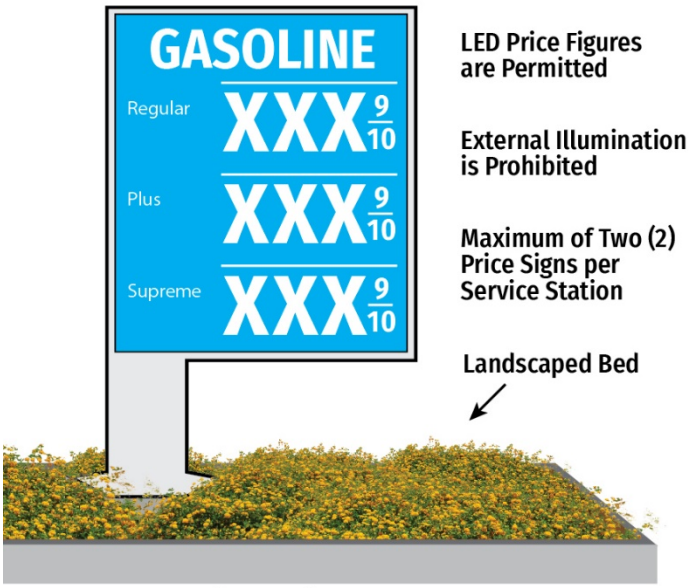
2. **Freestanding Drive-thru Menu Boards.** See Figure 3-26 (Freestanding Drive-thru menu Board).
    a. Freestanding Drive-thru menu and price boards are not counted against the maximum allowable sign area.
    b. Each menu board shall not exceed 12 square feet in area.
    c. No more than two menu boards are allowed per establishment.
    d. Freestanding Drive-thru menu boards shall be located along the drive-thru lane a minimum of eight feet from the entrance of the lane.
    e. External illumination is prohibited.
    f. Freestanding Drive-thru menu boards shall be placed within a landscaped bed and shall have two square feet of landscaping for every square foot of sign area measured at the base of the menu board.

Figure 3-26
Freestanding Drive-thru Menu Board Sign



3. **Service Station Gas Price Sign.** See Figure 3-27 (Service Station Gas Price Sign).
    a. Service station gas price sign shall not exceed 25 square feet of sign area for each side of a double-sided sign.
    b. The service station gas price sign is not allowed to be located within the sight distance triangle of any driveway or intersection.
    c. No more than two service station gas price signs are permitted per service station. Each of the allowed two service station gas price signs is permitted to have two sides.
    d. External illumination is prohibited.
    e. Static LED price figure displays are permitted.
    f. Service Station Gas Price Sign shall be placed within a landscaped bed and shall have two square feet of landscaping for every square foot of sign area measured at the base of the menu board.

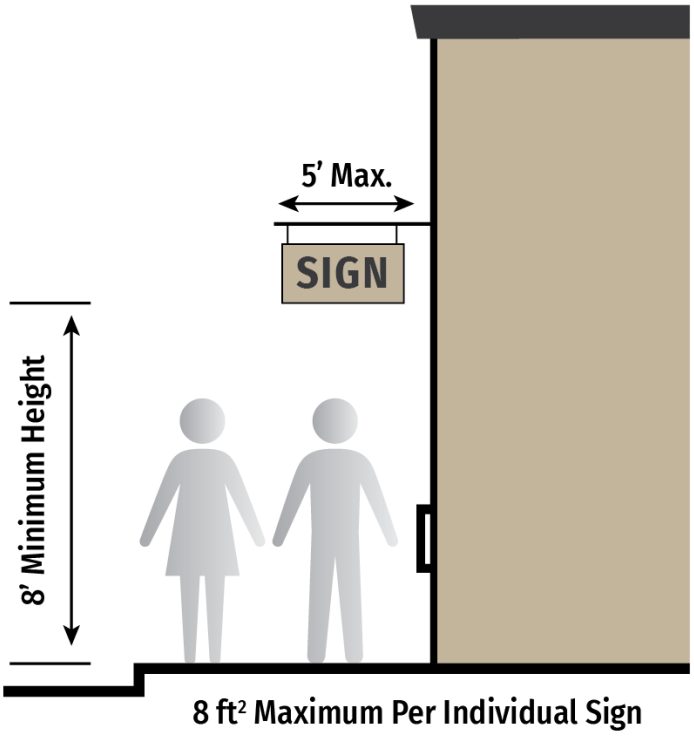
Figure 3-27
Service Station Gas Price Sign



J. Projecting Signs. See Figure 3-28 (Projecting Sign).

1. Projecting signs shall not exceed the height of the structure to which they are attached.
2. Projecting signs are not counted against the maximum allowable sign area.
3. No more than one projecting sign is permitted per street frontage.
4. Projecting signs shall not project more than five feet from the supporting wall.
5. Projecting signs shall not exceed eight square feet of sign area.
6. Projecting signs shall be no less than eight feet from grade or any underlying walkway or thoroughfare.
7. Projecting signs shall not be internally illuminated but may be floodlighted. No projecting sign shall have a clearance of less than eight feet over public sidewalks or less than 14 feet where it extends over any vehicular driveway or parking area.

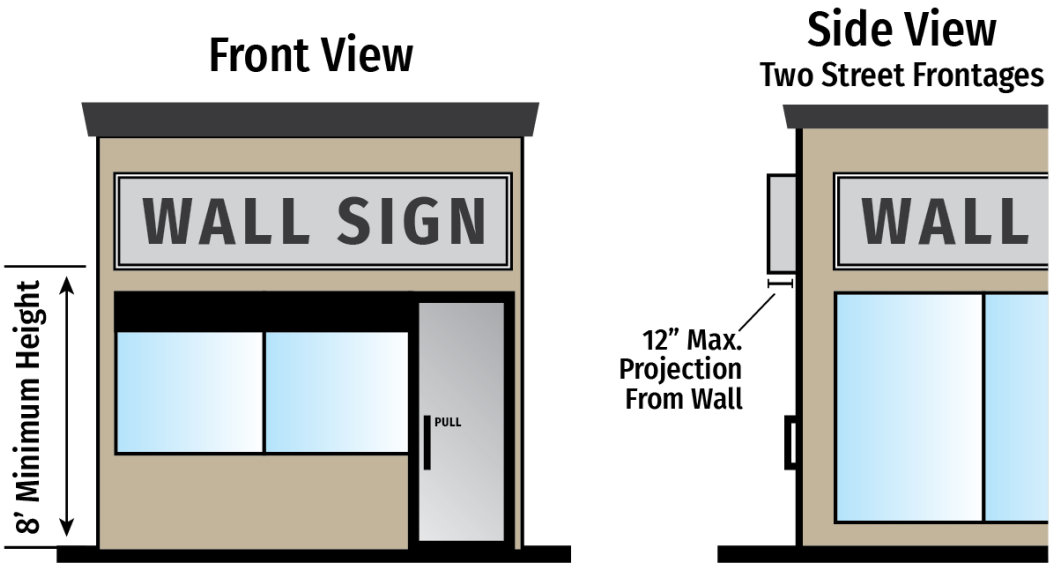
Figure 3-28
Projecting Sign



K. Wall Signs. See Figure 3-29 (Wall Sign).

1. Wall signs shall be attached flat against a structure and parallel to the face of the structure wall.
2. Wall signs shall not project more than 12 inches from the wall and shall not project above the roof line or extend over a public sidewalk or right-of-way.
3. To ensure the readability, the minimum letter size allowed shall be six inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.
4. If a structure is situated on a corner parcel with two street frontages, both frontages may to be used when calculating allowable sign area.
5. Wall signs shall be no less than eight feet from grade or any underlying walkway or thoroughfare.

Figure 3-29
Wall Sign



L. Window Signs (permanent and temporary). See Figure 3-30 (Window Sign).

1. Window signs shall be allowed only on windows located on the ground floor and second story of a structure. Window signs are not allowed above the second story.
2. Window signs shall not count toward the maximum allowable sign area.
3. The placement of window signs shall allow for the bottom 24" of each window on the ground floor to be left clear for the unobstructed observation by safety personnel (e.g., Santa Clara Police Department, County Sherriff, private security, etc.).
4. Window signs shall not cover more than 25 percent of each individual window on either a primary or secondary building frontage. A window is considered to be any glazed area, including glass curtain walls.
5. Window advertisements using specialized window chalk and/or window markers are prohibited.
6. Illumination of window signs is prohibited.

Figure 3-30
Window Sign



18.42.130 – Iconic Signs

A. Applicability.

1. Approved iconic signs may be an allowed non-conforming sign and any alterations require a Sign Permit approved by the Director.
2. This Section applies to legally established existing signs in the City that meet all of the following requirements and criteria, as determined by the Director:

B. Sign requirements. Iconic signs shall meet all of the following sign requirements:

1. The sign uses materials and technology representative of its historical period of construction.
2. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

C. Iconic Sign Criteria. Iconic signs shall meet all of the following criteria:

1. The sign exemplifies the cultural, economic, and historic heritage of the City.
2. The sign is unique.
3. The sign is originally associated with a business only found in the City, Santa Clara County, or the State; or there is historical documentation to support its preservation.
4. The sign retains a majority of its character-defining features. If the character-defining features have been altered or removed, the majority must be potentially restorable to their historic function and appearance.
5. The sign is at least 50 years old.

18.42.140 – Electronic Digital Display Message Signs

A. Applicability. This Section applies to all electronic digital display message signs, including billboards (Section 18.42.090) and is intended to implement and comply with the California Outdoor Advertising Act of 2014, California Business and Professions Code Section 5200 et seq., as related to outdoor advertising displays, and Section 131 of Title 23 of the United States Code, including any amendments as may be adopted from time to time.

B. No Exception to Billboard Limitations. The standards set forth in this section shall not be construed as an exception to the limitation on billboards set forth in Section 18.42.090. Consequently, any new electronic digital display message sign must be either (1) noncommercial; (2) on-site advertising only; (3) a billboard that replacing existing billboards pursuant to the replacement provisions of Section 18.42.090; or (4) a CityPlace Billboard.

C. Permit requirements. No electronic digital display message sign shall be erected or maintained until a Conditional Use Permit has first been approved in compliance with Chapter 18.116 (Conditional Use Permits) and any other applicable Federal and State statutes including the California Department of Transportation, Outdoor Advertising Permit Requirements.

D. Conditions of approval. Approval of a Conditional Use Permit to allow an electronic digital display message sign shall consider/include language addressing all of the following:

1. Any allowed deviations from the development standards established in Subsection E (Development Standards), below.
2. The amount of time each day dedicated to public service announcements that will be displayed, at no cost to the City.
3. Terms requiring periodic review to ensure compliance with the development standards and conditions of approval.

E. Required findings. Approval of a Conditional Use Permit to allow an electronic digital display message sign shall be based on all the following findings and any additional findings as may be required by the Department or the Planning Commission:

1. The proposed electronic digital display message sign is to be located in an appropriate area as defined by Subsection E (Development standards), below;

2. The proposed electronic digital display message sign is placed in the least visually impacting manner;
3. The Conditional Use Permit contains appropriate language addressing revenue and/or other public benefits for the City;
4. The proposed electronic digital display message sign complies with all the applicable operational standards specified in Subsection F, below, unless modified by the Planning Commission, as well as all applicable Federal and State laws;
5. The placement of the proposed electronic digital display message sign will not adversely affect residential use of property; and
6. The placement of the proposed electronic digital display message sign will not pose a traffic hazard.

F. Development Standards.

1. **Sign face dimensions.** The electronic digital display message sign display area shall not exceed 800 square feet, including border and trim, and excluding base or apron supports and other structural members. The overall length shall not exceed 60 feet.
2. **Height.** Unless modified by the terms of the Conditional Use Permit, the maximum overall height of an electronic digital display message sign shall not exceed 25 feet, measured from the finished grade at the structure base to the top of the message sign structure.
3. **Separation.** No electronic digital display message sign shall be located closer than 1,500 linear feet of another electronic display message sign, as measured from the centerline of each support structure.
4. **Support structure.** All proposed electronic digital display message signs shall be designed to have a single cylindrical column support.
5. **Cutouts and attachments.** No cutouts or attachments shall be allowed, unless allowed in compliance with the conditions of the Conditional Use Permit.
6. **Double-faced signs.** Double-faced electronic digital display message signs shall be located on the same cylindrical column structure and shall be positioned back-to-back. At no point, shall the distance between the two sign faces exceed eight feet.
7. **Mechanical screening.** Each sign structure shall include a facing of proper dimensions to conceal back bracing, framework, and structural members and/or any electrical equipment.
8. **Owner identification.** An owner identification sign shall be provided on all electronic digital display message signs. The area of the owner identification sign shall not be counted towards the maximum allowable sign face dimensions.
9. **Undergrounding of utilities.** All utilities installed in connection with the electronic digital display message sign shall be underground.

G. Operational standards.

1. **Brightness.** Light produced by an electronic/digital display message sign shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face.
2. **Dimmer control.** Signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

3. **Brightness review.** Each electronic digital display message sign shall be subject to a 30-day review period during which time the Director may determine that a reduction in illumination or turning off of the sign for certain evening hours, is necessary due to negative impacts on surrounding property or the community in general. The Director's determination shall be made without regard to the message content of the sign.
4. **Change of message.** Messages displayed on an electronic digital display message sign shall be a static display without change for a minimum duration eight seconds except for those messages where the hour-and-minute, date, or temperature/weather information is updated. Messages shall be complete within each message/display and without continuation in content to the next message or to any other sign. The message/display shall change instantaneously without any fading in/out, scrolling, dissolve, or similar animation.
5. **No animation.** Any form of moving, animated, oscillating, or rotating images, or any other design intended to attract attention through movement or the semblance of movement on any part of the sign is prohibited at all times.
6. **Maintenance.** Signs shall be properly maintained in good working order at all times. Signs shall be designed and equipped to freeze the changeable message in one position or to go dark if a malfunction occurs. The sign owner shall immediately stop the electronic/digital display when notified by the City that it is malfunctioning or not complying with regulations of this Section.
7. **Nonconforming sign structure**. An existing sign or sign structure that is nonconforming as to location, size, height, or other regulation shall not be changed to a new electronic digital display message sign until all nonconformities have been eliminated.
8. **Public service announcements.** All electronic digital display message signs shall be required to provide for public service announcements, including Amber Alerts, and other community service announcements in compliance with the terms of the Conditional Use Permit.

18.42.150 – Signs in Residential Zones

A. Applicability. Only signs meeting the following standards will be permitted in residential zones, provided that all other applicable provisions of this Chapter are complied with.

B. Development Standards.

1. Signs shall be located and erected only upon the premises occupied by the person or ancillary business to be identified or advertised by the signs.
2. The location of all signs shall comply with the building, electrical and fire prevention codes of the City as amended.

Table 3-10 Residential Zones Allowed Sign Types and Permits. The following sign regulations apply to residentially zoned parcels.

Table 3-10
Residential Zones Allowed Sign Types and Permit Requirements

Residential Zones Allowed Sign Types								
				E	Exempt			
				SP	Allowed by Sign Permit			
				MUP	Minor Use Permit (Chapter 18.124)			
				CUP	Conditional Use Permit (Chapter 18.124)			
				-	Not allowed			
Sign Type (See 18.42.030 for sign definitions).	**R1-6L**	**R1-8L**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**Additional Regulations**
Audio Signs	-	-	-	-	-	-	-	
Awning/Canopy	-	-	-	-	-	-	-	18.42.110(A)
Banners	-	-	-	SP	SP	SP	SP	
Billboards	-	-	-	-	-	-	-	
Comprehensive Sign Program	-	-	-	SP	SP	SP	SP	18.42.170
Directory Sign	-	-	-	SP	SP	SP	SP	18.42.110(C)

Table 3-10
Residential Zones Allowed Sign Types and Permit Requirements

Directional Sign	-	-	-	SP	SP	SP	SP	18.42.110(C)
Electronic Digital Display Message Sign	-	-	-	-	-	-	-	18.42.130
Freeway – and Expressway-Oriented Sign	-	-	-	-	-	-	-	18.42.110(F)
Flag	E	E	E	E	E	E	E	18.42.110(E)
Freestanding Monument (Entry)	SP	SP	SP	SP	SP	SP	SP	18.42.110(E)
Historic/Memorial Markers and Tablets	E	E	E	E	E	E	E	
Home Occupation Signs	-	-	-	-	-	-	-	
Luminous Tube Sign (neon)	-	-	-	-	-	-	-	18.42.110(G)
Name Plate	SP	SP	SP	SP	SP	SP	SP	
Name Plate (house number)	E	E	E	E	E	E	E	
Painted	-	-	-	-	-	-	-	18.42.110(H)
Freestanding Menu Boards (Drive-thru)	-	-	-	-	-	-	-	18.42.110(I)
Price/Menu Boards (Walk-in)	-	-	-	-	-	-	-	18.42.110(I)
Projecting	-	-	-	-	-	-	-	18.42.110(K)
Real Estate Sign	E	E	E	E	E	E	E	
Roof Signs	-	-	-	-	-	-	-	
Service Station Price Signs	-	-	-	-	-	-	-	18.42.110(I)
Subdivision Entry Sign	MUP	MUP	MUP	MUP	MUP	MUP	MUP	18.42.110(B)
Subdivision Sign	SP	SP	SP	SP	SP	SP	SP	18.44.130(E)
Temporary	E	E	E	E	E	E	E	18.42.100
Time/Temperature Sign	-	-	-	-	-	-	-	

Vehicle Sign (stationary)	-	-	-	-	-	-	-	
Wall	-	-	-	-	-	-	-	18.42.110(L)
Window	-	-	-	-	-	-	-	18.42.110(M)
Wind-activated signs	-	-	-	-	SP	SP	SP	

C. General Residential Sign Regulations. Signs shall be placed a minimum of five feet from a front property line and in compliance with the sight-distance triangle (Section 18.30.030) and shall be located outside of a dedicated utility easement.

D. Freestanding Monument Signs.

1. **Adjacent Uses** One freestanding monument sign for each single tenant, parcel, or multi-tenant complex for institutional uses in residential zones.
2. **Subdivision Entry Sign.** One freestanding monument sign for each subdivision.
3. **Multifamily Complex Entry Sign.** Freestanding signs are not allowed for multifamily complexes containing less than 20 dwelling units. One freestanding monument sign for each multifamily complex containing 20-36 units. Two freestanding signs are permitted for multifamily complexes containing more than 37 units.

18.42.160 – Signs in Commercial and Mixed-Use Zones

A. Applicability. Only signs meeting the following standards will be permitted in commercial and mixed-use zones, provided that all other applicable provisions of this Chapter are complied with.

B. Development Standards. Signs shall be located and erected only upon the premises occupied by the person or business to be identified or advertised by the signs. The location of all signs shall comply with the building, electrical and fire prevention codes of the City as amended.

C. Table 3-11 Commercial and Mixed-Use Zones Allowed Sign Types and Permit Requirements.

Table 3-11
Commercial and Mixed-Use Zone Allowed Sign Types and Permit Requirements

Commercial and Mixed-Use Zones Allowed Sign Types								
E Exempt SP Allowed by Sign Permit MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) - Not allowed								
Sign Type (see 18.42.030 for sign definitions).	C-C	C-D	C-N	C-R	MU-NC	MU-CC	MU-RC	Additional Regulations
Audio Signs	-	-	-	-	-	-	-	
Awning/Canopy	SP	SP	SP	SP	SP	SP	SP	18.42.110(A)
Banners	SP	SP	SP	SP	SP	SP	SP	
Billboards	-	-	-	-	-	-	-	
Comprehensive Sign Program	SP	SP	SP	SP	SP	SP	SP	18.42.170
Directory Sign	SP	SP	SP	SP	SP	SP	SP	
Electronic Digital Display Message Sign	-	-	CUP	CUP	-	-	-	18.42.130

Table 3-11
Commercial and Mixed-Use Zone Allowed Sign Types and Permit Requirements

Commercial and Mixed-Use Zones Allowed Sign Types E Exempt SP Allowed by Sign Permit MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) - Not allowed								
Sign Type (see 18.42.030 for sign definitions).	C-C	C-D	C-N	C-R	MU-NC	MU-CC	MU-RC	Additional Regulations
Freeway- and Expressway-Oriented Sign	SP	-	SP	SP	MUP	MUP	MUP	18.42.110(F)
Flag	E	E	E	E	E	E	E	18.42.110(E)
Freestanding Monument	SP	SP	SP	SP	SP	SP	SP	18.42.110(E)
Historic/Memorial Markers and Tablets	E	E	E	E	E	E	E	
Iconic Sign	SP	SP	SP	SP	SP	SP	SP	18.42.120
Luminous Tube Sign (neon)	-	SP	SP	SP	SP	SP	SP	18.42.110(G)
Name Plate	SP	SP	SP	SP	SP	SP	SP	
Name Plate (address	E	E	E	E	E	E	E	
Painted	SP	SP	SP	SP	SP	SP	SP	18.42.110(H)
Freestanding Menu Boards (Drive-thru)	SP	SP	SP	SP	SP	SP	SP	18.42.110(I)
Price/Menu Boards (Walk-in)	E	E	E	E	E	E	E	18.42.110(I)
Projecting	SP	SP	SP	SP	SP	SP	SP	18.42.110(K)
Real Estate Sign	E	E	E	E	E	E	E	
Roof Signs	-	-	-	-	-	-	-	
Service Station Gas Price Signs	-	SP	SP	SP	-	-	-	18.42.110(I)
Subdivision Entry Sign	MUP	MUP	MUP	MUP	CUP	CUP	CUP	18.42.110(B)
Subdivision Sign	SP	SP	SP	SP	SP	SP	SP	
Temporary	SP	SP	SP	SP	SP	SP	SP	
Time/Temperature Sign	-	SP	SP	SP	-	-	-	
Wall	SP	SP	SP	SP	SP	SP	SP	18.42.110(L)
Window	SP	SP	SP	SP	SP	SP	SP	18.42.110(M)
Wind-activated signs	SP	SP	SP	SP	SP	SP	SP	

D. General Commercial and Mixed-Use Sign Location Regulations. Sign shall be placed a minimum of five feet from the front property line and shall not be located within a dedicated utility easement, unless otherwise noted in Section 18.42.120.

E. Specific Commercial and Mixed-Use Sign Regulations. Signs shall be in compliance with Table 3-11 (Commercial and Mixed-Use Zone Allowed Sign Types and Permit Requirements).

1. Freestanding Monument Sign. Freestanding monument signs shall provide landscaping at the sign base, with a minimum of four-square feet per square foot of sign area.

2. **Expressway-Oriented Sign.** Expressway-oriented signs shall meet the setback requirements of the zone in which they are located. Conditions of approval may increase the required setbacks from designated expressways and corridors.

18.42.170 – Signs in Office and Industrial Zones

A. Applicability. Only signs meeting the following standards will be permitted in office and industrial zones, provided that all other applicable provisions of this Chapter are complied with.

B. Development Standards. Signs shall be located and erected only upon the premises occupied by the person or business to be identified or advertised by the signs. The location of all signs shall comply with the building, electrical and fire prevention codes of the City as amended.

C. General Commercial and Mixed-Use Sign Location Regulations. Sign shall be placed a minimum of five feet from the front property line and shall not be located within a dedicated utility easement.

D. Table 3-12 Office and Industrial Zones Allowed Sign Types and Permit Requirements.

Table 3-12
Office and Industrial Zones Allowed Sign Types and Permit Requirements

Office and Industrial Zones Allowed Sign Types					
E Exempt SP Allowed by Sign Permit MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) - Not allowed					
Sign Type (see 18.44.030 for sign definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations
Audio Signs	-	-	-	-	
Awning/Canopy	SP	SP	SP	SP	18.42.110(A)
Banners	SP	SP	SP	SP	
Billboards	-	-	-	-	
Comprehensive Sign Program	SP	SP	SP	SP	18.42.170
Directory Sign	SP	SP	SP	SP	18.42.110(C)
Directional Sign	SP	SP	SP	SP	18.42.110(C)
Electronic Digital Display Message Sign	-	CUP	-	-	18.42.130
Freeway- and Expressway-Oriented Sign	CUP	CUP	CUP	CUP	18.42.110(F)
Flag	E	E	E	E	18.42.110(E)
Freestanding Monument (Entry)	SP	SP	SP	SP	18.42.110(E)
Historic/Memorial Markers and Tablets	E	E	E	E	
Iconic Sign	SP	SP	SP	SP	18.42.120
Home Occupation Sign	-	-	-	-	
Luminous Tube Sign (neon)	SP	SP	SP	SP	18.42.110(G)
Name Plate	SP	SP	SP	SP	
Name Plate (house number)	-	-	-	-	
Painted	SP	SP	SP	SP	18.42.110(H)
Freestanding Menu Boards (Drive-thru)	-	-	-	-	18.42.110(I)
Price/Menu Boards (Walk-in)	SP	SP		SP	18.42.110(I)
Projecting	SP	SP	SP	SP	18.42.110(K)

Table 3-12
Office and Industrial Zones Allowed Sign Types and Permit Requirements

Office and Industrial Zones Allowed Sign Types E Exempt SP Allowed by Sign Permit MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) - Not allowed					
Sign Type (see 18.44.030 for sign definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations
Real Estate Sign	E	E	E	E	
Roof Signs	-	-	-	-	
Service Station Gas Price Signs	-	-	-	SP	18.42.110(I)
Subdivision Entry Sign	MUP	MUP	MUP	MUP	18.42.110(B)
Subdivision Sign	SP	SP	SP	SP	
Temporary	SP	SP	SP	SP	
Time/Temperature Sign	CUP	CUP	CUP	CUP	
Vehicle Sign (stationary)	-	-	-	-	
Wall	SP	SP	SP	SP	18.42.110(L)
Window	SP	SP	SP	SP	18.42.110(M)
Wind-activated signs	SP	SP	SP	SP	

18.42.180 – Sign Construction and Maintenance

Signs and their components shall be regularly maintained and kept in good repair and appearance at all times. If a sign is not properly maintained, it shall be removed or repaired within 30 days, following written notice of insufficient maintenance by the Director or by the Building Official, or their designee.

18.42.190 – Removal of Unlawful, Unsafe, and Unauthorized Signs

A. Abandoned Signs.

1. Removal of Abandoned Signs.

a. An abandoned sign shall be removed by the owner or lessee of the premises upon which the sign is located immediately upon closure of the business or the end of the event.

b. A sign frame or structure that supported an abandoned sign and that conforms to all applicable regulations shall be allowed to remain in place, however, the sign's printed content shall be removed, and a blank panel should be put in its place. However, in the event a sign frame or structure is inconsistent with the regulations of this Chapter, the sign structure and/or frame shall be either altered to comply with the regulations of this Chapter or removed by the owner or lessee of the property.

c. Signs considered by the City to have iconic value or cultural significance shall be exempt from the provisions of this Subsection.

d. If the owner or lessee fails to remove the sign, the City, following proper notice, may have the sign removed.

2. Recovery of costs. When the City is required to remove an abandoned sign, the reasonable cost of the removal and storage may be assessed against the owner of the sign(s) and/or the property owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

B. Dangerous and/or Defective Signs. It is unlawful for any business or residential property owner or lessee to maintain or permit to be maintained on any business or residential property any sign that is in a dangerous or defective condition. A sign shall be removed by the owner of the sign, owner or lessee of the property, or the Director, at the expense of the owner of the sign or property. Alternatively, the sign shall be repaired by the owner or lessee at the expense of the owner or lessee.

18.42.200 – Nonconforming Signs

A. Amortization of Nonconforming Signs. Nonconforming signs shall be removed or altered to be conforming as provided below.

1. **Residential Zones.** Legal nonconforming on-site signs that are in a residential zone shall be removed from the site without any compensation (i.e., financial or otherwise) after the expiration of 10 years from the date the sign became nonconforming. Upon the expiration of the amortization period, the sign shall be an illegal use subject to immediate removal. Nonconforming on-site signs that are also illegal signs (i.e., never obtained the required permits) shall be removed immediately from the site without any compensation.
2. **Commercial, Mixed-Use, Office, and Industrial Zones.** Legal nonconforming commercial, mixed-use, office, and industrial signs and billboards existing at the time this Zoning Code became effective may be continued, although the use does not conform with these provisions, provided these nonconforming signs and billboards and their supporting structures shall be completely removed by their owners/lessees, unless made to fully conform to the provisions of this Chapter, no later than 10 years following the effective date of this Zoning Code, unless specified otherwise in Section 18.42.090 (Billboards).

B. Continuance of Nonconforming Signs. A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed;
2. Structurally altered to prolong the life of the sign, except to meet safety requirements;
3. Expanded or altered in a manner that increases the degree of nonconformity; or
4. Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 50 of the replacement costs as determined by the Building Division.

C. New signs on sites with nonconforming signs. No new sign shall be approved for a site, structure, or use that contains a nonconforming sign, unless the nonconforming sign is first removed or modified to fully comply to the provisions of this Chapter. No discretionary land use permits shall be issued for any structures, expansions, or new construction on a site that contains nonconforming signs, unless all signs on the site are brought into compliance with this Chapter. This does not include interior alterations that do not substantially change the character or intensity of the site.

D. Ordinary Maintenance, Painting and/or Repair. Nonconforming signs may only be maintained, painted, and/or repaired (i.e., repairs shall be limited to cosmetic enhancements/refinements but no structural alterations, unless required by the Building Division) in place and may not be removed from their existing location, except for temporary remodeling of the structure to which the sign is attached or termination of the sign. See Subparagraph F. (Structure remodeling), below.

E. Change of Business Ownership. Upon a change of ownership, the new owner/lessee of a nonconforming sign may change a name(s) on the sign so long as there is no change in the structure or configuration of the sign.

F. Structure Remodeling. Nonconforming signs may be removed for remodeling the structure to which the sign is attached and shall be replaced immediately after the remodeling is completed. No alteration of the sign channel letters, cabinet or sign structure is allowed.

18.42.210 – Revocation of Sign Permits

See Article 7 (Administration) Chapter 18.152 (Permit Modifications and Revocations) for Revocation Procedures.

Article 4 – Standards for Specific Land Uses

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.60 - Standards for Specific Land Uses ---- 4

18.60.010 – Purpose and Applicability ---- 4
18.60.020 – Accessory Dwelling Units ---- 5
18.60.030 – Accessory Uses ---- 8
18.60.040 – Alcoholic Beverage Sales and Service ---- 9
18.60.050 – Bed and Breakfast Inns ---- 10
18.60.060 – Caretaker Housing ---- 11
18.60.070 – Child Day Care Facilities ---- 11
18.60.080 – Assisted Living Facilities / Congregate Care ---- 11
18.60.090 – Data Centers ---- 12
18.60.100 – Drive-in/Drive-Through Establishments ---- 13
18.60.110 – Emergency Shelters ---- 14
18.60.120 – Home Occupations ---- 16
18.60.130 – Live-Work Facilities ---- 18
18.60.140 – Outdoor Dining and Seating ---- 18
18.60.150 – Outdoor Displays and Sales ---- 21
18.60.160 – Outdoor Storage ---- 24
18.60.170 – Personal Services, Restricted ---- 25
18.60.180 – Recycling Facilities ---- 25
18.60.190 – Temporary Uses ---- 30
18.60.200 – Vehicle Repair and Maintenance Facilities ---- 30
18.60.210 – Vehicle Sales Facilities ---- 30
18.60.220 – Vehicle Service Stations ---- 31
18.60.230 – Massage Establishments ---- 32
18.60.240 – Certified Farmers' Markets ---- 34
18.60.250 – Short-Term Rentals of Residential Property ---- 36
18.60.260 – Electric Power Plants ---- 38
18.60.270 – Developments Located Within the Airport Influence Area ---- 39

Chapter 18.62 - Adult Business Uses ---- 40

18.62.010 – Purpose and Applicability ---- 40
18.62.020 – Location of Adult-Oriented Business Uses ---- 40

Chapter 18.64 - Density Bonus and Affordable Housing ---- 42

18.64.010 – Purpose and Applicability ---- 42
18.64.020 – Eligibility for Bonus, Incentives, or Concessions ---- 42
18.64.030 – Allowed Density Bonuses ---- 45
18.64.040 – Allowed Incentives or Concessions ---- 50
18.64.050 – Parking Requirements in Density Bonus Projects ---- 52
18.64.060 – Bonus and Incentives for Development with Childcare Facilities ---- 53
18.64.070 – Continued Availability ---- 54
18.64.080 – Location and Type of Affordable Dwelling Units ---- 55
18.64.090 – Processing of Bonus Requests ---- 56
18.64.100 – Density Bonus Agreements ---- 56
18.64.110 – Controls of Resale ---- 58
18.64.120 – Waiver of Standards ---- 59
18.64.130 – Mixed Use Density Bonuses ---- 60

A. When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subsection C. to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the commercial developer a development bonus as prescribed in subsection B. Housing shall be constructed on the site of the commercial development or on a site that is all of the following: 60
1. Within the boundaries of the City of Santa Clara ---------- 60
2. In close proximity to public amenities including schools and employment centers. 60
3. Located within one-half mile of a major transit stop. ---------- 60
B. The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following: ---------- 60
1. Up to a 20-percent increase in maximum allowable intensity in the General Plan. - 60
2. Up to a 20-percent increase in maximum allowable floor area ratio. ---------- 60
3. Up to a 20-percent increase in maximum height requirements. ---------- 60
4. Up to a 20-percent reduction in minimum parking requirements. ---------- 60
5. Use of a limited-use/limited-application elevator for upper floor accessibility. ----- 60
6. An exception to a zoning ordinance or other land use regulation. ---------- 60
C. For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City. ---------- 60
D. For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners: ---------- 60
1. The commercial developer may directly build the units. ---------- 60
2. The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing. ---------- 60
3. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project. 60
E. Replacement Housing. For purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915, as may be amended, shall apply. ---------- 60
F. If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subsection C., the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units. ---------- 60
G. In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households. 61
H. Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under this Chapter. ---------- 61
I. A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within Chapter 17.40. ---------- 61
18.64.140 – Parking relief for 100% affordable projects ---------- 61
A. If one hundred percent of all units in a development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up o 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code, then the City shall not require parking if a development project meets any of the following criteria: ---------- 61
1. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development. ---------- 61
2. The development is a for-rent housing development for individuals who are 55 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development

has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day. ---- 61
3. The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day. ---- 61

Chapter 18.66 - Wireless Telecommunications Facilities ---- 62

18.66.010 – Purpose and Applicability ---- 62
18.66.020 – Definitions ---- 62
18.66.030 – Exemptions from Discretionary Permits ---- 64
18.66.040 – Permits Required ---- 65
18.66.050 – Application Requirements ---- 66
18.66.060 – Location Requirements ---- 67
18.66.070 – Facility Design and Developmental Standards ---- 68
18.66.080 – Modification Constituting a "Substantial Change" ---- 69
18.66.090 – Operation and Maintenance Standards ---- 69
18.66.100 – Discontinuance and Site Restoration ---- 70

TABLES

Table 4-1 Home Occupation Standards ---- 16
Table 4-2 Standards for Reverse Vending Machines ---- 26
Table 4-3 Standards for Small Recycling Collection Facilities ---- 27
Table 4-4 Standards for Recycling Collection Facilities, Processing, and Transfer Facilities ---- 28
Table 4-6 Bonus for Lower Income Households ---- 45
Table 4-7 Bonus for Very Low-Income Households ---- 45
Table 4-8 Bonus for Moderate-Income Households ---- 46
Table 4-9 Basic Bonus ---- 49

FIGURES

No table of contents entries found.

Chapter 18.60 - Standards for Specific Land Uses

Sections

18.60.010 – Purpose and Applicability
18.60.020 – Accessory Dwelling Units
18.60.030 – Accessory Uses
18.60.040 – Alcoholic Beverage Sales and Service
18.60.050 – Bed and Breakfast Inns
18.60.060 – Caretaker Housing
18.60.070 – Child Day Care Facilities
18.60.080 – Congregate Care/Assisted Living Facilities (PLACEHOLDER)
18.60.090 – Data Centers
18.60.100 – Drive-in/Drive Through Establishments
18.60.110 – Emergency Shelters
18.60.120 – 8ome Occupations
18.60.130 – Live-Work Facilities
18.60.140 – Mobile Food Vendors
18.60.150 – Outdoor Dining and Seating
18.60.160 – Outdoor Displays and Sales
18.60.170 – Outdoor Storage
18.60.180 – Personal Services, Restricted
18.60.190 – Recycling Facilities
18.60.200 – Temporary Uses
18.60.210 – Vehicle Repair Facilities
18.60.220 – Vehicle Sales Facilities
18.60.230 – Vehicle Fueling Stations
18.60.240 – Massage Facilities
18.60.250 – Certified Farmers' Markets
18.60.260 – Short-Term Rentals of Residential Property

18.60.010 – Purpose and Applicability

A. Purpose. The purpose of this Chapter is to ensure that all development is consistent with the General Plan to the maximum extent practicable, complies with the applicable standards of this Chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

B. Applicability.

1. The standards in this Chapter apply to the specified uses in all zones.

2. These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 3 (Site Planning and General Development Standards). Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards in this Chapter.

3. All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director.
4. Wherever a distance or location/separation requirement is applied in this Article, the distance or location/separation shall be measured in a straight line, without regard to intervening structures or objects, from one property line to another property line of the parcel on which the use(s) is located.

18.60.020 – Accessory Dwelling Units

A. Ministerial ADU Approval on Single-Family Parcels. The City shall ministerially approve the construction of accessory dwelling units (ADUs) through the issuance of a Zoning Clearance on any single-family residential parcel to create any of the following:

1. One detached ADU;
2. One attached ADU or one attached JADU, subject to the following:
   a. The attached ADU has exterior access and is contained within the setbacks required by the zoning district of an existing or proposed Single Family Dwelling (SFD), and matches the height of the existing or proposed building or an existing accessory structure;
   b. The attached ADU is within the Building Envelope of an existing accessory structure. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence;
   c. The JADU has exterior access and is contained within the Building Envelope of an existing or proposed Single Family Dwelling (SFD); or
   d. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area
3. One converted ADU satisfying the requirements of subsection 18.60.020.J.
4. Any combination of one detached ADU described in Subsection 1 Above, one attached JADU described in Subsection 2.c or 2.d, above, and one converted ADU described in Subsection 3 above.

B. Ministerial ADU Approval on Multi-Family and Mixed-Use Parcels. The City shall ministerially approve ADUs through the issuance of Zoning Clearance on any multi-family residential or mixed-use parcel to create any of the following:

1. Up to two detached ADUs that comply with ADU height and setback standards;
2. At least one attached ADU in a multi-family or mixed-use structure, and additional attached ADUs up to 25 percent of the number of existing dwelling units, provided that any attached ADUs are placed within areas of the structure that are not currently used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages; or
3. A combination of the ADUs listed in Subsections 1. and 2., above.
4. For ADUs subject to ministerial approval in one of the categories above, the following shall apply:
   a. Legal nonconforming zoning conditions (setbacks, parcel coverage, etc.) do not need to be brought into conforming status in order to obtain the Building Permit for the ADU. In addition, illegal conditions unrelated to the construction of the ADU do not have to be corrected as a prerequisite to the construction of the ADU. Notwithstanding the foregoing, the City reserves its rights to require correction of any illegal conditions through standard code enforcement processes.

b. All rentals of ADUs and JADUs shall be for a term longer than 30 days beginning in 2020.

c. Proposed ADUs not falling within any of the categories listed above may potentially still be approved but shall meet the standards specified in SCCC Chapters 18.10 or 18.12 and undergo Architectural Review in compliance with Chapter 18.76.

C. Development Standards Applicable to All ADUs.

1. Parcel size: No minimum parcel size is required to construct an ADU or JADU on a single-family, multi-family. or mixed-use property.

2. Minimum floor area: 150 square feet.

3. Parking: No parking spaces are required for an ADU or JADU

4. When a garage, carport, or covered parking structure for the SFD is demolished in conjunction with the construction of an ADU or JADU or converted to an ADU or JADU, those off-street parking spaces need not be replaced.

D. Development Standards for ADUs and JADUs on Single-Family, Multi-Family, and Mixed-Use Parcels.

1. Detached ADUs.

a. Height limit: 25 feet

b. Maximum number of stories: 1.5.

c. Setback, rear: 4 feet.

d. Setback, side: 3 feet.

e. Setback, corner side: 4 feet.

f. Unit size maximum, parcels less than or equal to 5,500 square feet: 1,000 square feet.

g. Unit size maximum, parcels greater than 5,500 square feet: 1,200 square feet.

h. Detached ADUs may include a detached garage.

2. Additional development standards for detached ADUs greater than one story and 18 feet in height.

a. Setback, rear, one-story elements: 4 feet.

b. Setback, rear, multi-story elements: 15 feet.

c. Maximum width for dormers: 40 percent of the subject building elevation.

d. Egress windows: Egress windows shall face the primary residence, as opposed to the neighboring properties.

3. Attached ADUs.

a. Height, number of stories: 25 feet and 2 stories

b. Setbacks: Meet the setbacks for the subject zone, except as provided in paragraphs F and H.

c. Unit size: 1,000 square feet or 50 percent of the size of the main unit (minimum of 800 square feet), whichever is less.

d. All attached ADUs subject to ministerial approval shall be constructed within the setbacks required by the zoning district and at a maximum height of 25 feet, or within the Building

Envelope of an existing accessory structure. However, an attached ADU will still qualify as being within the "building envelope" if it includes an expansion of an existing SFD or accessory structure by up to 150 square feet for purpose of creating ingress/egress. Such an expansion may exceed the zoning requirements for the main SFD (such as parcel coverage and setbacks).

e. For the purposes of ADUs, "Building Envelope" shall mean the walls of a proposed SFD or an existing SFD or accessory structure. However, an attached ADU will still qualify as being within the "building envelope" if it includes an expansion of an existing accessory structure by up to 150 square feet for purpose of creating ingress/egress. Such an expansion may exceed the zoning requirements for the main SFD (such as parcel coverage and setbacks).

E. Development Standards for JADUs. JADUs are attached ADUs built within the building envelope of an existing or proposed structure.

1. The maximum area of a JADU is 500 square feet.

2. All JADUs must be constructed within the walls of a proposed or existing SFD. The 150-square foot "building envelope" expansion is not available for JADUs. JADUs are not permitted in accessory structures.

3. A JADU shall contain an efficiency kitchen (a cooking facility with appliances, a food preparation counter, and storage cabinets).

4. A JADU may include separate bathroom facilities or may share bathroom facilities with the main SFD. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

5. Owner-occupancy is required in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

6. The recordation of a deed restriction is required, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

b. A restriction on the size and attributes of the JADU that conforms with this section of the Zoning Code.

F. ADUs subject to Parcel Coverage, Floor Area Ratio (FAR), and Open Space Requirements. ADUs and JADUs are subject to front setback requirements, parcel coverage, FAR, and open space requirements, but only to the extent that such requirements would still allow for:

1. A detached ADU of 800 square feet, that is at least 18 feet in height with four-foot rear yard and four-foot side yard setbacks. Setbacks and side yard setbacks to be constructed in compliance with all other applicable City development standards.

2. An attached ADU, staying within the existing Building Envelope, and constructed in compliance with all other applicable City development standards.

G. ADUs Not Meeting Ministerial Approval Standards. ADUs and JADUs not meeting ministerial approval standards under Paragraph A, are subject to Architectural Review in compliance with Chapter 18.76 and shall meet all applicable Zoning Code regulations.

H. ADUs Proposed in The Location of Existing Accessory Structures. No setbacks are required for conversions of existing structures (garages or other accessory structure) that are constructed in the same location and to the same dimensions as the existing structure.

I. ADUs on Historically Designated Properties.

1. The City is expressly allowed to regulate parking, height, setback, landscape, Architectural Review, maximum unit size, to require standards that prevent adverse impacts on any properties listed in the California Register of Historical Resources.
2. The addition of an ADU to a property listed in the California Register of Historical Resources requires a Significant Properties Alteration (SPA) Permit.

J. Standards Applicable to Converted ADUs. The following standards apply only to converted accessory dwelling units:

1. Definition. A converted ADU is an ADU converted from an existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses, or an accessory structure including but not limited to a studio, pool house, or other similar structure.
2. Limited Expansion. Conversions may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.
3. Exterior Access Required. The converted space or structure shall have exterior access.
4. Setbacks. An accessory dwelling unit or portion of an accessory dwelling unit located within the existing space of an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.
5. Parking. No additional off-street parking is required for the converted accessory dwelling unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface.
6. Unit Size Requirements. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to unit size requirements established in this Section. For example, if an existing 2,000 square-foot accessory structure was converted to an accessory dwelling unit, it would not be subject to the established unit size requirements.

18.60.030 – Accessory Uses

A. Purpose. The purpose of this Section is to regulate accessory uses throughout the City in a manner that ensures compatibility with the primary use and surrounding existing uses and further ensures that the accessory use is clearly incidental and subordinate to the primary use on the site.

B. Objectives. The following objectives shall be satisfied in approving any accessory use:

1. The accessory use is clearly incidental and subordinate to the primary use on the site;
2. The accessory use supports and enhances the primary use on the site;
3. The accessory use does not change the character of the primary use; and
4. The accessory use is compatible with the primary uses on surrounding properties.

C. Considerations. The following considerations shall be used in reviewing proposed accessory uses to help determine if they will meet the above listed objectives:

1. The type of primary use on the site and the relationship of the proposed accessory use to the primary use;
2. The size and intensity of the proposed accessory use in comparison to the primary use (with respect to floor area, sales revenue, number of employees, traffic, etc.); and
3. If the primary use is existing or proposed and if existing, for how long?

D. Approval Process.

1. **Application Process.** An application for an accessory use shall be reviewed through one of the following processes, at the determination of the Director:
   a. As an addition to an allowed primary use located on the site where only Zoning Clearance and no Minor Use Permit or Conditional Use Permit is required;
   b. As an addition to an allowed primary use located on the site but a Minor Use Permit or Conditional Use Permit is required for the accessory use;
   c. As a major or minor modification to the existing Minor Use Permit or Conditional Use Permit for the primary use located on the site; or
   d. As a new Minor Use Permit or Conditional Use Permit for both the primary and accessory use.
2. **Director Determination.** The determination by the Director as to the type of permit and level of review that shall be required for an accessory use shall be based on the potential for controversy, opposition, any unresolved issues, or policy implications.

18.60.040 – Alcoholic Beverage Sales and Service

A. Purpose and Intent. The purpose of this Section is to regulate Alcoholic Beverage Sales associated with a restaurant or retail establishment consistent with relevant State and Federal law. The intent is to allow Alcoholic Beverage Sales in a way that is compatible with the primary use and surrounding existing uses.

B. Permit Requirements. The Alcoholic Beverage Sales and Service are allowed in certain commercial, mixed-use, and office and industrial zones as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Sales and Service Incidental to a Restaurant. Alcohol Sales and Service is allowed incidental to a restaurant, as defined in Article 8 (Definitions), provided the alcohol sales and service use conforms to all of the following standards:

1. Alcohol is served only with meals at a restaurant, as defined in Article 8, which conforms to the requirements of this Zoning Code; and
2. Alcohol sales and service conforms to the requirements of the California Department of Alcoholic Beverage Control.

D. Tasting Incidental to a Retail Establishment. Tasting of beer, wine, or spirits incidental to the retail sales of goods and merchandise is allowed, with Zoning Clearance approval, in compliance with this Zoning Code and all of the following additional provisions:

1. The use is incidental to a retail establishment with a floor area of not less than 25,000 square feet;

2. The use is limited to sampling beer, wine, or spirits sold or offered for sale by the retail establishment for off-site consumption;
3. The use occurs entirely within a designated area delineated by a rope, railing, or other temporary or permanent barrier;
4. The use does not occur between the hours of 9:00 p.m. and 7:00 a.m. or when the retail establishment is closed to the public; and
5. The use conforms to all requirements of the California Department of Alcohol Beverage Control.

18.60.050 – Bed and Breakfast Inns

A. Purpose. The purpose of this Section is to regulate the establishment and operation of Bed and Breakfast Inns.

B. Zones Allowed.

1. **Residential Zones.** In residential zones, a Bed and Breakfast Inn may be located in any single-family dwelling as determined by the Director.
2. **Commercial Zones.** In commercial zones, a Bed and Breakfast Inn may be allowed on a parcel with an existing single-family residential dwelling converted for the purposes of lodging as determined by the Director.

C. Bed and Breakfast Inns Standards. The following standards shall apply to Bed and Breakfast Inns:

1. Where permitted in residential zones, the primary owner(s) shall remain in residence at the Bed and Breakfast Inn when guests are present.
2. A Bed and Breakfast Inn may contain no more than five guest rooms used, let or hired out for the transient occupancy of one or more guests and operated as a commercial service enterprise for profit or livelihood. The number of guests shall be limited by the number of bedrooms located in the single-family dwelling.
3. Guests of a Bed and Breakfast Inn shall register upon arrival, stating their names, current residence addresses and the license plate number of their vehicle (excluding common carriers or charter bus). The registration form shall be kept by the owner for a period of at least three years and shall be made available for examination by a representative of the City's Department of Finance upon notice.
4. Bed and Breakfast Inns shall be subject to the Transient Occupancy Tax and the operator of a Bed and Breakfast Inn shall pay in a timely manner any Transient Occupancy Tax required by the City.
5. Off-street parking requirements shall comply with Chapter 18.38 (Off-Street Parking Regulations and Design Standards).
6. Food service may only include limited meals (i.e., breakfasts) along with late-night snacks and other refreshments) and shall be clearly secondary and incidental to the use of the property for lodging purposes.
    a. Food service, shall be limited to Bed and Breakfast Inn registered guests only.
    b. Food service shall be subject to the approval and maintenance of a Food Facility Permit issued by the Santa Clara County Department of Environmental Health.

18.60.060 – Caretaker Housing

A. Purpose. The purpose of this Section is to regulate the establishment and operation of Caretaker Housing in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

B. Permit Requirements. Caretaker Housing is allowed in certain commercial, mixed-use, and office and industrial zones as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Development Standards. The following standards shall apply to Caretaker Housing:

1. **Maximum Size.** The Caretaker's unit may be no larger than 800 square feet.
2. **Maximum Bedroom.** The Caretaker's unit may have no more than one bedroom.
3. **Parking.** Only one off-street parking space shall be required.

18.60.070 – Child Day Care Facilities

A. Purpose. This Section provides locational, developmental, and operational standards for Child Day Care Facilities in compliance with State law.

B. Standards for Child Day Care Centers. These standards apply in addition to the other provisions of this Zoning Code and requirements imposed by the California Department of Social Services. The establishment of a Child Day Care Center shall comply with Article 2 (Zones, Allowable Uses, and Development Standards), and all the following standards, as applicable to the use:

1. Access shall be only from a collector or arterial street, or a local street if the street is developed primarily with businesses.
2. Play areas shall be located at least five feet from the adjacent property lines and separated from any contiguous residential yards by a six-foot high solid fence or wall.
3. The child day care center shall provide a minimum standard of 75 square feet of outdoor activity space for each ambulatory child. The outdoor area shall be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners;
4. All outdoor play equipment is located at least five feet from the adjacent property lines. No outdoor play equipment shall be allowed in front yards;
5. Compliance with any conditions imposed by the Review Authority deemed reasonable and necessary to satisfy the requirements of this Section.

18.60.080 – Assisted Living Facilities / Congregate Care

A. Purpose and Intent. The purpose of this Section is to provide criteria that distinguish a use an assisted living facility from an independent living arrangement, or from a dependent care facility such as a nursing home. Whether a use qualifies as an assisted living facility will affect the zones where the use is permitted, and how the City's Parkland Dedication Ordinance and Affordable Ordinance apply to the use.

B. Distinguishing Characteristics. The Director will determine whether a proposed use qualifies as assisted living considering the following factors:

a. **Level of care.** On a spectrum of care, an assisted living facility falls between fully independent living situations and fully dependent care. Residents of an assisted living

facility need help with activities of daily living. Residents of a nursing home, by contrast, require frequent or perpetual care.

b. **Medical conditions.** Residents of independent living will have either minor medical conditions or are completely health. Residents of a nursing home have life threatening conditions. Residents of assisted living have minor to major medical conditions, although some residents may not have any health concerns.

c. **Kitchens**. While independent living will typically provide full kitchens, and nursing homes will provide no kitchens, assisted living will usually include a "mini" kitchen containing a microwave and sink. Assisted living facilities will frequently also have a communal dining area in the building.

d. Layout. Assisted Living facilities have private living areas typically ranging from studios to 2-bedrooms, in a layout similar to a hotel. Nursing homes have either private or shared rooms in a layout similar to a hospital.

e. **Personnel On-site**. Independent living facilities will typically have an attendant available, but not necessarily on site. Assisted living facilities will typically have an attendant on 24-hour staff. Nursing homes will have nurses on 24-hour duty.

C. Categorization of use. The application of the City's Parkland Dedication Ordinance and Affordable Housing Ordinance depend upon whether a use is categorized as "residential" or "commercial." Since assisted living facilities have characteristics of both, the following standards shall apply, consistent with prior City practice:

a. Affordable Housing Ordinance. The square footage of assisted living units attributable to bedrooms will be treated as residential space, and all square footage will be treated as commercial space.

b. Parkland Dedication Ordinance. The Parkland Dedication Ordinance will apply to the residential units, irrespective of the presence of any service or commercial component to the building, in the same way that the residential units in a mixed-use building would be subject to the Ordinance.

D. Memory Care Excluded. Memory Care units are not considered assisted living, and are treated as a commercial use for the Affordable Housing Ordinance and Parkland Dedication Ordinance.

18.60.090 – Data Centers

A. Purpose and Intent. The purpose of this Section is to establish standards for the development and operation of Data Centers, as that term is defined in Article 8 (Definitions), as allowed by Article 2 (Zones, Allowable Uses, and Development Standards). The intent of these standards is to regulate Data Centers for compatibility with surrounding uses and property.

B. Permit Requirements. Data Centers are allowed as specified in Table 2-9 (Office and Industrial Zone Allowed Uses and Permit Requirements).

C. Developmental Standards. The following standards shall apply to all Data Centers:

1. **Primary Structure Facades.** Primary structure facades shall include all structure facades that face adjacent public roads. Primary structures may house a primary use, and secondary

(freestanding) structures may house the data center, or the data center may be included in the primary structure. Primary structure facades associated with new construction shall meet all of the following standards:

a. Primary structure façade design shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in structure height, structure step-backs or recesses, fenestration, change in structure material, pattern, texture, color, or use of accent materials.

b. When a primary structure has more than one facade, the facades shall be consistent in terms of design, materials, details, and treatment.

2. **Exterior Lighting.** All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties in compliance with Section 18.40.070 (Outdoor Lighting).

3. **Structural Noise Reduction Measures.** All data centers are required to provide structural noise reduction measures for any exterior cooling fans or equipment, such as baffles or acoustic louvers, to the satisfaction of the Director of Community Development.

18.60.100 – Drive-in/Drive-Through Establishments

A. Purpose. The purpose of this Section is to establish standards for the development and operation of Drive-In/Drive-Through Establishments as allowed by Article 2 (Zones, Allowable Uses, and Development Standards).

B. Permit Requirements. Drive-In/Drive-Through Establishments are allowed as specified in Table 2-4 (Commercial Zone Allowed Uses and Permit Requirements) and Table 2-7 (Mixed-Use Zone Allowed Uses and Permit Requirements).

C. Developmental Standards. The following standards shall apply to all Drive-In/Drive-Through Establishments:

1. Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 11-foot width.

2. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs/pavement markings.

3. Each drive-through aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property or access to a parking space.

4. Pedestrian walkways generally should not intersect the drive-through access aisles, but where they do, they shall have clear visibility and be emphasized by enhanced paving or markings.

5. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.

6. Drive-through access aisles shall provide at least 100 feet of space before a menu/order board. Additional menu-only boards may be provided.

7. To properly screen vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a minimum five-foot-wide planter shall include a minimum three-foot-tall (maximum four-foot-tall) landscape barrier planted with shrubs and trees and other landscaping consistent with those in the parking area. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings shall also be designed to discourage potential safety issues (e.g., persons lying in wait).

8. A minimum eight-foot-high solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or used parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director. A minimum five-foot landscaping strip shall be provided between the fence and any driveway which shall be maintained by the owners, developers, and/or successors-in-interest.

18.60.110 – Emergency Shelters

A. Purpose. The purpose of this Section is to establish standards for the development and operation of Emergency Shelters which as allowed by Article 2 (Zones, Allowable Uses, and Development Standards).

B. Location. Emergency shelters are allowed as follows:

1. In the C-C, C-R, and MU-VHD permitted by right.
2. In the R3, R4, and R5 zones, permitted by right.
3. In the LI Light Industrial zone, permitted by right.
4. In the PQP Public/Quasi-Public district, allowed with a Minor Use Permit

C. Permitting Requirements. An application must meet the minimum property development standards for the applicable zoning designation on the date the operator submits the materials required by Subsection E. (Shelter Management Plan).

D. Developmental and Operational Standards. The following standards shall apply to all Emergency Shelters:

1. **Parcel Coverage and Maximum Occupants.** The maximum number of occupants to be served at any given time shall not exceed 50.
2. **Separation of Uses.** A minimum distance of 300 feet shall be maintained from any other emergency shelter.
3. **Length of Stay.** The maximum stay at the facility shall not exceed 180 total days in any 365-day period.
4. **Intake Areas.** On-site client waiting and intake areas shall be located inside the structure, when feasible, and shall be screened from public and private property. If not feasible, an exterior waiting area shall be provided which:
   a. Contains a minimum of 10 square feet per bed provided at the facility;
   b. Shall be in a location not adjacent to the public right-of-way; and
   c. Shall be visibly separated from public view by a minimum six-foot-tall visual screening.
5. **Intake Area Hours.** Hours of intake shall be between the hours of 5:00 p.m. to 9:00 p.m. Overnight occupants shall not be allowed to leave the facility on foot before 7:00 a.m. the following morning.
6. **On-site Employee Requirements.** A minimum of one employee for each 15 beds provided, in addition to security personnel, shall be on duty and remain on-site during operational hours whenever occupants are on the site.
7. **Required Security.** Security personnel shall be provided during operational hours whenever clients are on the site and when people are waiting outside the facility.
8. **Exterior Lighting.** Exterior lighting shall be provided for the entire outdoor area of the site. Exterior lighting shall be stationary, directed downward and away from adjacent properties

and public rights-of-way, and be of an intensity compatible with the neighborhood and the regulations Section 18.40.080 (Outdoor Lighting).

9. **Allowable On-site Services.** The emergency shelter may provide the following services and facilities to occupants in a designated area separate from the sleeping areas:
   - **a.** A recreation area either inside or outside the shelter. If located outside, the area shall be screened from public view.
   - **b.** A counseling center for job placement, educational, health care, legal, or mental health services.
   - **c.** Laundry facilities sized to properly serve the number of occupants at the shelter.
   - **d.** Kitchen for the preparation of meals.
   - **e.** Dining hall.
   - **f.** Client storage areas (i.e., for the overnight storage of bicycles and personal items).
   - **g.** Similar services supporting the needs of homeless occupants.
10. **Annual Report to the City.** The operator of the facility shall provide, via the Homelessness Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations, at the City's request, an annual report of the use of the facility and determination of compliance with the City's development standards for the use. The report shall include information regarding client stays, client demographics, client income, and exit destinations.
11. **On-site Management.** Professional and on-site management, with experience managing emergency shelters, shall be provided at all times.

E. Shelter Management Plan.

1. **Contents of Management Plan.** The shelter operator shall demonstrate compliance with the requirements of Subsection D. (Developmental and Operational Standards) by providing the Director with a shelter management plan. The shelter management plan shall consist of a written description of the characteristics of the planned shelter along with preliminary plans for the existing or proposed shelter facility, including parking. The shelter management plan shall address all of the following:
   - **a.** Hours of operation;
   - **b.** Admission hours and process;
   - **c.** Staff training;
   - **d.** Neighborhood outreach and privacy;
   - **e.** Security; and
   - **f.** Resident counseling and treatment.
2. **Review by the Director.** The shelter management plan is subject to approval by the Director prior to issuance of the Certificate of Occupancy. The submission shall include sufficient detail for the Director to assess whether the proposed shelter will satisfy the requirements specified in Subsection D. (Developmental and Operational Standards). Within 30 days of receiving a complete application, the Director shall inform the proposed operator whether the submission satisfies Subsection D., above. If the Director determines the proposed emergency shelter fails to satisfy the requirements of Subsection D., the proposed operator shall be informed in writing of the conclusion, the reasons for the conclusion, and the facts on which the conclusion was based. The Certificate of Occupancy may only be issued following the Director's approval of the shelter management plan.

3. **Updates.** The shelter operator shall submit a revised SMP to the Director at least 60 days prior to changing any of the characteristics specified in the Plan. The Director shall have the authority to veto any proposed change to the SMP that would have the potential to violate Subsection D. (Developmental and Operational Standards).

F. Compliance Required. Any emergency shelter shall operate in compliance with the terms of the shelter management plan approved by the Director, this Zoning Code, and the approved Conditional Use Permit, if applicable.

G. Additional Requirements. Nothing in this Section, or approval of any Conditional Use Permit or shelter management plan, shall relieve a proposed operator from the obligation to satisfy all applicable building, zoning, environmental, and other laws, regulations, or ordinances that may otherwise apply to the construction, location, or operation of the emergency shelter.

18.60.120 – Home Occupations

A. Purpose and Intent. The purpose of these home occupation standards is to regulate commercial and office uses within and accessory to residential dwellings. The intent of these standards is to allow certain home-based businesses while preserving the intended residential character of a neighborhood and/or dwelling as contemplated in the General Plan and this Zoning Code.

B. Zoning Clearance Required. Home Occupations are allowed as specified in Table 2-1 (Residential Zone Allowed Uses and Permit Requirements) and subject to the issuance of a Zoning Clearance.

C. General Standards. A Home Occupation meeting the requirements of this Section shall be allowed in any dwelling unit, including a mobile home, as an incidental use of the dwelling. The provisions of this Section shall apply to all dwelling units implemented in compliance with the requirements of this Zoning Code, regardless of the zone in which the parcel is located.

D. Home Occupation Standards. The following standards shall apply to all Home Occupation activities:

1. **Authorization.** No Home Occupation shall be initiated unless and until the Department issues a Zoning Clearance confirming compliance with the requirements specified in Table 4-1 (Home Occupation Standards), below, and all other provisions of this Section, and the applicant has agreed in writing to operate the home occupation in compliance with all of the requirements of this Section.
2. **Business Tax Certificate.** Issuance of a City Business Tax Certificate, commonly referenced as a Business License, shall in no way signify authorization of a Home Occupation or compliance of a home occupation with the requirements of this Section.

Table 4-1
Home Occupation Standards

No Operator/Employees Allowed	The dwelling unit shall be the primary dwelling of the operator(s) of the home occupation. No employee, assistant, or volunteer is allowed unless the dwelling is that person's primary dwelling, except for cottage food uses, consistent with the State Cottage Food Act (Government Code Section 51035).
Clients/Customers	A maximum of two clients at a time are allowed at the dwelling.

Table 4-1
Home Occupation Standards

Hours of Operation – Client Visits	No clients are allowed at the dwelling between 7:00 p.m. and 9:00 a.m. daily.
Location	The home occupation shall be conducted entirely within the dwelling and shall not be conducted within a garage, accessory structure, or outdoors. The use shall occupy no more than 25 percent of the dwelling's floor area, excluding the garage.
Sales	No articles shall be displayed, sold, or offered for sale to any customer at the dwelling except in compliance with the garage/personal property sale provisions of Chapter 18.122 (Temporary Use Permits) or except fresh produce (fruit and vegetables) and cottage food products produced on the site.
Signs	No signs are allowed except for signs allowed for a dwelling unit in compliance with Chapter 18.42 (Sign Standards)
Access	Access to the home occupation area shall be from within the dwelling. No separate entrance from the exterior of the dwelling shall be allowed.
Traffic	The use shall not generate pedestrian or vehicular traffic beyond that which is considered normal in a residential area.
Vehicles	A maximum of one commercial vehicle with a manufacturer's gross vehicle weight of no more than 8,000 pounds shall be allowed on the premises. If the vehicle is not removed from the residential neighborhood at least once every 72 hours, it must be stored within an enclosed structure on the premises.
Hazardous Materials	The use or storage of hazardous, flammable, combustible, or explosive materials is not allowed except for materials and in such quantities as are customarily incidental to a dwelling.
Equipment	No mechanical or electrical equipment shall be allowed other than equipment that is customarily incidental to a dwelling.
Nuisance Prohibited	The use shall not create a public nuisance with regard to dust, heat, noise, odors, smoke, television or radio interference, radiation, or vibration.

E. Prohibited Home Occupations.

1. The following uses and activities are prohibited as Home Occupations:
   a. Animal hospitals;
   b. Boarding and/or rooming house for more than one guest;
   c. Food catering or production except in compliance with the Cottage Food Act (Government Code Section 51035);
   d. Massage, except certified massage as defined in Article 8 (Definitions);
   e. Medical doctor, chiropractor, dentist, acupuncturist, or other practitioner of the healing arts;
   f. Vehicle storage, cleaning, dismantling, installation, manufacture, repair, service ;
   g. Vehicle sale, lease, rental, or dispatching including via e-commerce platforms;
   h. Welding; or
   i. Any use that does not comply with the standards specified in this Section.
2. This list, from time to time, may be increased with additional classifications which are found by the Director to change the character of the dwelling unit or adversely impact the residential neighborhood's character.

18.60.130 – Live-Work Facilities

A. Purpose. The purpose of this Section is to regulate the establishment and operation of Live-Work Facilities in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

B. Permit Requirements. Live-Work Facilities are allowed in certain residential, commercial, and mixed-use zones as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Development Standards. The following standards shall apply to all Live-Work Facilities:

1. A minimum first floor to ceiling height of 12 feet shall be provided and maintained;
2. A minimum front room depth of 35 feet shall be provided and maintained;
3. A minimum of 65 percent window glazing along the front elevation shall be provided and maintained;
4. Double entry doors with a minimum of 80 percent transparent glass surface area shall be provided and maintained;
5. Live/work units may occupy a maximum of 25 percent of an individual structure's ground floor retail frontage; and
6. The Live-Work Facilities do not count towards any minimum commercial FAR.

18.60.140 – Outdoor Dining and Seating

A. Purpose and Intent. The purpose of this Section is to regulate permanent Outdoor Dining and Seating. Temporary uses are addressed in Chapter 18.122 (Temporary Use Permits). The intent of these regulations is to encourage outdoor dining and seating that is compatible with associated and surrounding uses and do not obstruct pedestrian or vehicular circulation or create an unsightly appearance.

B. Permit Requirements.

1. All Outdoor Dining and Seating areas subject to the requirements of this Section shall be allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).
2. Outdoor Dining and Seating areas are allowed as follows:
   - **a.** When providing 24 or fewer seats: A Zoning Clearance is required; and
   - **b.** When providing 25 or more seats: A Minor Use Permit is required.
3. When a Minor Use Permit is required, in order to approve proposed outdoor seating, the Director shall make the standard findings required for the Minor Use Permit, as well as all the following additional findings:
   - **c.** Allows a continuous pedestrian path of travel in compliance with State and Federal accessibility regulations that will not obstruct fire, pedestrian, and wheelchair access.
   - **d.** Does not unduly interfere with pedestrian traffic on the sidewalk.
   - **e.** Does not unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.
   - **f.** Allows an unobstructed view of traffic devices.

C. General Developmental Standards. The following developmental standards shall apply to all Outdoor Dining and Seating Facilities:

1. **Location.** Outdoor dining and seating shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation and does not encroach upon driveways, emergency vehicle/fire access lanes, landscaped areas, parking spaces, pedestrian walkways or pathways, bicycle lanes, seating, enhanced pedestrian amenities (e.g., waste receptacles and drinking fountains), or any other requirement listed in the Building Code. Outdoor dining and seating shall not be located within the public right-of-way, in required parking spaces, in designated vehicle drive aisles, or within required landscape planter areas.
2. **Hours of Operation.** Except as otherwise provided, hours of operation for outdoor dining and seating areas shall be consistent with those for the primary use.
3. **Signs.** No additional business identification or advertising signs for outdoor dining and seating shall be allowed above the maximum number and allowable sign area for the corresponding primary use as established in Chapter 18.42 (Sign Standards).
4. **Maintenance.** Outdoor dining and seating areas shall be kept free of garbage and other debris and shall not encroach into required sidewalk clearance areas as follows: all outdoor dining and seating areas shall leave a minimum horizontal clear space of six feet of clear sidewalk space, or greater if the Director of Public Works determines necessary to protect pedestrian access to the sidewalk area.
5. **Quality of Materials.** Any outdoor dining and seating area shall use high quality materials compatible with surrounding uses and structures. For example, inexpensive plastic or polypropylene chairs are not compatible with permanent higher quality surrounding materials and structures. The selected materials shall be subject to the Director's approval.
6. **Distance from Residential Uses.** Except as otherwise expressly allowed in this Zoning Code, no outdoor dining and seating area shall be located less than 100 feet from the property line of a residentially zoned parcel without prior approval of a Minor Use Permit. However, a Minor Use Permit shall not be required for the following activities when located less the 100-foot separation requirement:
   - **g.** Service windows for pedestrians.

h. Outdoor dining and seating incidental to a restaurant or beverage/food establishment that conforms to all the following criteria:

(1) Is separated from residentially zoned property by a nonresidential building;

(2) Does not operate between the hours of 10:00 p.m. and 6:00 a.m. daily;

(3) Can be secured, in order to prevent access during non-business hours; and

(4) Is operated in a manner that does not create a private or public nuisance.

D. Operational Standards. The following operational standards shall apply to all Outdoor Dining and Seating Areas:

1. Permittee to Ensure Maintenance. The permittee shall be responsible for, and exercise reasonable care in, the inspection, maintenance, and cleanliness of the area containing the outdoor dining and seating, including any design requirements hereafter enacted, from the structure frontage to the curb.

2. Permittee to Ensure Compliance. The permittee shall restrict the outdoor dining and seating to the approved location and ensure compliance with all applicable laws, including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.

3. Alcoholic Beverage Sales. Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control.

4. Clean-up Facilities. Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate clean-up facilities, and associated procedures, in the following manner.

a. Cleaning Schedule. Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and,

b. Waste Receptacles. Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.

5. Required Parking. No additional parking shall be required for the outdoor dining and seating area associated with the primary use.

6. Entertainment. Outdoor dining and seating areas that provide dancing, entertainment, or amplified music shall comply with the noise standards in City's Noise Ordinance (SCCC Chapter 9)

18.60.150 – Outdoor Displays and Sales

A. Purpose and Intent. The purpose of this Section is to regulate permanent Outdoor Displays and Sales. Temporary uses are addressed in Chapter 18.122 (Temporary Use Permits). The intent of these regulations is to encourage Outdoor Displays and Sales that are compatible with associated and surrounding uses and do not obstruct pedestrian or vehicular circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements.

1. All Outdoor Displays and Sales that are subject to the requirements of this Section shall be allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

2. When a Minor Use Permit is required, in order to approve proposed Outdoor Displays and Sales, the Director shall make the standard findings required for the Minor Use Permit, as well as all the following additional findings:

   a. Allows a continuous pedestrian path of travel in compliance with State and Federal accessibility regulations that would not obstruct fire, pedestrian, and wheelchair access.

   b. Does not unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.

   c. Allows an unobstructed view of traffic devices.

C. Exemptions. The following uses shall be exempt from the requirements for a Minor Use Permit, provided that the uses comply with all other requirements of this Section:

1. The seasonal sale of Halloween pumpkins or Christmas trees and greenery (regulated by Chapter 18.122 (Temporary Use Permits).
2. The selling of any product from the sidewalk area of a public street.
3. The placement or maintenance of news racks within the public right-of-way in compliance with the applicable provisions in the SCCC.
4. The vending of beverages, goods, wares, or merchandise for the use of an on-site business when the vending facility remains on the site for one hour or less in any 24-hour period, including Mobile Food Vendors in compliance with Section 18.60.170 (Mobile Food Vendors).

D. General Development Standards. The following general standards shall apply to all Outdoor Displays and Sales activities.

1. **Location.** Outdoor Displays and Sales shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation. The Outdoor Displays and Sales shall not encroach upon or be located within required setbacks or public rights-of-way, driveways, emergency vehicle/fire access lanes, landscaped areas, required parking spaces, pedestrian walkways, bicycle lanes, seating, enhanced pedestrian amenities (e.g., waste receptacles and drinking fountains), or any other requirement listed in the Building Code.
2. **Hours of Operation.** Except as otherwise provided, hours of operation for Outdoor Displays and Sales shall be consistent with those for the primary use.
3. **Signs.** No additional business identification or advertising signs for the Outdoor Displays and Sales may be allowed above the maximum allowable sign area for the corresponding primary use as established in Chapter 18.42 (Sign Standards).
4. **Maintenance.** Outdoor Displays and Sales areas shall be kept free of garbage and other debris and shall not encroach into required sidewalk areas as follows: all Outdoor Displays and Sales areas shall leave a minimum horizontal clear space of six feet, or greater if the Director of Public Works determines necessary for safe pedestrian access to the sidewalk area.
5. **Waste Collection and Disposal.** Solid waste collection, recycling, and/or disposal shall be provided.
6. **Quality of Materials.** Any Outdoor Displays and Sales area shall use high quality materials compatible with surrounding uses and structures. For example, inexpensive plastic is not compatible with permanent higher quality surrounding materials and structures.
7. **Distance from Residential Uses.** Except as otherwise expressly allowed in this Zoning Code, no Outdoor Displays and Sales area shall be located less than 100 feet from the property line of a residentially zoned parcel without prior approval of a Minor Use Permit.

However, a Minor Use Permit shall not be required for the following activities when located less the 100-foot separation requirement:

a. Service windows for pedestrians or automatic teller machines for pedestrians;

b. Plant nursery sales accessory to an indoor retail use, which outdoor sales area is no greater than 15 percent of the gross floor area of the retail use; and

c. Display or storage of up to two on-site vehicles associated with the sale, lease, or rental of vehicles with no vehicle service, repair, cleaning, or fueling.

E. Developmental and Operational Standards for Outdoor Displays and Sales. The following standards shall apply as applicable to the specific type of use:

1. General Standards for Permanent Outdoor Displays and Sales. The following standards shall apply to all permanent Outdoor Displays and Sales activities:

a. Associated with the Primary Use. All Outdoor Displays and Sales activities shall be associated with the primary use of the parcel. Only those goods and services associated with the primary use may be stored, sold, or displayed.

b. Maximum Area. Unless otherwise authorized by a Minor Modification, the area used for permanent Outdoor Displays and Sales of materials shall not exceed 10 percent of the gross floor area of the corresponding commercial structure. Vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from this requirement, provided storage and display is limited to vehicles offered for sale or rental only and all other Zoning Code requirements are satisfied.

c. Display Space. The aggregate display area shall not exceed 25 percent of the linear frontage of the storefront or six linear feet, whichever is greater, and items may not project more than four feet from the storefront.

d. Height Limit. Displayed outdoor sales, other than plant materials for sale (e.g., Christmas trees, nursery trees), shall not exceed a height of six feet above finished grade, unless a greater height is allowed through Minor Modification approval.

e. Safety Hazards. No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any structure; interferes with, or impedes the flow of, pedestrian or vehicle traffic; obstructs in part or in whole an emergency vehicle/fire access lane; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding parcel; or in any other manner is detrimental to the public health, safety, or welfare or causes a public nuisance. The existence of a safety hazard(s) shall be determined by the Director.

2. General Standards for Outdoor Vending Machines. The following standards shall apply to all outdoor vending machines:

a. Not more than two outdoor vending machines shall be allowed for a use with up to 25,000 square feet of floor area, and not more than five outdoor vending machines shall be allowed for a use with 25,000 square feet or more of floor area.

b. Outdoor vending machines shall be located immediately adjacent to a structure.

c. Outdoor vending machines shall be located a minimum distance of 150 feet away from any dwelling or the parcel line of any Residential or (the residential component of a) Mixed-Use Zoned Property or any school facility.

d. Vending machines shall not obstruct pedestrian or vehicular access.

18.60.160 – Outdoor Storage

A. Purpose and Intent. The purpose of this Section is to regulate permanent Outdoor Storage. Temporary uses are addressed in Chapter 18.122 (Temporary Use Permits). The intent of these regulations is to encourage Outdoor Storage that is compatible with associated and surrounding uses and that does not obstruct pedestrian or vehicular circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements. All Outdoor Storage areas that are subject to requirements of this Section shall be allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards)

C. General Development Standards. The following developmental standards shall apply to all Outdoor Storage areas.

1. **Location.** Outdoor Storage areas shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation and does not encroach upon required setbacks, public rights-of-way, driveways, emergency vehicle/fire access lanes, landscaped planter areas, parking spaces, vehicle drive aisles, pedestrian walkways or pathways, bicycle lanes, seating, enhanced pedestrian amenities (e.g., waste receptacles and drinking fountains), or any other requirement listed in the Building Code.
2. **Hours of Operation.** Except as otherwise provided, hours of operation for Outdoor Storage areas shall be consistent with those for the primary use.
3. **Signs.** No additional business identification or advertising signs for Outdoor Storage areas shall be allowed above the maximum allowable sign area for the corresponding primary use as established in Chapter 18.42 (Sign Standards).
4. **Maintenance.** Outdoor Storage areas shall be kept free of garbage and other debris.
5. **Distance from Residential Uses.** Except as otherwise expressly allowed in this Zoning Code, no use involving any Outdoor Storage of goods or merchandise shall be located less than 100 feet from the property line of a residentially zoned parcel without prior approval of a Minor Use Permit. However, a Minor Use Permit shall not be required for the following activities when located less the 100-foot separation requirement: storage of up to two on-site vehicles associated with the sale, lease, or rental of vehicles with no vehicle service, repair, cleaning, or fueling.

D. Operational Standards. The following operational standards shall apply to all permanent Outdoor Storage activities:

1. **Location.** Outdoor Storage may not be located within any required front or street side setback for the applicable zone within which the activity is located.
2. **Screening.**
   a. Outdoor Storage shall be screened from public view by a solid wall or fence or by other screening as approved by the Director.
   b. No Outdoor Storage shall extend above the height of any screening wall or fence, except as expressly authorized through the Minor Use Permit.
   c. Screening of Outdoor Storage shall comply with Chapter 18.34 (Fences, Walls, and Hedges).
3. **Off-Street Parking.** Off-street parking associated with permanent Outdoor Storage shall comply with Chapter 18.38 (Off-Street Parking Regulations and Design Standards).

18.60.170 – Personal Services, Restricted

A. Purpose. The purpose of this Section is to establish site planning, developmental, and/or operational standards for the following "Restricted Personal Services": tattoo and body piercing shops, pawnshops, and check cashing establishments.

B. Intent. It is the City's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by requiring special siting and locational standards and imposing other special development standards.

C. Skid-Row Atmosphere. Restricted Personal Services have serious objectionable characteristics especially when several of them are located in close proximity to each other. The concentration tends to create a "skid-row" atmosphere and has a deleterious effect upon the adjacent area. Regulation of the locations of these uses is necessary to ensure that the adverse effects will not cause or contribute to the blight or the downgrading of neighborhoods and businesses situated in proximity to the Restricted Personal Services.

D. Prevent Deleterious Effects. The regulations specified in this Section are necessary and will tend to prevent the clustering of Restricted Personal Services. The specified regulations will serve to help prevent the deleterious effects of blight and the resultant downgrading of real property values. The regulations will also serve to promote the orderly planning, development and utilization of neighborhood and business premises.

E. Anti-Skid-Row Regulations. Excepting the provisions of Article 5 (Nonconformities) pertaining to nonconforming uses, no parcel of property in any zone or any structure thereon, or any portion thereof, within the City, shall be used for a Restricted Personal Service use at a location closer than 500 feet from another Restricted Personal Service use nor 500 feet from the below-indicated uses (whether the use is located within or outside the City):

1. Bingo halls, bowling alleys, electric game centers, internet cafes, ping-pong centers, pool and billiard halls, and private clubs and lodges;
2. Hotels and motels;
3. School property line (universities, community colleges, high schools, junior high schools, elementary and nursery schools);
4. State-licensed childcare day care centers and/or large family day care facilities; and
5. Any parcel zoned single-family residential or mixed-use.
6. Any adult-oriented business use, as defined in Article 8.

F. Permit Requirements. Restricted Personal Services are allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

18.60.180 – Recycling Facilities

A. Purpose and Intent. The purpose of this Section is to establish standards and procedures for the siting and operating various types and sizes of commercial Recycling Facilities, where allowed by Article 2. (Zones, Allowable Uses, and Development Standards). The intent of the standards is to ensure safe operations and compatibility with surrounding uses.

B. Permit Requirements. Recycling Facilities are allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Reverse Vending Machines. The following standards shall apply to all reverse vending machines:

1. Reverse vending machines shall conform to the criteria in Table 4-2 (Standards for Reverse Vending Machines) as determined through the Zoning Clearance process.
2. Any reverse vending machine that is inoperable for a period of 30 days or more shall be removed from the parcel.

Table 4-2
Standards for Reverse Vending Machines

Type of Use	Reverse Vending Machines are accessory uses and must comply with Section 18.60.030. Such uses shall be established in conjunction with a primary use that complies with the Zoning, Building, and Fire Codes of the City.
Parking	Shall not displace parking required for the primary use. No additional parking is required for the Reverse Vending Machines.
Location	If located outside of a structure: Shall be located immediately adjacent to a structure and a minimum of 100 feet from any dwelling or any parcel line of a Residential or (the residential component of a Mixed-Use Zoned Property.
	If located inside of a structure: Shall be placed within 30 feet of the entrance and shall not obstruct pedestrian circulation.
	Shall not obstruct pedestrian or vehicular circulation and shall not be placed in landscape areas.
Size	Shall not exceed a maximum of 50 square feet of site area and eight feet in height, for each machine or box.
Number	Shall be limited to a total of two for each parcel.
Construction	Shall be constructed of, and maintained with durable waterproof, and rustproof materials.
Acceptable Recyclables	Shall accept only CRV glass, aluminum, or plastic containers, paper, and other recyclable items.
Operating Hours	Shall be consistent with the operating hours of the primary use.
Sign Location	Shall be flat mounted to the side of the machine or box.
Sign Area per Machine or Box	Shall not exceed four square feet of sign area but is not subject to maximum sign area limitations.
Display Allowable Recyclable Materials	Shall clearly identify the type of materials to be deposited and the name and phone number for the equipment owner/operator.
Illumination Requirements	Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn, in compliance with Section 18.40.080 (Outdoor Lighting).

Table 4-2
Standards for Reverse Vending Machines

Maintenance	The property owner shall ensure that the facility shall be monitored to ensure that no recyclable materials are located outside the reverse vending machines and that the surrounding area is free of litter.

D. Recycling Collection Facilities, Small. The following standards as specified in Table 4-3 (Standards for Small Recycling Collection Facilities), below, shall apply to all Small Recycling Collection Facilities:

Table 4-3
Standards for Small Recycling Collection Facilities

Type of Use	Small Recycling Collection Facilities are accessory uses and must comply with Section 18.60.030. Such uses shall be established in conjunction with a primary use which complies with the Zoning, Building, and Fire Codes of the City.
Location	Shall be located immediately adjacent to a structure and a minimum of 50 feet from any dwelling or any parcel line of a Residential or the residential component of a Mixed-Use Zoned Property.
	Shall be set back at least 10 feet from any public right-of-way.
	Shall not obstruct pedestrian or vehicular circulation and shall not be located within landscaped areas.
Size	Each unit shall not exceed a maximum of 350 square feet in bulk and eight feet in height.
Parking	Shall not displace parking required for the fixed-base host. No additional parking is required for the small recycling collection facility.
Number	Shall be limited to a total of two for each parcel.
Construction	Shall be constructed of, and maintained with, durable waterproof and rustproof material; shall be covered; and shall be secured from unauthorized entry; and shall be clearly marked with the name and telephone number of the facility operator.
Operating Hours	Shall operate only during the hours of operation of the primary use.
Containers and Fencing	Any containers and site fencing shall be of a color and design to be compatible and harmonious with the surrounding uses and neighborhood.

Table 4-3
Standards for Small Recycling Collection Facilities

Acceptable Recyclables	Shall accept only CRV glass, aluminum, or plastic containers, paper, and other recyclable items.
Equipment	Shall not use power-driven processing equipment, except for reverse vending machines.
Sign Location	Shall be flat mounted to the side of the machine or box.
Sign Area per Facility	Shall not exceed four square feet of sign area but is not subject to maximum sign area limitations.
Display Allowable Recyclable Materials	Signs shall clearly identify the type of materials to be deposited and the name and phone number for the equipment owner/operator.
Illumination Requirements	Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn, in compliance with Section 18.40.080 (Outdoor Lighting).
Maintenance	The property owner shall ensure that the facility shall be monitored to ensure that no recyclable materials are located outside the small recycling collection facility and that the surrounding area is free of litter.

E. Recycling Collection Facilities, Processing, and Transfer Facilities. The following standards shall apply to all recycling collection, processing, and transfer facilities:

Table 4-4
Standards for Recycling Collection Facilities, Processing, and Transfer Facilities

Minor Use Permit required	Shall be considered a primary use of the property. Where allowed by Article 2. (Zones, Allowable Uses, and Development Standards), the recycling collection, processing, and transfer facilities require the approval of a Minor Use Permit.
	The permit, as conditioned, shall include structural controls and maintenance and operational provisions that conform to the requirements of the National Pollutant Discharge Elimination System Permit.
	The permit, as conditioned, shall provide facilities adequate to accommodate the type and volume of materials proposed for transfer or processing.

Table 4-4
Standards for Recycling Collection Facilities, Processing, and Transfer Facilities

	The permit, as conditioned, shall provide access and on-site circulation sufficient to ensure that vehicle stacking does not impact public streets.
Location	Shall not be located within 100 feet of any dwelling or any parcel line of a Residential or the residential component of a Mixed-Use zoned property.
Enclosed structure required.	All processing, storage, or transfer operations shall occur within a totally enclosed structure, unless the permit, as conditioned, includes adequate screening, buffering, and operational controls to ensure that recycling activities do not result in visual, noise, dust, or odor impacts in the vicinity of the project site.
Parking	Parking shall be provided in compliance with Chapter 18.38 (Off-Street Parking Regulations and Design Standards).
Container Construction	Containers provided for "after hours" donation of recyclable materials shall be constructed of, and maintained with, durable waterproof and rustproof material; shall be covered; and shall be secured from unauthorized entry; and shall be clearly marked with the name and telephone number of the facility operator.
Containers and Fencing	Any containers and site fencing shall be of a color and design to be compatible and harmonious with the surrounding uses and neighborhood.
	Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen or walls.
Signs	Signs shall be in compliance with Chapter 18.42 (Sign Standards).
Maintenance	The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
	Dust, fumes, odor, smoke, or vibration above ambient levels shall not be detectable on adjoining parcels.

18.60.190 – Temporary Uses

18.60.200 – Vehicle Repair and Maintenance Facilities

A. Purpose and Intent. The purpose of this Section is to establish standards for the development and operation of Vehicle Repair and Maintenance Facilities (both Major Motor Vehicle Repair and Minor Motor Vehicle Repair). The intent of the standards is to regulate these uses for compatibility with surrounding existing uses.

B. Permit Requirements. Vehicle Repair and Maintenance Facilities are allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Development Standards. In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), all Vehicle Repair and Maintenance Facilities shall be developed and operated in compliance with all of the following standards:

1. **All Repairs and Storage Conducted Within a Structure.** All vehicle repairs and storage of parts, accessories, etc., shall be conducted within a fully enclosed structure.
2. **Landscaping Standards.** All landscaping shall be installed and permanently maintained in compliance with the provisions of Chapter 18.36 (Landscaping Standards).
3. **Openings of Service Bays.** Openings of service bays for new repair facilities shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.
4. **Outdoor Lighting.** All on-site outdoor lighting shall be stationary and directed downward and away from adjoining properties and public rights-of-way in compliance with Section 18.40.080 (Outdoor Lighting).
5. **Outside Storage.**
   a. Outside storage of vehicles being repaired shall be allowed for a maximum of 30 days for each vehicle, within a 90-day period. Areas used for storage of vehicles awaiting repair shall be completely screened from public view in compliance with Chapter 18.34 (Fences, Walls, Hedges, and Screens).
   b. Outside storage of junked or wrecked vehicles is prohibited.
6. **Signs.** All on-site signs shall comply with provisions of Chapter 18.42 (Sign Standards).

18.60.210 – Vehicle Sales Facilities

A. Purpose and Intent. The purpose of this Section is to establish standards for the development and operation of Vehicle Sales Facilities. The intent of the standards is to regulate these uses for compatibility with surrounding existing uses.

B. Permit Requirements. Vehicle Sales Facilities are allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Circulation Plan. A Circulation Plan is required showing the ingress and egress on the site, vehicle off/on loading, and the circulation proposed for the test driving of vehicles, both to and from the site. The plan shall be submitted for review and action by the Director.

D. Development Standards. In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), all new and/or used vehicle sales dealerships shall be developed and operated in compliance with all the following standards:

1. **All Parts Storage Conducted Within a Structure.** All parts, accessories, etc., shall be stored within a fully enclosed structure.
2. **All Repairs and Service Conducted Within a Structure.** All vehicle repair and service work shall only occur on-site within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
3. **Hours of Operation.** The Director may limit the hours of operation if the proposed use is adjacent to a sensitive land use (e.g., residential, schools).
4. **Landscaping Standards.** All landscaping shall be installed and permanently maintained in compliance with the provisions of Chapter 18.36 (Landscape Standards).
5. **Loading and Unloading of Vehicles.** All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys.
6. **No Parking in Public Right-of-Way.** Vehicles in inventory or awaiting repair/service shall not be parked on public streets or within the public right-of-way.
7. **On-Site Parking.** All on-site parking shall comply with the provisions of Chapter 18.38 (Off-Street Parking Regulations and Design Standards). A parking plan shall be developed as part of the required permit review process.
8. **Outdoor Lighting.** All on-site outdoor lighting shall be stationary, shielded, and directed downward and away from adjoining properties and public rights-of-way in compliance with Section 18.40.080 (Outdoor Lighting).
9. **Outside Storage of Vehicles to Be Repaired.** Outside storage of vehicles to be repaired or that were recently repaired shall be completely screened from public view in compliance with Chapter 18.34 (Fences, Walls, Hedges, and Screens).
10. **Parking and Storage of Business Vehicles.** All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets or within the public right-of-way.
11. **Signs.** All on-site signs shall comply with the provisions of Chapter 18.42 (Sign Standards).
12. **Vehicle Waiting Areas.** New vehicle dealerships shall provide adequate, on-site vehicle waiting areas for service customers, as determined by the Director. Required parking spaces may not be counted as vehicle waiting areas.
13. **Joint and Several Liability.** Both the operator of a Vehicle Sales Facility and the owner of the property where a Vehicle Sales Facility is located shall be jointly and severally liable for violations of this Section.

18.60.220 – Vehicle Service Stations

A. Purpose and Intent. The purpose of this Section is to establish standards for the development and operation of Vehicle Service Stations. The intent of the standards is to regulate these uses for compatibility with surrounding existing uses.

B. Permit Requirements. Vehicle Service Stations are allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. Development Standards. In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), all Vehicle Service Stations shall be developed and operated in compliance with all of the following standards:

1. **All Repairs and Storage Conducted Within a Structure.** All service and repair work shall be conducted entirely within an enclosed structure, except for dispensing of petroleum products, water, vacuums, and air from pump islands.

2. **Level of Street Required.** New Vehicle Service Stations shall be located only along designated arterials or collector streets.
3. **Placement of Service Station Pumps.**
   a. Pump islands shall be set back a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
   b. The cashier location shall provide direct visual access to the pump islands and all of the vehicles parked adjacent to the islands.
4. **Parcel Ingress and Egress.** The maximum number of points of vehicle ingress/egress shall be determined by the Director of Public Works.
5. **Prohibited Vehicle Sales.** No vehicle may be parked on the premises for the purpose of offering same for sale.
6. **Openings of Service Bays.** Openings of service bays for new Vehicle Service Stations shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.
7. **Outdoor Storage Prohibited.** No used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles may be in any open area outside of the primary structure.
8. **Solid Waste Enclosures.** Every Vehicle Service Station shall have a solid waste and recycling enclosure and oil collection tanks on the premises. The enclosure shall be provided in compliance with Section 18.30.060 (Solid Waste Enclosures).
9. **Minor Motor Vehicle Repair.** Vehicle repair in conjunction with a Vehicle Service Station shall be limited to incidental minor motor vehicle repair, including air conditioning service; carburetor and fuel injection service; electrical service; radiator service; tune-up, lube, and oil change; smog check; and tire, battery, and accessory installation. Vehicle body repair or painting, steam cleaning, and engine overhaul are prohibited.
10. **All Repairs sand Service Conducted Within a Structure.** All vehicle repair and vehicle hoists or pits shall be entirely enclosed within a structure.
11. **No Vehicle Sales, Leasing, or Storage.** No vehicle sales, rental, leasing, or storage shall be allowed in conjunction with a Vehicle Service Station.
12. **El Camino Real Limitation.** A Conditional Use/Minor Use Permit may be approved for a Vehicle Service Station on El Camino Real, only if the applicable Review Authority finds that the total number of Vehicle Service Stations along the corridor, inclusive of that Vehicle Service Station authorized by the permit, does not exceed six.

D. Vehicle Service Station Conversion. At a minimum, the conversion of a former Vehicle Service Station to another allowed use shall require a Zoning Clearance to ensure compliance with all of the following:

1. Fuel pumps and tanks have been removed in compliance with all applicable requirements.
2. Landscaping complies with the requirements of Chapter 18.36 (Landscaping Standards).

18.60.230 – Massage Establishments

A. Definitions.

1. "Massage establishment" shall have the same definition set forth in SCCC 5.40.020. The exemptions under SCCC 5.40.060 apply to this chapter.

2. "Massage establishment zoning verification" shall mean a written form completed by the Planning Division of the Department of Community Development verifying that the proposed massage establishment complies with SCCC 18.104.020. (Ord. 2006 § 8, 10-8-19).

B. Location restrictions on massage establishments. No lot or parcel of property or any building or structure thereon, or any portion thereof, within the city, shall be used to operate as a massage establishment unless said lot, parcel, building or structure is located in one of the following:

1. In a hotel with at least one hundred (100) guest rooms.

2. In a commercial zoning district or planned development (PD) zoning district that allows for commercial use, and the location must also meet one of the following criteria, which must be confirmed by obtaining a massage establishment zoning verification from the Planning Division of the Department of Community Development:

a. The massage establishment is located in a minimum ten acres size contiguously functioning mixed use or commercial site with shared parking and circulation and a minimum of twenty thousand (20,000) square feet of retail space; or

b. The massage establishment is located in a wellness center of an employment center with five hundred (500) employees or more. (Ord. 2006 § 8, 10-8-19).

C. Violations.

1. Any person operating or causing the operation of a massage establishment on any parcel in which no application for a massage establishment permit under Chapter 5.40 SCCC has been granted, or any person violating or causing the violation of any of the terms and conditions of the existing use permit (if applicable), shall be subject to the revocation/suspension of the massage establishment permit issued pursuant to Chapter 5.40 SCCC and may be subject to penalties pursuant to SCCC 1.05.070. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

2. In addition to the remedies set forth in subsection (a) of this section, any violation of this chapter is hereby declared to constitute a public nuisance and may be abated or enjoined pursuant to Chapter 18.114 SCCC and any other applicable State or local laws relating to nuisance abatement.

3. If a massage establishment permit is revoked, or not renewed as a result of violations of Chapter 5.40 SCCC or of this chapter, no massage establishment shall operate at that location for a period of five years from the date of revocation or nonrenewal. (Ord. 2006 § 8, 10-8-19).

D. Regulations. The provisions of this chapter regulating massage establishments are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other provisions of the City Code and/or any other applicable regulations. (Ord. 2006 § 8, 10-8-19).

E. Application to existing businesses. Any massage establishment in possession of a valid massage establishment permit issued by the Santa Clara Police Department on the effective date of this chapter, which becomes a nonconforming use by reason of the adoption of this chapter, shall be considered as a legal nonconforming use pursuant to Chapter 18.94 SCCC at its existing location as long as the massage establishment complies with all of the following:

1. Meeting all requirements of Chapter 5.40 SCCC, and in possession of a current massage establishment permit issued by the Chief of Police;

2. Compliance with all applicable building code regulations; and

3. Free of repeated violations and/or criminal citations, as confirmed by the Santa Clara Police Department. (Ord. 2006 § 8, 10-8-19).

18.60.240 – Certified Farmers' Markets

A. Purpose and Intent. The purpose of this Section is to regulate permanent Certified Farmers' Markets. The intent of these regulations is to encourage Certified Farmers' Markets that are compatible with associated and surrounding uses and do not obstruct pedestrian or vehicular circulation or create an unsightly appearance.

F. Terms. Terms that are defined or described by the provisions of Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code, and related regulations, as the same may be amended from time to time, are intended to have their same meaning under the provisions of this Section, unless a different meaning is expressly specified for that term in this Zoning Code.

G. Small Certified Farmers' Markets - Development or Event Permit Exemption. Notwithstanding the provisions of Section 18.60.190 (Temporary Uses), no Development or Event Permit shall be required for a certified farmers' market that meets all of the following criteria:

4. The certified farmers' market comprises 25 or fewer certified producers or producers of agricultural products allowed to be sold or offered for sale at a certified farmers' market in compliance with State and local laws and regulations, as the same may be amended from time to time; and
5. The certified farmers' market does not occupy an area greater than 24,000 square feet.
6. In addition to the maximum of 25 certified producers or producers of agricultural products allowed to be sold or offered for sale at a certified farmers' market as specified above, a small certified farmers' market may also include up to one vendor of nonagricultural products located near a small certified farmers' market, in the manner allowed by laws and regulations of the State and County as the same may be amended from time to time, for every five certified producers or producers of agricultural products at the small certified farmers' market.

H. General Certified Farmers' Markets - Permit Required. Notwithstanding the provisions of Section 18.60.190 (Temporary Uses), any certified farmers' market comprising 26 or more certified producers or producers of agricultural products allowed to be sold or offered for sale at a certified farmers' market, or a certified farmers' market that does not meet the requirements described in Subsection C., above, shall first obtain a Minor Use Permit in compliance with Chapter 18.114 (Conditional and Minor Use Permits) before the commencement of any operation of the certified farmers' market.

I. Residential Zoning Districts - Locational Limitations. Certified farmers' markets, including small certified farmers' markets, located in residential zones are allowed to operate only at school sites, library sites, community center sites, or church/religious assembly sites.

J. Operational Requirements - General.

7. It shall be unlawful for any person or any certified farmers' market, including small certified farmers' markets, to operate in a manner that does not fully comply with the provisions of this Zoning Code, including without limitation the operational requirements specified in this Section.
8. Each and every certified farmers' market, including small certified farmers' markets, and each and every certified producer, producer or other vendor at a certified farmers' market or small certified farmers' market shall fully and timely comply with all of the following operational requirements:

c. All operations shall fully comply with all Federal, State and local laws, regulations, and guidelines including without limitation those applicable to the certified farmers' market operations, including without limitation the California Health and Safety Code, the California Food and Agricultural Code, and all regulations and guidelines promulgated by the State and the County thereunder, as the same may be amended from time to time;

d. All activities, and the duration of those activities, shall first have been approved and authorized by the owner of the real property on which those activities are planned to occur;

e. Any and all permits or approvals from the Building Division or Fire Department for any tents or other temporary structures shall have first been obtained before the commencement of use of the tents or temporary structures; and

f. All certified farmers' markets, including small certified farmers' markets, and each certified producer, producer and/or other vendor shall completely remove all equipment, merchandise, and other materials, including without limitation waste materials, from the site upon of the conclusion of their respective activities, excepting interior storage of equipment, merchandise, or materials as may be allowed on the site with the permission of the owner or operator of the site.

K. Small Certified Farmers' Markets - Operational Requirements. In addition to the operational requirements specified in Subsection F, above, a small certified farmers' market, and each certified producer, producer of agricultural products, or other vendor at a small certified farmers' market, shall at all times conform to and comply with the following additional operational requirements and shall so conform and comply in order to qualify as a small certified farmers' market:

1. Shall not operate more than two days per calendar week at the same location;

2. Shall neither operate, including any setup or breakdown activities, more than six hours per day nor between the hours of 9:00 p.m. and 7:00 a.m.;

3. Shall operate only on paved surfaces and not on landscaped areas nor adversely impact any landscaping or landscaped areas;

4. Shall not offer for sale or otherwise distribute any alcoholic beverage;

5. Shall not use amplified sound for any purpose;

6. Shall operate as a physically cohesive collection of vendors on a site, excepting only those limited physical separations as may be required by State or local law for vendors of non-agricultural products located near a certified farmers' market;

7. Shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the site; and

8. Shall have secured with the property owner of the site on which the certified farmers' market plans to operate, and before the commencement of any operation of the certified farmers' market, provision for all of the following services in a manner that comports with State and local laws and regulations, as the same may be amended from time to time:

a. Refuse disposal and sufficient trash and recycling receptacles within the area of the certified farmers' market;

b. Litter removal within and within 300 feet of the boundaries of the certified farmers' market; and

c. Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.

L. Locational Limitations.

1. It shall be unlawful for any person to allow, in a direct, indirect, or passive manner, a small certified farmers' market to operate at a particular site for more than two days per calendar week.
2. It shall be unlawful for any person to operate, or to allow in a direct, indirect, or passive manner the operation of, a small certified farmers' market on a vacant parcel. Every small certified farmers' market shall operate only on a site with an existing fixed-base host in operation on the site.

18.60.250 – Short-Term Rentals of Residential Property

A. Purpose. The purpose of this Section is to allow limited short-term rental of residential property, while preserving housing stock and the residential character of neighborhoods, through the use of registration, regulations, and standards, in order to reduce potential impacts on adjacent properties and to ensure the collection of Transient Occupancy Taxes under SCCC Chapter 3.25.

B. Violation of Section. No person shall host or rent any residence in violation of the provisions of this Section.

C. Operating Standards for Short-Term Rentals. The following operating standards shall apply to all short-term rentals:

1. **Legal Dwelling.** Short-term rentals are allowed only within legal conforming and legal nonconforming residential dwelling units.
2. **Annual Limit.**
   a. Where the host is present within the unit, the dwelling unit may be occupied as a short-term rental for an unlimited number of days per calendar year.
   b. Where a host is not present (unhosted), the dwelling unit may be occupied as a short-term rental no more than 90 days per calendar year in the aggregate.
   c. For purposes of this section, Accessory Dwelling Units are considered hosted if the primary unit is owner-occupied.
3. **Local Contact Person.** For short-term rentals, hosts shall provide the City, all short-term renters and all occupants of adjacent properties, the name and contact information of a local individual who shall be available 24 hours per day, seven days per week, during the term of the stay. The host or designated local contact person shall:
   a. Respond on-site within 60 minutes to complaints regarding a condition or operation of the short-term rental or the conduct of the short-term renters; and
   b. Take remedial action to resolve any and all complaints.
4. **Parking.** Parking shall comply with residential parking standards specified in Chapter 18.38 (Off-Street Parking Regulations and Design Standards), but no designated parking is required beyond other City Code requirements.
5. **Trash and Recycling.** The appropriate level of trash and recycling services shall be maintained so there is no overflow of trash and recycling on the property.
6. **Special Events.** Weddings, corporate events, commercial functions, large parties, and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood are prohibited on the property during short-term rentals.

D. Occupancy Limits for Short-Term Rentals.

1. **Individual Rooms or Studio Units:** Two people
2. **One-bedroom Units:** Three people
3. **All Other Dwelling Units:** Two people per bedroom for each bedroom in excess of one bedroom, but not to exceed eight short-term rental occupants, total.

E. Registration Application Requirements. Notwithstanding SCCC Section 3.25.080, the following registration requirements shall apply for short-term rentals:

1. **Initial Application.** Before advertising or use of a short-term rental, the host shall obtain an Administrative Permit for Short-term Rentals from the City and obtain a valid City Business License.
2. **Requirements for Application.** The registration shall be submitted on a City-approved form. The applicant shall provide the property owner's signature for the unit to be rented; the name and contact information of the host; the address of the dwelling unit to be used as a short-term rental; a valid City Business License; the anticipated frequency of the short-term rental; contact information for the local contact person; an acknowledgement of compliance with the requirements of the City Code; and other information as requested. Failure to submit all information required on the application will result in denial of the registration.
3. **Fee.** The host shall pay a registration fee in an amount established by resolution of the Council, and as updated from time to time. Failure to submit the full amount of the required fee will result in the application not being processed.

F. Citation, Compliance Order, Denial, Revocation. For a property that is the subject of an active compliance order or civil, criminal, or administrative citation from the City, or denial or revocation of a short-term rental application in the preceding 12 months, registration of the short-term rental on the property will be denied.

G. Term of Registration. Registration of a short-term rental shall be on a calendar-year basis. Fees shall be prorated for any approved registration on a quarterly basis. Approved registrations shall be personal to the host, are not assignable or transferable, and shall automatically expire upon sale or transfer of the property on which the short-term rental is located.

H. Annual Renewal.

1. A short-term rental registration shall be renewed annually upon payment of registration renewal fees, remittance of all required Transient Occupancy Tax associated with the short-term rental, proof of a current City Business License, and all registration application requirements specified above.
2. The host shall also submit such information as may be required to enable the Tax Collector to verify the amount of tax paid.
3. Failure to submit for renewal before December 15 of each calendar year will result in expiration of the registration.

I. Requirements Not Exclusive. The approval of a short-term rental registration shall not relieve any host of the obligation to comply with all other provisions of the City Code applicable to the use and occupancy of the property.

J. Administrative Regulations and Standards. The City Manager or designee is hereby authorized to promulgate administrative rules, regulations, and interpretations to implement this Section. The rules

and regulations may include, but are not limited to, revisions to the application process, requirements of operations, etc.

K. Transient Occupancy Tax (TOT).

1. Except as otherwise provided in this Subsection, Transient Occupancy Taxes shall be collected for short-term rentals and paid to the City in compliance with SCCC Section 3.25.090.
2. Collection is the responsibility of the host.
3. Notwithstanding SCCC Section 3.25.090, if a hosting platform is used, and the City has a voluntary collection agreement, or equivalent, with that hosting platform, TOT may be collected and remitted directly to the City by the hosting platform.

L. Enforcement.

1. **Revocation of Registration.** A short-term rental registration approved in compliance with this Section may be revoked for any of the following reasons: fraud, misrepresentation, or false statement contained in the application for, or in the operation of, the short-term rental.
2. **Other Remedies.** In addition to remedies provided in the City Code, a short-term rental registration may be revoked for any violation of any provision of this Section, the City Code or any State or Federal law.

M. Applicability to Existing Short-term Rentals.

Short-term rentals already operating prior to the effective date of this Section shall fully comply with this Section, including the registration requirements, no later than six months following the effective date of this ordinance.

N. Short-term Rentals (Lease-up) of Units in Newly Constructed Multi-family buildings.

Notwithstanding Section 18.60.250.C.2.b, Short-term rentals are permitted in up to thirty-five percent (35%) of the units within a multi-family building for up to two years from the issuance of the first Temporary Certificate of Occupancy, subject to a Minor Use Permit. Short-term rentals permitted under this sub-section are considered hosted units, if a property manager is available within the multi-family building.

O. Short-term Rentals not Meeting the Requirements of this Section.

Short-term rentals not meeting the requirements of this section may be permitted through a Minor Use Permit, approved by the Director.

18.60.260 – Electric Power Plants

A. California Emissions Requirements.

1. All power plants, except fuel cells, but including diesel back-up generators shall not exceed state of California emissions requirements. Emissions requirements can be met in whole or in part by purchasing renewable energy credits, or offsets that meet CARB requirements.
2. For purposes of this section, “fuel cells” means all equipment, fixtures, and personal property operated or maintained in connection with a direct energy conversion device that converts chemical energy into electrical energy, or vice versa, using an electrochemical reaction.

3. For purposes of this section, "state of California emissions requirements" shall mean the requirements applicable to retail sales of electricity to California end-use customers under Public Utilities Code Section 454.53, subdivision (a), and the interim targets established by the California Energy Commission (CEC) under Public Utilities Code Section 399.15, subdivision (b), pursuant to the Renewable Portfolios Standard (RPS) Program, as set forth below. Should these targets be amended by legislation or regulatory changes to be more stringent, the more stringent requirements shall be applicable under this section.

a. 44 percent by December 31, 2024

b. 52 percent by December 31, 2027

c. 60 percent by December 31, 2030

d. 90 percent by December 31, 2035

e. 95 percent by December 31, 2040

f. 100 percent by December 31, 2045

18.60.270 – Developments Located Within the Airport Influence Area

A. All projects located within the Airport Influence Area shall be subject to the following requirements:

1. When measuring development height for consistency with the San Jose International Airport (SJC) Comprehensive Land Use Plan (CLUP) Part 77 Surfaces, height is to be measured from mean sea level (MSL) to the top of the highest point of any proposed structure. The height of any proposed structure is subject to height policies outlined in Sections 4.3.3.1 and 4.3.4.1 of the SJC CLUP and may not exceed the Part 77 Surface immediately above that proposed structure. In the case of structures or objects within the SJC AIA, if that structure or object penetrates the FAR Part 77 surface, the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA's determination shall prevail.

2. To ensure compliance with safety zone policies in the SJC Comprehensive Land Use Plan (CLUP), all proposed housing development within the various safety zones must conform to the applicable density allowances and open space/open area requirements as outlined in in Section 4.3.5.1 and Table 4-2 of the SJC CLUP.

3. To ensure compliance with noise related policies and guidelines, all proposed housing development / new housing accommodations must conform to the CNEL Noise Compatibility Guidelines and Section 4.3.2.1 and Table 4-1 of the SJC CLUP.

4. Where legally allowed, dedication of an avigation easement to the City of San Jose shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7 of the SJC CLUP. All such easements shall be similar to that shown as Exhibit 1 in Appendix A of SJC CLUP.

Chapter 18.62 - Adult Business Uses

Sections:

18.62.010 – Purpose and Applicability
18.62.020 – Location of Adult-Oriented Business Uses

18.62.010 – Purpose and Applicability

It is the purpose of this Chapter to regulate the location, development, and operation of adult-oriented business uses, which tend to have judicially recognized adverse secondary effects on the community, including but not limited to increases in crime in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when the properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate, or patronize adult businesses. This Chapter establishes reasonable and uniform location criteria for adult-oriented business uses.

18.62.020 – Location of Adult-Oriented Business Uses

A. C-R Zone. Adult-oriented business uses are only allowed with the approval of a Conditional Use Permit in the C-R zone as shown in Table 2-4 (Commercial Zones Allowed Uses and Permit Requirements).

B. Distances. Notwithstanding the above, no adult bookstore, adult motion picture theater, adult cabaret, adult hotel/motel, or any other adult entertainment establishment or adult-oriented business use shall be established within certain specified distances of certain land uses or zones as specified below. No adult-oriented business uses shall be established or located within:

1. 500 feet from a parcel, located within or outside the City limits, situated in a Residential or a Mixed-Use zone.
2. 500 feet from another parcel, located within or outside the City limits, used for any adult-oriented business use.
3. 500 feet from another parcel, located within or outside the City limits, used for any restricted personal services use.
4. 500 feet from any other parcel, located within or outside the City limits, used for a public or private State-licensed child day care center and/or large family day care facility, nursery school, elementary school, secondary school, junior high school, high school, community college, or university).

C. Measurement of Distances. The distance between two adult-oriented business uses or any of the other zones or land uses identified in Subsection B. (Distances), above, shall be measured in compliance with Section 18.04.050 (Measurement of Separation Requirements).

-This page intentionally left blank-

Chapter 18.64 - Density Bonus and Affordable Housing

Sections

18.64.010 – Purpose and Applicability
18.64.020 – Eligibility for Bonus, Incentives, or Concessions
18.64.030 – Allowed Density Bonuses
18.64.040 – Allowed Incentives or Concessions
18.64.050 – Parking Requirements in Density Bonus Projects
18.64.060 – Bonus and Incentives for Development with Childcare Facilities
18.64.070 – Continued Availability
18.64.080 – Location and Type of Affordable Dwelling Units
18.64.090 – Processing of Bonus Requests
18.64.100 – Density Bonus Agreements
18.64.110 – Controls of Resale
18.64.120 – Judicial Relief, Waiver or Standards

18.64.010 – Purpose and Applicability

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 18.64.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan.

18.64.020 – Eligibility for Bonus, Incentives, or Concessions

To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Code.

A. Resident Requirements. Excluding any units allowed by the density bonus, the proposed housing development's dwelling units, as defined in Health and Safety Code Section 50079.5, shall be one of the following types;

1. **Lower Income Households.** Ten percent of the dwelling units are for lower income households, as defined in Health and Safety Code Section 50079.5;
2. **Very Low-Income Households.** Five percent of the dwelling units are for very low-income households, as defined in Health and Safety Code Section 50105;
3. **Senior Citizen Housing Developments.** The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5;
4. **Moderate Income Households in a Common Interest Development.** Ten percent of the dwelling units in a common interest development as defined in Civil Code Section 4100 are

for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase;

5. **Other Identifiable Groups.** Ten percent of the dwelling units in a housing development for transitional foster youth, as defined in Education Code Section 66025.9; disabled veterans, as defined in Government Code Section 18541; or, homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The dwelling units described in this Paragraph shall be provided to very low-income households, as defined in Health and Safety Code Section 50105;
6. **Student Housing.** Twenty percent of the dwelling units are for lower income students in a student housing development, subject to the provisions specified in Subsection 18.64.030 A.5. (Bonus for Student Housing Development), below;
7. **100 Percent Affordable Developments.** One hundred percent of the total units, exclusive of a manager's unit or units, are for lower-income households, as defined by Health and Safety Code Section 50079.5, except that up to 20 percent of the total units in the development may be for moderate-income households, as defined in Health and Safety Code Section 50053. For purposes of this subparagraph, "development" includes a shared housing building development;
8. **Condominium Conversions.** A conversion of apartments to condominiums, where at least 33 percent of the proposed condominiums will be affordable to persons and families of low or moderate income, or 15 percent of the proposed condominiums will be affordable to lower-income households;
9. **Housing with Childcare Facilities.** A housing development that includes a childcare facility that meets the requirements set forth in section 18.64.060; or
10. **Land Donations.** A housing development that will include a land donation to the City meeting the requirements specified in paragraph 10 of subsection A of section 18.64.030.

B. Applicant Selection of Basis for Bonus. For purposes of calculating the amount of the density bonus in compliance with Section 18.64.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded based on paragraphs 1 through 10 of Subsection A., above.

C. Bonus Units Shall Not Qualify A Project. A density bonus granted in compliance with Section 18.60.030 (Allowed Density Bonuses), below, shall not be included when determining the number of dwelling units that are required by Subsection A., above.

D. Minimum Project Size to Qualify for Density Bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units, including mixed-use developments.

E. Commercial Development. When an applicant for approval of a commercial development has entered into an agreement for partnered housing meeting the requirements of this Subsection E. to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the Director shall review and approve to the commercial developer a development bonus.

1. **Agreement for Partnered Housing.** The agreement for partnered housing shall be between the commercial developer and a housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be reviewed and approved by the City.
2. **Method of Contributing Housing.** Affordable housing may be contributed by the commercial developer in one of the following manners:

    a. The commercial developer may directly build the dwelling units.

b. The commercial developer may donate a portion of the commercial development site or property elsewhere within the City limits, to the affordable housing developer for use as a site for affordable housing.

c. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

3. **Affordability Requirements.** To qualify for a development bonus under this Section, the commercial developer shall partner with a housing developer that provides at least 30 percent of the dwelling units for low-income households or at least 15 percent of the dwelling units for very low-income households.

4. **Location of Affordable Housing.** The housing shall be constructed on the site of the commercial development or on a site that is all the following:

   a. Within the City limits;

   b. Close to public facilities and services, including schools and employment centers; and

   d. Within one-half mile of a major transit stop.

5. **Type of Development Bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:

   a. Up to a 20 percent increase in maximum allowable intensity as specified in the General Plan.

   b. Up to a 20 percent increase in maximum allowable floor area ratio.

   c. Up to a 20 percent increase in maximum allowable height requirements.

   d. Up to a 20 percent reduction in minimum parking requirements.

   e. Use of a limited-use/limited-application elevator for upper floor accessibility.

   f. An exception to this Zoning Code or other land use regulation.

6. **No Waiver or Reduction of Affordable Housing Fee.** A development bonus in compliance with this Section shall not include a reduction or waiver of the requirements specified in Chapter 17.40.

7. **Timing of Construction.** If the developer of the affordable dwelling units does not commence with construction of those units in compliance with timelines ascribed by the agreement described in Paragraph 1., above, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

8. **Annual Report to The State.** The City shall submit to the Department of Housing and Community Development, as part of the annual report required by Government Code Section 65400, information describing an approved commercial development bonus, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the City, and the number of affordable dwelling units constructed as part of the agreement(s).

F. Shared Housing. A shared housing building, as defined in Government Code Section 65915, which meets the residency requirements of subsection A and the eligibility requirements of Section 18.64.030, qualifies as a housing development subject to this Chapter.

18.64.030 – Allowed Density Bonuses

The Council shall determine the amount of a density bonus allowed in a housing development in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable General Plan Land Use designation and zone as of the date of application to the City.

A. Density Bonus. A housing development that complies with the eligibility requirements specified in Subsection 18.64.020 A., above, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. Bonus for Lower Income Household Units. A housing development that is eligible for a bonus in compliance with the criteria specified in Subparagraph 18.64.020 A.1. (Lower Income Households), including a shared housing building development, shall be entitled to a density bonus calculated in compliance with Table 4-6 (Bonus for Lower Income Households):

Table 4-6
Bonus for Lower Income Households

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

2. Bonus for Very Low-Income Household Units. A housing development that is eligible for a bonus in compliance with the criteria specified in Subparagraph 18.64.020 A.2. (Very Low-Income Households), including a shared housing building development, shall be entitled to a density bonus calculated in compliance with Table 4-7 (Bonus for Very Low-Income Households):

Table 4-7
Bonus for Very Low-Income Households

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

3. Bonus for Senior Citizen Development.

a. A housing development that is eligible for a bonus in compliance with the criteria in Subparagraph 18.64.020 A.3. (senior citizen development or mobile home park) shall be

entitled to a density bonus of 20 percent of the number of senior housing units. For purposes of this subparagraph, "development" includes a shared housing building development.

b. For development restricting 100 percent of the residential units for senior housing, allow development at any residential density, provided that any increased density is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies, and provided that the property is located near neighborhood retail, health and community facilities, and transit. For purposes of this subparagraph, "development" includes a shared housing building development. [City: this is General Plan Policy 5.5.1-P2]

4. **Bonus for Moderate Income Units in Common Interest Development.** A housing development that is eligible for a bonus in compliance with the criteria specified in Subparagraph 18.64.020 A.4. (Moderate Income Households in a Common Interest Development)) shall be entitled to a density bonus calculated in compliance with Table 4-8 (Bonus for Moderate-Income Households):

Table 4-8
Bonus for Moderate-Income Households

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

5. **Bonus for Other Identifiable Groups.** A housing development that is eligible for a bonus in compliance with the criteria in Subparagraph 18.64.020 A.5. (Other Identifiable Groups) shall be entitled to a density bonus of 10 percent of the number of housing units giving rise to a density bonus under that Paragraph.

6. Bonus for Student Housing Development with Low-Income Units.

a. A housing development that is eligible for a bonus in compliance with the criteria specified in Subparagraph 18.64.020 A.6. (Student Housing) located in a student housing development, that meets all of the following requirements:

(1) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this Subparagraph, the developer shall, as a condition of receiving a Certificate of Occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution(s) to occupy all units of the student housing development with students from that institution(s). An operating agreement or master lease entered into in compliance with this Subparagraph is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(2) The applicable 20-percent units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as specified in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subparagraph (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this Subsection.

(3) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(4) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person’s homeless status may verify a person’s status as homeless for purposes of this Subparagraph.

b. Amount of bonus available. The density bonus shall be 35 percent of the student housing units.

7. 100 Percent Affordable Developments.

a. A housing development that is eligible for a bonus in compliance with the criteria in paragraph 18.64.020.A.7 (100 Percent Affordable Developments), that meets all of the following requirements:

(1) The rent for at least 20 percent of the total units in the development (excluding a manager's unit or units) shall meet the requirements for "affordable rent" specified in Health and Safety Code Section 50053.

(2) The rent for all other units in the development (excluding a manager's unit or units) shall meet the requirements for developments that receive an allocation of State or Federal low-income housing tax credits from the California Tax Credit Allocation Committee.

b. Amount of bonus available.

(1) Except as otherwise provided in subparagraph (2), the density bonus shall be 80 percent of the number of units for lower-income households.

(2) If the housing development is located within one-half mile of a major transit stop, the City shall not impose any maximum controls on density.

(3) If the housing development is located in a very low vehicle travel area within a designated county, the city, county, or city and county shall not impose any maximum controls on density.

8. **Condominium Conversions**. A housing development that is eligible for a bonus in compliance with the criteria specified in paragraph 18.64.020.A.8 (Condominium Conversions) shall be entitled to a 25 percent density bonus.

9. **Properties within One-Quarter Mile of A Multimodal Transit Stop.** For properties within one-quarter mile of a multimodal transit stop, allow a 10 percent increase in residential density and/or a 10 percent increase in the maximum allowed nonresidential square footage, provided that the increased density and/or intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies. [City: this is General Plan Policy 5.5.1-P5]

10. **Development Proposing A Minimum LEED Gold or Greater Equivalent.** For development proposing a minimum LEED Gold or greater equivalent, allow a 10 percent increase in residential density and/or a 10 percent increase in the maximum allowed nonresidential square footage, provided that the increased density and/or intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies. [City: this is General Plan Policy 5.5.1-P6]

11. **Childcare Facilities**. A housing development that is eligible for a bonus in compliance with the criteria specified in paragraph 18.64.020.A.9 (Childcare Facilities) shall be entitled to a density bonus in compliance with Section 18.64.060.

12. **Density Bonus for Land Donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Paragraph, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this Paragraph shall be construed to affect the authority of the City to require a developer to donate land as a condition of development approval.

a. Basic Bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan Land Use Plan designation and zone for the entire development, in compliance with Table 4-9 (Basic Bonus):

Table 4-9
Basic Bonus

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

b. Increased Bonus. The increase identified in Table 4-8 (Basic Bonus) above shall be in addition to any increase in density allowed by Paragraphs A.1. through A.9., up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required in compliance with this Paragraph A.10., as well as the bonuses provided by Subsections A.1. through A.9.

c. Eligibility for Increased Bonus. An applicant shall be eligible for the increased density bonus provided by this Paragraph only if all the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, final parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size, or of sufficient size to allow development of at least 40 dwelling units; has the appropriate General Plan Land Use Plan designation; is appropriately zoned with development standards for development at the density described in Government Code Section 65583.2(c)(3); and, is or will be served by adequate public facilities and infrastructure.

(4) No later than the date of approval of the final subdivision map, final parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Architectural Review and Building Permits, necessary for the development of the very low income housing units on the transferred land.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 18.64.070 (Continued Availability), which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

(8) The applicant identifies a proposed source of funding for the very low-income units not later than the date of approval of the final subdivision map, final parcel map, or residential development application.

(9) Any land that is donated to the City in compliance with to SCCC Chapter 17.35 ("Park and Recreational Land") is ineligible for a density bonus in compliance with this paragraph.

B. Greater or Lesser Bonuses. The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower density bonus for a development that does not fully comply with the requirements of this Section.

C. Density Bonus Calculations. The calculation of a density bonus in compliance with this Section that results in fractional units shall be rounded up to the next whole number, as required by State law. For calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

D. Requirements for Amendments or Discretionary Approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zone Map amendment, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

E. Location of Bonus Units. The developer may locate density bonus units in the housing development project in areas other than where the units for the lower income households are located.

18.64.040 – Allowed Incentives or Concessions

A. Applicant Request and City Approval.

1. An applicant for a density bonus in compliance with this Chapter may submit to the City a proposal for the specific incentives or concessions listed in Subsection C. (Type of Incentives), below, that the applicant requests in compliance with this Section, and may request a meeting with the Director. The applicant may file a request either before filing an application for City approval of a proposed project or concurrently with an application for project approval. The Council shall grant an incentive or concession request that complies with this Section unless the Council makes any of the following findings in writing, based upon substantial evidence:

a. The incentive or concession does not result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 18.64.070 B. (Unit Cost Requirements);

b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

c. The concession or incentive would be contrary to State or Federal law.

d. The applicant has already received the maximum quantity of incentives specified in Subsection B., below.

2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

B. Number of Incentives. The applicant shall receive the following number of incentives or concessions.

1. One Incentive or Concession. One incentive or concession for a project that includes at least 10 percent of the dwelling units for lower income households, at least five percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.

2. Two Incentives or Concessions. Two incentives or concessions for a project that includes at least 20 percent of the dwelling units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.

3. Three Incentives or Concessions. Three incentives or concessions for a project that includes at least 30 percent of the dwelling units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.

4. Four Incentives or Concessions. Four incentives or concessions for a 100 percent affordable project that is eligible for a bonus under paragraph 18.64.020.A.7. In addition, if such a project is located within one-half mile of a major transit stop, or is located in a very low vehicle travel area as defined in Government Code Section 65915, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

C. Type of Incentives. For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., site coverage limitations, setbacks, on-site open space requirements, reduced parcel sizes, and/or parking requirements) (also see Section 18.64.050 [Parking Requirements in Density Bonus Projects]), or a modification of architectural design requirements, which exceed the minimum building standards specified in SCCC Title 5 (“Building and Construction”), and which results in identifiable, and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as identified in Section 18.64.070 B. (Dwelling Unit Cost Requirements);

2. Zoning Map amendment to Mixed Use-Neighborhood Commercial (MU-NC, Mixed Use-Community Commercial (MU-CC), or Mixed Use-Regional Commercial (MU-RC) in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing

project and the existing or planned development in the area where the project will be located; and/or

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Subsection 18.64.070 B. (Dwelling Unit Cost Requirements).

D. Effect of Incentive or Concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, study, or other discretionary approval.

18.64.050 – Parking Requirements in Density Bonus Projects

A. Applicability. This Section applies to a development that meets the requirements of Section 18.64.020 (Eligibility for Density Bonus, Incentives, and Concessions), above, at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 18.64.040 (Allowed Concessions and Incentives), above through either a Modification, or Variance. A request in compliance with this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled in compliance with Section 18.64.040 (Allowed Concessions or Incentives).

B. Number of Parking Spaces Required.

1. **Default Parking Ratio.** At the request of the applicant, the City shall not require vehicular parking for a project that complies with the requirements of Section 18.64.020 (Eligibility for Density Bonus, Incentives, and Concessions), above, inclusive of handicapped and guest parking, that exceeds the following ratios:
    a. Zero or one bedroom: One on-site parking space per unit.
    b. Two or three bedrooms: Two on-site parking spaces per unit.
    c. Four or more bedrooms: Two- and one-half on-site parking spaces per unit.
2. Notwithstanding paragraph 1, above, if a development includes the maximum percentage of low income or very low-income dwelling units specified in Subparagraphs 18.64.030 A.1. and 2. (Allowed Density Bonuses), above, and is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development, then, upon the request of the applicant, the City shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.
3. Notwithstanding paragraph 1, above, if a development consists solely of rental units, exclusive of a manager's unit(s), with an affordable housing cost to lower income families, as specified in Health and Safety Code Section 50052.5, then, upon the request of the applicant, the City shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:
    a. If the development is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per dwelling unit.
    b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per dwelling unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
    c. Notwithstanding paragraphs 1 and 4, if the development consists solely of rental units (exclusive of a manager's unit or units), with an affordable housing cost to

lower-income families, as provided in Health and Safety Code Section 50052.5, and the development is either a special needs housing development, as defined in Health and Safety Code Section 51312, or a supportive housing development, as defined in Health and Safety Code Section 50675.14, then, upon request of the applicant, the City shall not impose any minimum parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

4. **Parking Study.** Notwithstanding paragraphs 2. and 3., above, if the City, or an independent consultant, has conducted an areawide or citywide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subparagraph B.1. (Default Parking Ratio), above, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in compliance with this Paragraph, supporting the need for the higher parking ratio.

C. Location of Parking. For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

D. Rounding to Next Whole Number. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

18.64.060 – Bonus and Incentives for Development with Childcare Facilities

A. Housing Developments. A housing development that complies with the resident and project size requirements of Subsections 18.64.020 A. and B. (Resident Requirements and Applicant Selection of Basis for Bonus Eligibility), above, and includes as part of that development a childcare facility other than a large or small family child day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

1. **Additional Bonus and Incentives.** The City shall grant a housing development that includes a childcare facility in compliance with this Section either of the following:

   a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility; or

   b. An additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. **Requirements to Qualify for Additional Bonus or Incentive.**

   a. The City shall require, as a condition of approving the housing development, that:

(1) The childcare facility shall remain in operation for a period that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 18.60.070 (Continued Availability), below; and

(2) Of the children who attend the childcare facility, the children of very low-income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower income households, or families of moderate income in compliance with Subsection 18.64.020 A. Resident Requirements), above.

b. Notwithstanding any other provision of this Chapter, the City shall not be required to provide a density bonus for a childcare facility in compliance with this Section if it finds, based upon substantial evidence, that the community already has adequate childcare facilities.

B. Childcare Facility in Commercial, Mixed-Use, or Office Industrial Developments. An applicant for a commercial, mixed-use, or office and industrial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a childcare facility, other than a large or small family child day care home, in compliance with Government Code Section 65917.5 (Commercial density bonus).

1. Allowable Density Bonuses. The allowable density bonus may be one of the following:

a. A maximum of five square feet of floor area for each one square foot of floor area contained in the childcare facility located in an existing childcare facility; or

b. A maximum of 10 square feet of floor area for each one square foot of floor area contained in the childcare facility located in a new childcare facility.

2. Requirements. Requirements to qualify for the additional density bonus shall include all the following:

a. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the childcare facility and all outdoor areas devoted to the use of the facility in compliance with applicable State childcare licensing requirements shall be considered.

b. The childcare facility shall be of a sufficient size, as determined by the Director, to comply with all applicable State licensing requirements to accommodate at least 40 children.

c. This facility may be located either on the development project site or may be located off-site as agreed upon by the applicant and the City. If the childcare facility is not located on the development project site, the City shall determine whether the location of the childcare facility is appropriate and whether it complies with the purpose and intent of this Section.

d. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

18.64.070 – Continued Availability

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 18.64.110 (Control of Resale), below.

A. Duration of Affordability. The applicant shall agree to, and the City shall ensure, the continued availability of the dwelling units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. **Low- and Very Low-Income Dwelling Units – 55 Years.** The continued affordability of all low- and very low-income qualifying dwelling units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.
2. **Moderate Income Dwelling Units in Common Interest Developments – 10 Years.** The continued availability of moderate-income dwelling units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

B. Dwelling Unit Cost Requirements. The rents and owner-occupied costs charged for the dwelling units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:

1. **Lower Income Dwelling Units.** Rents for the lower income density bonus dwelling units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
2. **Owner-Occupied Dwelling Units.** Owner-occupied dwelling units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. Occupancy and Resale of Income Restricted For-Sale Dwelling Units. The City shall enforce an equity sharing agreement, unless it conflicts with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source.. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the dwelling unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:
   a. The City's initial subsidy shall be equal to the fair market value of the dwelling unit at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
   b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the dwelling unit at the time of initial sale.

18.64.080 – Location and Type of Affordable Dwelling Units

A. Location/Dispersal of Affordable Dwelling Units. Affordable dwelling units constructed in conjunction with a density bonus shall be dispersed throughout the housing development project site, rather than clustered in a s single area or a few areas. The location of the affordable dwelling units within a housing development shall be approved as part of the entitlement granted by the Council. Affordable dwelling units shall contain on average the same number of bedrooms as the market rate dwelling units in the project and shall be compatible with the design or use of remaining dwelling units in terms of appearance, materials, and finish quality.

B. Phasing. If a project is to be phased, the affordable dwelling units shall be phased in the same proportion as the market rate dwelling units or phased in another sequence acceptable to the City.

18.64.090 – Processing of Bonus Requests

A. Permit Requirements. A request for a density bonus and other incentives and concessions shall be evaluated and recommended by the Director; provided, the density bonus and other incentives and concessions shall be approved or denied only by the Council.

B. Findings for Approval. The approval of a density bonus and other incentives and concessions shall require that the Review Authority first make all the following additional findings:

1. The residential development will be consistent with the General Plan, to the maximum extent practicable, and any applicable specific plan, except as provided by this Chapter for density bonuses, and other incentives and concessions;
2. The approved number of dwelling units can be accommodated by existing and planned infrastructure capacities;
3. Substantial evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter; and
4. There are sufficient provisions to guarantee that the dwelling units will remain affordable for the required time periods specified in Section 18.64.070 (Continued Availability), above.

18.64.100 – Density Bonus Agreements

A. Agreement Required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the City in a standard form approved by the City Attorney. The applicant shall prepare the draft agreement for submission to the City for review.

B. Agreement Provisions.

1. **Project Information.** The agreement shall include at least the following information about the project:
   - **a.** The total number of dwelling units approved for the housing development, including the number of designated dwelling units;
   - **b.** A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
   - **c.** The marketing plan for the affordable dwelling units;
   - **d.** The location, size (square feet), and number of bedrooms of the designated dwelling units;
   - **e.** Tenure of the use restrictions for designated dwelling units of the time periods required by Section 18.64.070 (Continued Availability), above;
   - **f.** A schedule for completion and occupancy of the designated dwelling units;
   - **g.** A description of the additional incentives and concessions being provided by the City;
   - **h.** A description of the remedies for breach of the agreement by the City, the owners, developers, and/or third-party beneficiaries of the project (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
   - **i.** Other provisions to ensure successful implementation and compliance with this Chapter.
2. **Minimum Requirements.** The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first refusal to lease or purchase any or all the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for the designated units without first obtaining the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the subject dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney may utilize and legal remedies to recover all of the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures specified in the agreement.

3. **For-Sale Housing Conditions.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of the designated dwelling units during the applicable restriction periods:

   a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents, depending on the type of density bonus; and

   b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

      (1) Restricts the sale of the unit in compliance with this Chapter, or other applicable City policy or ordinance, during the applicable use restriction periods;

      (2) Contains provisions as the City may require ensuring continued compliance with this Chapter and State law; and

      (3) Shall be recorded against the parcel containing the designated dwelling unit.

4. **Rental Housing Conditions.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction periods:

   a. Rents for the lower income dwelling units shall be set at an affordable rent level;

   b. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

   c. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

d. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

e. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

f. The applicable use restriction period shall comply with the time limits for continued availability in Section 18.64.070 (Continued Availability), above.

C. Execution of Agreement.

1. Following Council's approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, or a memorandum in a form acceptable to the City Attorney, at the Santa Clara County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the designated dwelling units.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

18.64.110 – Controls of Resale

To maintain the availability of for-sale affordable dwelling units constructed in compliance with this Chapter, the following resale conditions shall apply.

A. Limits on Resale Price. The price received by the seller of an affordable dwelling unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable dwelling unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.

B. Dwelling Units to Be Offered to The City. Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the City or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. Declaration of Restrictions. The owner(s) of any affordable dwelling unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Section.

D. City to Monitor Resale of Units. The City shall monitor the resale of ownership affordable dwelling units. The City or its designee shall have a 90-day option to commence purchase of ownership affordable dwelling units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

18.64.120 – Waiver of Standards

A. Waiver of Standards Preventing the Use of Bonuses, Incentives, or Concessions. An applicant may submit a written proposal to the Director for the waiver or reduction of development standards. The Council may grant the request if the applicant demonstrates to the satisfaction of the Council, based upon substantial evidence, that the proposed waiver or reduction is necessary to make the housing development economically feasible, and that without the waiver the development standards would physically preclude the construction of the development that meets all other legal requirements, subject to the limitations and requirements of this Section.

B. City Exemption. Notwithstanding the provisions of Subsection A., above, nothing in this Section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
3. Waive or reduce the development standards if the waiver or reduction would be contrary to State or Federal law.
4. For residential development providing greater than 50 percent of the total number of units for affordable housing on residentially designated properties, allow development at any residential density, provided that the increased density is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies. [City: this is General Plan Policy 5.5.1-P4]. For neighborhood and community mixed-use properties under one-half acre, allow mixed-use development of entirely residential uses or development of entirely commercial or community-serving office uses in order to facilitate development on smaller lots, consistent with the required density and intensity ranges as well as other applicable General Plan policies.
5. For residentially designated properties under one-half acre in size, allow an alternate density of up to one range higher or lower than the classification shown on the General Plan Land Use Diagram in order to facilitate infill development, provided that the proposed development is compatible with surrounding uses and consistent with other applicable General Plan policies. For example, a parcel designated as low density may accommodate very low density or medium density, but not high density.

18.64.130 – Mixed Use Density Bonuses

A. When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subsection C. to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the commercial developer a development bonus as prescribed in subsection B. Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

1. Within the boundaries of the City of Santa Clara

2. In close proximity to public amenities including schools and employment centers.

3. Located within one-half mile of a major transit stop.

B. The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:

1. Up to a 20-percent increase in maximum allowable intensity in the General Plan.

2. Up to a 20-percent increase in maximum allowable floor area ratio.

3. Up to a 20-percent increase in maximum height requirements.

4. Up to a 20-percent reduction in minimum parking requirements.

5. Use of a limited-use/limited-application elevator for upper floor accessibility.

6. An exception to a zoning ordinance or other land use regulation.

C. For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City.

D. For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

1. The commercial developer may directly build the units.

2. The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

3. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

E. **Replacement Housing.** For purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915, as may be amended, shall apply.

F. If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subsection C., the City may

withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

G. In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

H. Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under this Chapter.

I. A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within Chapter 17.40.

18.64.140 – **Parking relief for 100% affordable projects**

A. If one hundred percent of all units in a development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code, then the City shall not require parking if a development project meets any of the following criteria:

1. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.

2. The development is a for-rent housing development for individuals who are 55 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

3. The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

Chapter 18.66 - Wireless Telecommunications Facilities

Sections

18.66.010 – Purpose and Applicability
18.66.020 – Definitions
18.66.030 – Exemptions from Discretionary Permits
18.66.040 – Permits Required
18.66.050 – Application Requirements
18.66.060 – Location Requirements
18.66.070 – Facility Design and Developmental Standards
18.66.080 – Modification Constituting a "Substantial Change"
18.66.090 – Operation and Maintenance Standards
18.66.100 – Discontinuance and Site Restoration

18.66.010 – Purpose and Applicability

A. Purpose. This Chapter establishes locational, developmental, and operational standards and permit requirements consistent with Federal law to: regulate the placement and design of wireless telecommunication facilities so as to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public safety and welfare; pursue additional benefits from the facilities for the public by allowing for the leasing of publicly-owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced wireless telecommunication services within the City.

B. Applicability. The requirements of this Chapter shall apply to all wireless telecommunications facilities located within the City.

18.66.020 – Definitions

The following definitions shall apply to this Chapter.

Antennas. Any system of wires, poles, rods, reflecting discs, dishes, flat panels, or similar devices, including "whip antennas," attached to a wireless telecommunications tower, mast or other structure, which in combination with the radio-frequency radiation generating equipment associated with a base station are used for the transmission or reception of electromagnetic waves.

Base Station. The structure and equipment placed at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless telecommunications between user equipment and a wireless telecommunication network. It includes, but is not limited to, utility poles, light standards, traffic signals, and other structures that house communication equipment as long as it received the applicable regulatory approvals, even if the structure was not built for the sole or primary purpose of providing wireless telecommunications support.

Cellular Service. A wireless telecommunications service that permits customers to use mobile telephones and other communication devices to connect, via low-power radio transmitter sites, either to the public-switched telephone network or to other fixed or mobile communication devices.

Channel. The segment of the radiation spectrum from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location or Co-Located Facility. The mounting or installation of transmission equipment on an existing wireless tower or base station for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

Communication Equipment Shelter. A structure located at a base station designed principally to enclose equipment used in connection with telecommunication transmissions.

DAS. Distributed Antenna System.

dBm. A unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

Dish Antenna. Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission. The Federal agency responsible for regulating telecommunications in the United States.

GHz. Gigahertz—one billion (1,000,000,000) hertz.

Ground-Mounted Wireless Telecommunication Facility. Any antenna with its base placed directly on the ground (e.g., bare ground, concrete slab or footing), or that is attached to a mast or pipe.

Hertz (Hz). A unit of measurement of an electric or magnetic field, which reverses its polarity at a frequency of once per second (i.e., one cycle or wavelength per second).

MegaHertz (MHz). One million (1,000,000) hertz.

Microcell Site. A small radio transceiver facility comprised of an equipment cabinet with a total volume of one hundred (100) cubic feet or less that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (approximately one foot by two feet or one foot by four feet) directional panel antennas, mounted on a single pole, an existing conventional utility pole, an existing stop light, or some other similar support structure.

Monitoring. The measurement, by the use of instruments in the field, of radiofrequency/non-ionizing radiation exposure at a site as a whole, or from individual wireless telecommunication facilities/towers/ antennas/repeaters.

Monopole. A single pole-structure erected on the ground (e.g., bare ground, concrete slab or footing), to support one or more wireless telecommunication antennas and connecting appurtenances.)

Non-Ionizing Electromagnetic Radiation (NIER). Radiation from the portion of the electromagnetic spectrum with frequencies of approximately one million (1,000,000) GHz and below, including all frequencies below the ultraviolet range (e.g., visible light, infrared radiation, microwave radiation, and radio frequency radiation).

Radiofrequency (RF) Radiation. Radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz and below), including microwaves, television VHF and UHF signals, radio signals, and low to ultra-low frequencies.

Radome. A dome or other structure protecting radar equipment and made from material transparent to radio waves.

Repeater. Small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

Significant Gap. A gap in the service provider's (applicant carrier's) own personal wireless services network within the City and Santa Clara County, as defined in Federal case law interpretations of the Federal Telecommunications Act of 1996.

Slimline Monopole. An antenna projecting less than three feet from the center of the pole, shielded with a radome, with a maximum allowable height of 75 feet.

Stealth Technology/Techniques. Camouflaging methods applied to wireless telecommunication towers, antennas and/or other facilities, which render them visually inconspicuous.

Structure-Mounted Wireless Telecommunication Facility. Any immobile antenna (including panels and directional antennas) attached to a structure (e.g., a structure facade or a water tower), or mounted upon a roof.

Substantial Change. Refers to a single change, or a series of changes over time (whether made by the same or different entities) viewed against the baseline conditions for the wireless telecommunication tower or base station.

Wireless Telecommunication Tower (Cell Tower/Tower). Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities. It includes, but is not limited to, masts, poles, monopoles, guyed towers, lattice towers, and freestanding towers.

Transmission Equipment. Equipment that facilitates transmission of any FCC-licensed or authorized wireless service. It includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

Visual Impact. An adverse effect on the visual and/or aesthetic environment. This may derive from blocking of a view, or introduction of elements that are incompatible with the scale, texture, form or color of the existing natural or human-made landscape, including the existing character surrounding the proposed wireless telecommunication facility site.

Wireless Telecommunication (or Telecommunications) Facility. A facility, including all associated equipment, which supports the transmission and/or receipt of electromagnetic/radio signals. Wireless telecommunication facilities include cellular radiotelephone service facilities, personal communications service facilities (including wireless Internet), specialized mobile radio service facilities, and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of signals, telecommunication towers or similar structures supporting the equipment, equipment structures, parking area, and other accessory development.

18.66.030 – Exemptions from Discretionary Permits

The following wireless telecommunication facilities are exempt from the discretionary permit requirements of this Chapter. However, each wireless telecommunication facility shall comply with all applicable requirements of State and Federal law, the remaining requirements of this Chapter, and the issuance of a nondiscretionary Zoning Clearance.

A. Replacement or modification of a previously allowed facility or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the related equipment at the site.

B. A dish antenna that is one meter (39 inches) or less in diameter or diagonal measurement located in a residential or mixed-use zone, that is designed:

1. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or

2. For subscribing to a multipoint distribution service.

C. A satellite earth station (SES) antenna of two meters (78 inches) or less in diameter or diagonal measurement, located in a non-residential or mixed-use zone, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas shall require a Building Permit and approval of the placement by the Director to ensure safety, and to avoid tripping hazards and the creation of an attractive nuisance, shall be placed whenever possible, on the top of structures as far from the edge of rooftops towards the rear of the structure to minimize the view from the public rights-of-way.

D. Wireless telecommunication facilities and/or components of these facilities used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g., City 911 emergency services, police, and/or fire department, first responder medical services, hospitals, etc.), are exempt from the provisions of this Chapter.

E. Temporary mobile wireless services, including mobile wireless telecommunication facilities and services providing public information coverage of news events, of less than two weeks in duration.

F. The co-location of a new antenna to an existing permitted wireless telecommunications tower or facility, or the replacement of an existing approved support structure in order to allow the co-location of a new antenna, without an increase in height. The issuance of a nondiscretionary Zoning Clearance shall also be required.

G. A ground- or structure-mounted receive-only radio or television antenna that does not exceed the height requirements of the zone in which it is located, or television dish antenna that does not exceed one meter (39 inches) in diameter if located on a residential or mixed-use zoned parcel.

H. Distributed Antenna System (DAS)/small cell sites or microcell sites in the public right-of-way (ROW) are subject to the execution of a master lease or development agreement between the City and project applicant, along with the criteria that includes all of the siting and design requirements and guidelines (the Small Cell/DAS Attachments to SVP Streetlights) that would typically occur in the planning review process and project implementation through an Encroachment Permit process.

I. Handheld devices (i.e., cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers), and similar devices.

J. Any modification or maintenance activities carried out as part of the routine operation of wireless telecommunication facilities that do not result in substantial change (See Sections 18.66.080 [Modification Constituting a Substantial Change] and 18.66.090 [Operation and Maintenance Standards]).

K. Any other facilities that are exempt from City approval by State or Federal statute.

18.66.040 – Permits Required

No wireless telecommunication facility except those designated in Section 18.66.030 (Exemptions from Discretionary Permits) shall be installed, erected, or modified in the City without the approval of either a

Conditional Use Permit, Minor Use Permit, or Zoning Clearance in compliance with the list of allowable land uses specified in Article 2 (Zones, Allowable Uses, and Development Standards) and the following.

A. Conditional Use Permit. Conditional Use Permit approval is required for all new wireless telecommunication facilities and wireless telecommunication towers that exceed 70 feet in height, or do not meet the definition of slimline monopole subject to this Chapter.

B. Minor Use Permit. Minor Use Permit approval is required for the extension of an existing wireless telecommunication facility and if the existing wireless telecommunications tower will be 70 feet or less feet in height and meets the definition of slimline monopole

C. Zoning Clearance. A nondiscretionary Zoning Clearance is required for co-location on an existing permitted wireless telecommunication tower or facility. Multiple service providers may submit one application for all intended co-located facilities. Prior to the issuance of a Zoning Clearance all the following requirements shall be met for the proposed facility. The wireless telecommunications facility:

1. Shall be consistent with current zoning regulations; and
2. Was previously granted discretionary review approval.

D. Conditions. In approving a Conditional Use Permit or Minor Use Permit, the appropriate Review Authority may impose conditions as it deems reasonable, necessary, and appropriate to further the purposes of this Chapter, including, but not limited to, redesign or relocation of the proposed facility and resubmittal of a revised proposal for further consideration.

18.66.050 – Application Requirements

A. Requirements. In addition to the information required for a Conditional Use Permit, Minor Use Permit, or Zoning Clearance application in Article 6 (Permit Processing Procedures) the application for a wireless telecommunication facility shall also include all the following:

1. **Boundary Map.** A map with locations and boundaries of the coverage areas and a search ring analysis for all of the applicant's tower sites existing, approved but not yet constructed, applicant submitted but not yet approved, and potential future sites. The Boundary Map shall also include all of the following:
   - **a.** Indicate any existing communication towers located within a four-mile radius of the proposed site(s), the operators of each tower, the tower heights, and attempts to co-locate.
   - **b.** Identify any airport facility located within a four-mile radius of the proposed site(s).
2. **Site Specific Map.** The applicant shall submit a detailed map for each proposed site coverage area including all the following:
   - **a.** Identify all structures, roads, highways, and residences; and
   - **b.** Identify all feasible tower locations within each coverage area.
3. **Coverage Report Required.** The applicant shall provide a coverage report containing an analysis of existing significant gaps in the service provider's network and how the proposed wireless telecommunication facility would eliminate or substantially reduce the gap in coverage.
4. **Parcel Specific Information.** The applicant shall provide copies of any land use easements or lease restrictions which would prohibit co-location (on existing wireless telecommunication facilities) or share locations (next to an existing wireless telecommunication facilities) by other service providers.

5. **Explanation of Technology.** The applicant shall provide a detailed explanation of the type of technology to be used and types of services to be provided by each wireless telecommunication facility site/installation.
6. **Health Certification.** The applicant shall supply certification acceptable to the Director for the proposed facility and shall comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation.
7. **Co-Location.** All new towers shall allow for co-location of public safety transmission equipment when deemed feasible by the Director.

B. Information required Before Issuance of Building Permits. The applicant shall provide the City with all the following items before the issuance of a Building Permit:

1. An acceptable type of financial security (i.e., a letter of credit), to ensure that the approved facility is properly maintained and to guarantee that the facility is dismantled and removed if non-operative or abandoned for a minimum 30-day period or upon expiration of the permit from the City, whichever first occurs;
2. A proposed wireless telecommunication tower lighting plan; and
3. At least two letters of intent, where more than one carrier is proposed for each tower, demonstrating an immediate need for the wireless telecommunications tower location.

18.66.060 – Location Requirements

A. Tower Placement in Commercial Zones. Wireless telecommunication tower facilities located within a Commercial zone shall be separated by a minimum distance of 200 feet from any other wireless telecommunication facility, and there shall be no more than two towers on a single parcel, unless the towers are located on a publicly owned facility.

B. Facility Placement in Residential and Mixed-Use Zones. Wireless communications facilities located within a Mixed-Use zone shall be separated by a minimum distance of 300 feet of any residential structure or any other existing wireless communications facility except as follows.

1. When located on any existing nonresidential structure or on any existing utility pole, provided the location complies with all the following:
   a. The co-location is in full compliance with the California Public Utilities Commission Joint Pole Association General Order 95, Rule 94, and any other applicable State or Federal regulations.
   b. Existing wireless communications facilities to be used for co-location shall have been previously approved for a Conditional Use Permit or a Minor Use Permit, including modification of an existing Conditional Use Permit or Minor Use Permit. Legal nonconforming facilities do not qualify for co-location.
   c. All new accessory equipment and enclosures shall be located underground or screened from public view as approved by the Director.
   d. Unless shown in the submitted application documentation to the satisfaction of the Director to not be technically and/or commercially feasible, all antennas and/or antenna panels shall be flush mounted and limited in number to that amount necessary to achieve the required coverage described in the project application.
2. The proposed wireless telecommunication facility will replace or modify an existing wireless telecommunication facility for purposes of co-location.
3. The proposed wireless telecommunication facility will be designed and constructed in a manner to allow future co-location of additional wireless communication carriers, provided the

applicant submits written documentation that shows that a more preferable location cannot be reasonably accommodated by the applicant due to technical requirements of the proposed facility, including but not limited to coverage requirements imposed by the Federal Communications Commission (FCC) or otherwise by law, or due to other factors beyond the applicant's reasonable control.

18.66.070 – Facility Design and Developmental Standards

All wireless telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards:

A. Height and Separation Requirements.

1. The height of a wireless telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or to the point of the highest piece of equipment attached to the tower.
2. Wireless telecommunications facilities and related equipment shall be safely erected and maintained at a height which does not exceed the surrounding conditions, improvements, and circumstances.
3. Wireless telecommunications facilities shall maintain at least one foot of separation to residential uses (located on or off-site) for each one foot of tower height.

B. Colors and Materials. All antennas, poles, towers, or related equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color.

C. Stealth Features. When determined to be appropriate by the City, wireless telecommunications facilities shall incorporate stealth features or technologies to blend the tower into its natural surroundings to the maximum extent possible. This is typically achieved through camouflaging the tower to look like trees or other similar natural-looking features in the vicinity.

D. Equipment Cabinets. A wireless telecommunication facility shall not exceed four equipment cabinets.

E. Screening, Landscaping. All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be screened with structures or located underground or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Review Authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

F. Additional Screening and Landscaping. As part of project review and the imposition of conditions of approval, the Review Authority may require additional screening and/or landscaping, under-grounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to the public rights-of-way.

G. Lighting. If required by the City or State or Federal regulations, wireless telecommunication towers shall be lighted, with lighting hooded/shielded and directed downward and away from adjoining properties and the public rights-of-way. No blinking or flashing lights shall be allowed unless required by State or Federal regulations.

H. Power. The provision of power to and within a communication facility site shall be installed underground, unless, in the determination of the Review Authority, conditions on the site render undergrounding infeasible.

I. Backup Power Supply. A backup power supply (i.e., generator) and associated fuel storage tanks to support the backup power supply shall be enclosed within a structure and screened to the satisfaction of the Director.

J. Signs. No advertising signs or logos other than a maximum three-square foot nameplate shall be allowed on a tower and related facilities.

18.66.080 – Modification Constituting a "Substantial Change"

The following definition of "substantial change" shall refer to a single change, or a series of changes over time (whether made by the same or different entities) measured against the originally approved wireless telecommunication tower or base station that would have any of the effects described below:

A. Wireless Telecommunication Tower or Base Station. The proposed co-location or modification:

1. **Height.** Would increase the height by more than 10 percent or 10 feet above the originally approved height (whichever is greater); and/or
2. **Width.** Would protrude from the edge of the originally approved structure by more than six feet.

B. Additional Equipment Cabinets. The proposed co-location or modification would involve adding additional equipment cabinets.

C. Work Outside Existing Boundaries. A proposal that includes excavation or development of equipment outside the wireless telecommunication facility's originally approved boundaries.

D. Violation of Condition of Approval. The proposed co-location or modification would violate one or more existing condition(s) of approval.

E. Site Alterations. A proposal that would alter required access, parking, or landscaping.

F. Replacement of Facility. A proposal to replace the wireless telecommunication tower or foundation.

18.66.090 – Operation and Maintenance Standards

A. Contact and Site Information. The owner or operator of any wireless facility shall submit and maintain current at all times basic contact and site information. The owner or operator shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. At a minimum this information shall include all the following:

1. Name, address, telephone numbers and legal status of the owner of the facility, including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
2. Name, address, and telephone numbers (land line(s) and mobile) of a local contact person for emergencies;
3. Type of service provided; and
4. Identification signs, including emergency phone numbers (land line(s) and mobile) of the utility provider, shall be posted at all communication facility sites.

B. Facility Maintenance. All wireless telecommunication facilities and related equipment, including lighting, fencing, screening, shields, cabinets, yards, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight.

C. Landscaping Maintenance. All trees, foliage, and other landscaping elements on a wireless telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Review Authority may also require a landscape maintenance agreement.

D. Noise. Each wireless telecommunication facility shall be operated to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages and shall not be tested on weekends or holidays. At no time shall equipment noise from any source exceed the noise standards in Chapter 9.10 of the SCCC (Regulation of Noise and Vibrations).

E. Exterior Lighting. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and directed downward and away from adjoining properties.

F. Site Inspection Required. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Section.

18.66.100 – Discontinuance and Site Restoration

A. All equipment associated with a wireless telecommunication facility shall be removed from the site within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition or better, subject to the approval of the Director.

B. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation.

C. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property.

D. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment

-This page intentionally left blank-

Article 5 – Nonconformities

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.90 – General Nonconforming Provisions ---------- 5-1
18.90.010 – Purpose, Intent, and Definitions ---------- 5-1
18.90.020 – Establishment and Proof of Legal Nonconforming Status ---------- 5-2
18.90.030 – Existing Structures and Uses ---------- 5-3
18.90.040 – Customary Maintenance and Repair ---------- 5-3
18.90.050 – Modification and Expansion ---------- 5-3
18.90.060 – Nonconforming Minor Use Permit Procedures ---------- 5-4

Chapter 18.92 – Nonconforming Structures ---------- 5-5
18.92.010 – Continuation of Legal Nonconforming Structures ---------- 5-5
18.92.020 – Destroyed or Deteriorated Non-Residential Structures ---------- 5-5
18.92.030 – Destroyed or Deteriorated Residential Structures ---------- 5-6
18.92.040 – Allowed Improvements and Expansions of Nonconforming Structures ---------- 5-6
18.92.050 – Repair and Alteration of Nonconforming Structures ---------- 5-7

Chapter 18.94 – Nonconforming Uses ---------- 5-9
18.94.010 – Continuation of Legal Nonconforming Uses ---------- 5-9
18.94.020 – Effect of Conditional Use/Minor Use Permit Requirements ---------- 5-9
18.94.030 – Expansion or Modification of Legal Nonconforming Uses ---------- 5-9
18.94.040 – Discontinuance of Legal Nonconforming Uses ---------- 5-10

Chapter 18.96 – Nonconforming Parcels ---------- 5-11
18.96.010 – Use of Legal Nonconforming Parcels ---------- 5-11
18.96.020 – Subdivision of Legal Nonconforming Parcels ---------- 5-11

Chapter 18.98 – Other Specific Nonconforming Provisions ---------- 5-13
18.98.010 – Nonconformities Regarding Landscaping ---------- 5-13
18.98.020 – Nonconformities Regarding Off-Street Parking and Loading ---------- 5-13
18.98.030 – Nonconformities Regarding Signs ---------- 5-14

-This page intentionally left blank-

Chapter 18.90 – General Nonconforming Provisions

Sections

18.90.010 – Purpose, Intent, and Definitions
18.90.020 – Establishment and Proof of Legal Nonconforming Status
18.90.030 – Existing Structures and Uses
18.90.040 – Customary Maintenance and Repair
18.90.050 – Modification and Expansion
18.90.060 – Nonconforming Minor Use Permit Procedures

18.90.010 – Purpose, Intent, and Definitions

A. Purpose. This Article provides regulations for:

1. Nonconforming parcels, signs, structures, and land uses that were lawfully permitted before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Code.

2. The continuance, maintenance, and repair of nonconformities under certain circumstances and limiting reconstruction and reestablishment of nonconformities. These nonconforming uses and structures may continue or be discontinued as specified in this Article.

B. Intent.

1. In order to limit the number and extent of nonconformities created by adoption or amendment of this Zoning Code, it is the City's intent to generally allow nonconformities to continue until they are removed or abandoned.

2. It is further the intent of this Article that nonconformities shall not be altered, enlarged, expanded, extended, moved, reestablished, or changed to another nonconforming use after abandonment or discontinuance, or restored after involuntary destruction, except in compliance with this Article.

3. It is the City's intent to ensure that certain nonconformities, including certain classes of nonconforming uses, nonconforming structures of nominal value, and certain uses not meeting screening, performance, or parking standards, are discontinued or become conforming.

4. This Article shall only apply to legal nonconformities and shall not apply to any use or structure established in violation of the adopted Zoning Code or other appplicable laws, unless the use or structure presently conforms with the provisions of this Zoning Code and all other applicable laws.

C. Definitions. For purpose of this Article, the following terms shall have the following definitions:

1. Appraised Values. All appraised values referred to in this Article shall be determined by a State licensed appraiser and confirmed by the Building Official.

2. **Cessation or Discontinuance.** Cessation or discontinuance of a nonconforming use shall be defined as an abandonment of the use, irrespective of the owner's or occupant's intent.

3. **Effective Date**. The date this Zoning Code became effective, or any amendment thereto.

4. **Illegal Nonconformity.** A parcel, sign, structure, or use that was illegally constructed, created, installed, or initiated without proper permits or approvals, and does not comply with the provisions of this Zoning Code. An illegal nonconformity is not eligible for any of the protections provided by this Article.

5. **Nonconforming Parcel.** A parcel legally created before the effective date of this Zoning Code, or subsequent amendment, which does not currently comply with the minimum area, depth, width, or other requirements of this Zoning Code.

6. **Nonconforming Sign.** A sign legally existing before the effective date of this Zoning Code, or subsequent amendment, which does not currently comply with the sign regulations of this Zoning Code.

7. **Nonconforming Structure.** A structure legally existing before the effective date of this Zoning Code, or subsequent amendment, which does not currently conform to the requirements of the zone in which it is located.

8. **Nonconforming Use.** A use of land and/or a structure legally existing before the effective date of this Zoning Code, or subsequent amendment, but which is no longer allowed in the zone in which it is located.

18.90.020 – Establishment and Proof of Legal Nonconforming Status

The property owner has the burden to prove a legal nonconformity and the related protected status that comes with legal nonconformity as specified in this Article.

A. Property Owner's Responsibility. The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject use or structure is a legal nonconformity.

B. City is Not Responsible. The City is not responsible to prove the legal status of the nonconformity.

C. Director's Determination.

1. The process begins with the property owner submitting sufficient written evidence to the Director demonstrating that the nonconformity is legal and subject to the protected status specified in this Article.

2. The Director may decide the matter favorably based on the documentation provided. In the alternative, the Director shall conduct an administrative hearing and provide notice of the hearing to the property owner in compliance with Chapter 18.146 (Public Notices and Hearings).

3. If an administrative hearing is conducted, the property owner shall have the opportunity to appear and provide oral testimony and present evidence on the legality of the nonconformity.

4. The Director shall consider the testimony and evidence and make a determination as to the legality of the nonconformity and the available protections provided by this Article.

5. The Director's determination of legal nonconformity shall be appealable as specified in Chapter 18.144 (Appeals).

18.90.030 – Existing Structures and Uses

A. Existing Structures. Notwithstanding any other provision in this Zoning Code, the lawful use of structures existing prior to the Effective Date of this Zoning Code may continue and none of the other Articles of this Zoning Code shall apply, as though the prior zoning of the parcel remained in place, until use of the existing structure (including any expansions) has been discontinued in its entirety, at which time the prior zoning shall become inapplicable and the other sections of this Zoning Code shall apply from that point forward.

B. Allowed Uses. For parcels with legal uses of structures existing prior to the Effective Date of this Zoning Code, allowed uses of the prior zone are allowed to continue, and none of the other Articles of this Zoning Code shall apply to the structure and use, until the existing use (including any expansions) has been discontinued in its entirety.

C. Conditional Uses. For parcels with legal uses of structures existing prior to the Effective Date of this Zoning Code that were conditionally permitted uses under a prior version of the Zoning Code, such uses are allowed to continue, and none of the other Articles of this Zoning Code shall apply, provided that such uses continue to comply with all conditions that were imposed at the time the original use was approved, and until the existing uses (including any expansions) have been discontinued in their entirety.

D. Development Standards. For parcels with legal uses of structures existing prior to the Effective Date of this Zoning Code, development standards of the prior zone shall apply, and none of the other Articles of this Zoning Code shall apply, until the existing use (including any expansions) has been discontinued in its entirety.

18.90.040 – Customary Maintenance and Repair

A nonconformity (i.e., parcel, sign, structure, or use) may be maintained and continued with customary maintenance and repair without any expansion or enlargement of area, space, or volume, except as otherwise provided in this Article. A nonconformity may be maintained provided that no structural alterations shall be made to structural supporting members (i.e., bearing wall, column, beam, girder, rafter, joist and the like), except as required for health and safety as determined by the Building Official and in compliance with Section 18.92.050, below.

18.90.050 – Modification and Expansion

A nonconforming use or structure may be modified or expanded, but only as listed below, subject to the provisions of Section 18.90.060 (Nonconforming Minor Use Permit Procedures):

A. Structural Modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this Zoning Code. However, these modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.

B. Expansion of Use. Expansion or modification of a nonconforming use is allowed in compliance with Section 18.90.060 (Nonconforming Minor Use Permit Procedures), below.

18.90.060 – Nonconforming Minor Use Permit Procedures

A. **Purpose.** The purpose of the Nonconforming Minor Use Permit is to allow individual review of requests to expand or modify nonconforming uses, structures, and structures on nonconforming parcels, in a manner that ensures compatibility with surrounding areas and land uses.

B. **Applicability.** A Nonconforming Minor Use Permit is required for the expansion or modification of existing nonconforming uses, structures, or structures on nonconforming parcels beyond the maintenance provisions of Section 18.90.040 (Customary Maintenance and Repair) and the expansion provisions of Section 18.92.040.

C. **Review Procedures.** An application shall be submitted on the most up-to-date forms provided by the Department, along with required materials and any application fee as established by the City's Fee Schedule. Review procedures for Minor Use Permits for nonconforming uses and structures shall be as specified in Chapter 18.114 (Conditional and Minor Use Permits)

Chapter 18.92 – Nonconforming Structures

Sections

18.92.010 – Continuation of Legal Nonconforming Structures
18.92.020 – Destroyed or Deteriorated Non-Residential Structures
18.92.030 – Destroyed or Deteriorated Residential Structures
18.92.040 – Allowed Improvements and Expansions of Nonconforming Structures
18.92.050 – Repair and Alteration of Nonconforming Structures

18.92.010 – Continuation of Legal Nonconforming Structures

A legal nonconforming land use and the use of a legal nonconforming structure may be continued, notwithstanding any transfers of ownership; provided that the continuation complies with the requirements of this Chapter. A legal nonconforming structure may be maintained subject to the following:

A. **Ordinary Maintenance and Repairs.** A nonconforming structure may undergo ordinary maintenance and repairs, as provided in Section 18.90.040.

B. **Nonstructural Alterations to Structure(s).** Necessary repairs and desired alterations that are not structural may be made to a nonconforming structure(s), only if the Building Official first determines that the repairs are necessary for public safety purposes and the cost does not exceed 75 percent of the appraised value of the nonconforming structure.

C. **Additions to Nonconforming Structure(s).** Additions may be made to a structure(s) that are nonconforming due to their placement on the parcel as long as the additions are in compliance with all of the applicable regulations of this Zoning Code.

D. **Development of a Parcel with a Nonconforming Structure(s).** Any additional development of a parcel with a nonconforming structure shall require that all new structures and/or additions be in compliance with this Zoning Code.

18.92.020 – Destroyed or Deteriorated Non-Residential Structures

A. **Involuntary Destruction or Deterioration of Nonconforming Structures.** If a nonconforming non-residential structure is involuntarily destroyed or deteriorated as a result of manmade catastrophe or natural disaster (e.g. fire, earthquake, flood, windstorm), the following provisions shall apply:

1. **75 Percent or More.** A nonconforming structure involuntarily destroyed or deteriorated to an extent of 75 percent or more of the structure's appraised value immediately before the destruction or deteroriation shall lose its status as a legal nonconforming structure on the date the extent of damages reaches at least 75 percent. The structure may be restored, but only if made to conform to all applicable provisions of this Zoning Code.

2. **Less Than 75 Percent**. A nonconforming structure involuntarily damaged or deteriorated to an extent of less than 75 percent of the structure's appraised value immediately before the destruction may retain is status as a legal nonconforming structure. The structure may be restored up to the original size, placement, and/or density that existed before the

destuction or deterioration, but only if the reconstruction commences within 180 days after the date of the damage or catastrophe and is diligently pursued to completion.

B. Destruction or Deterioration Due to Lack of Maintenance. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe due to lack of repairs or maintenance, it shall only be rebuilt, repaired, or restored in full compliance with all of the applicable regulations of the zone in which it is located. Destruction or damage to a nonconforming structure due to a lack of maintenance does not qualify as involuntary destruction or damage.

C. Provision of Evidence. The property owner shall provide sufficient evidence, to the satisfaction of the Director, that the subject use and/or structure is a legal nonconformity and that they have maintained the legal nonconforming status, did not cause the destruction or damage due to a lack of maintenance, and are entitled to the protections provided by this Article.

18.92.030 – Destroyed or Deteriorated Residential Structures

A. Reconstruction or Replacement – Single-Family Dwellings. An involuntarily damaged or destroyed nonconforming single-family dwelling may be reconstructed or replaced with a new structure with the same footprint, including preexisting nonconforming setbacks, preexisting parking, and preexisting height in compliance with applicable Building Code and Fire Code requirements.

B. Reconstruction or Replacement – Multi-Family Dwellings. In compliance with Government Code Sections 65852.25 and 65863.4, an involuntarily damaged or destroyed nonconforming multi-family dwelling unit or structure, including a nonconforming mixed-use building containing both residential and non-residential uses, may be reconstructed or replaced with a new unit or structure with the same footprint, provided that the reconstruction or replacement complies with applicable Building and Fire Code requirements.

C. Time Limits for Reconstructions or Replacement of Residential Structures.

1. If a Building Permit is issued within one year following the date of involuntary damage or destruction, legal-nonconforming rights are maintained and the dwelling unit may be built to its original gross floor area; or

2. If a Building Permit is not issued within one year following the date of involuntary damage or destruction, the legal-nonconforming rights shall be deemed to have terminated. Any reconstruction or replacement shall be in full compliance with all applicable provisions of this Zoning Code.

18.92.040 – Allowed Improvements and Expansions of Nonconforming Structures

A. Residential Expansions. Any residential expansion shall conform to the current applicable Zoning Code development standards, with the following two exceptions:

1. **One-car garages.** Expansions of single-family dwellings and duplexes retaining only a one-car garage for each unit, allowed up to a maximum 1,000 square foot expansion of floor area. For purposes of this Subparagraph, a “maximum 1,000 square foot expansion” includes all expansions in the aggregate since the parcel or structure became nonconforming.

2. Existing nonconforming side setbacks (three feet minimum). Existing nonconforming side setbacks of at least three feet are allowed to be extended to the rear of the dwelling for one-story expansions.

B. Addition of Accessory Structure. The addition of one accessory structure related to a conventional single-family dwelling, other than an accessory dwelling unit, where either the dwelling or the parcel is legal nonconforming, and provided that all new structures comply with all other applicable regulations of this Zoning Code.

C. Nonresidential Expansions. Expansions of nonresidential structures shall be allowed, where either the structure or the parcel is legal nonconforming, but only if the expansion is in full compliance with all applicable regulations of this Zoning Code.

18.92.050 – Repair and Alteration of Nonconforming Structures

A nonconforming structure may only be maintained or improved in the following manner:

A. Maintenance and Repair. A nonconforming structure may be maintained and repaired. Maintenance may only include repair work necessary to keep the structure in sound condition, but maintenance shall not include the replacement of a structure.

B. Structural Alteration. Subject to Section 18.92.020 above, structural alterations or reconstruction of legal nonconforming structures are allowable only in the following circumstances:

1. To reinforce unreinforced masonry structures, provided that the work is exclusively to comply with applicable earthquake safety standards;

2. To comply with current Building Code requirements, provided that the work is exclusively to comply with the current Building Code;

3. To improve the health and safety of the structure, as determined by the Building Official; or

4. To reduce fire hazards, as determined by the Fire Chief.

-This page intentionally left blank-

Chapter 18.94 – Nonconforming Uses

Sections

18.94.010 – Continuation of Legal Nonconforming Uses
18.94.020 – Effect of Conditional Use/Minor Use Permit Requirements
18.94.030 – Expansion or Modification of Legal Nonconforming Uses
18.94.040 – Discontinuance of Legal Nonconforming Uses

18.94.010 – Continuation of Legal Nonconforming Uses

The continuance of a legal nonconforming use is allowed subject to all of the following:

A. **Change of Ownership.** Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, the use and intensity of use, as determined by the Director, does not change.

B. **Additional Development.** Additional development of any property on which a nonconforming use exists shall require that all new uses and structures be in compliance with all of the applicable provisions of this Zoning Code.

C. **Conversion of a Nonconforming Use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

D. **Changes to a Nonconforming Use.** If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of an equal or more restrictive classification, as determined by the Director. Once changed, the nonconforming use may not be changed back to a nonconforming use of a less restrictive classification, as determined by the Director.

18.94.020 – Effect of Conditional Use/Minor Use Permit Requirements

A. **Absence of Conditional Use/Minor Use Permit.** A use lawfully existing without the approval of a Conditional Use Permit or Minor Use Permit that would be required by this Zoning Code shall be deemed conforming but only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).

B. **Previous Conditional Use/Minor Use Permit in Effect.** A use that was authorized by a Conditional Use Permit, Minor Use Permit, or other conditional entitlement, but is no longer allowed by this Zoning Code, may continue, but only in compliance with the original conditions of approval.

18.94.030 – Expansion or Modification of Legal Nonconforming Uses

Any expansion or modification of a legal nonconforming use shall only be allowed in compliance with all applicable provisions of this Zoning Code.

18.94.040 – Discontinuance of Legal Nonconforming Uses

A. **Nonconforming Use.** If a nonconforming use ceases or is abandoned or discontinued for a continuous period of 180 days or more, its legal nonconforming status is lost, and the continued use of the property shall be in full compliance with all of the applicable provisions of this Zoning Code.

B. **Abandonment or Discontinuance.** A nonconforming use shall be considered abandoned or discontinued when any one or more of the following occur for 180 days or more:

1. Abanonment or discontinuance of a use regardless of the owner's or occupant's intent to resume the use;

2. The intent of the owner to cease or discontinue is apparent, as determined by the Director;

3. Where characteristic furnishings and equipment associated with the use are removed and not replaced with equivalent furnishings and equipment, and where normal occupancy and/or use is no longer evident; or

4. Where there are no business receipts or utility charges or payments for the 180-day period.

C. **Business License.** Maintenance of a valid business license shall, in and of itself, not be considered a continuation of the nonconforming use.

D. **Compliance with All Applicable Provisions Required.** Absent further action by the City, any subsequent use of the land or structure shall comply with all applicable provisions of this Zoning Code.

Chapter 18.96 – Nonconforming Parcels

Sections

18.96.010 – Use of Legal Nonconforming Parcels
18.96.020 – Subdivision of Legal Nonconforming Parcels
18.96.030 – Merger of Nonconforming Parcels

18.96.010 – Use of Legal Nonconforming Parcels

A single nonconforming parcel that does not comply with the applicable area, depth, or width requirements of this Zoning Code is a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the property owner.

A. **Approved Subdivision.** The parcel was legally created by a recorded subdivision in compliance with Chapter 17.05 (Subdivisions) of Title 17 (Development);

B. **Individual Parcel Legally Created by Deed.** The parcel is under single ownership and was legally created by a recorded deed before the effective date of the provision which made the parcel nonconforming;

C. **Variance or Lot Line Adjustment.** The parcel was approved through the variance procedure or resulted from a lot line adjustment; or

D. **Partial Government Acquisition.** The parcel was created in compliance with the provisions of the current Zoning Code or a prior version, but was made nonconforming when a portion was acquired by a governmental entity, provided that both of the following are true: (1) the parcel size was decreased not more than 20 percent; and (2) the yard facing a public right-of-way was decreased not more than 75 percent.

18.96.020 – Subdivision of Legal Nonconforming Parcels

A subdivision of land (i.e., lot line adjustment, tentative parcel map, final parcel map, tentative subdivision map, or final subdivision map) that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel shall not be approved.

-This page intentionally left blank-

Chapter 18.98 – Other Specific Nonconforming Provisions

Sections

18.98.010 – Nonconformities Regarding Landscaping
18.98.020 – Nonconformities Regarding Off-Street Parking and Loading
18.98.030 – Nonconformities Regarding Signs

18.98.010 – Nonconformities Regarding Landscaping

A. Use May Continue Indefinitely. Any lawfully created use that becomes nonconforming with regard to landscaping requirements, including, but not limited to, site coverage, parking lot coverage, distribution, installation, or maintenance, may continue indefinitely with the nonconformity as long as the use continues as permitted.

B. Improvements Exceeding 75 Percent. However, upon performing any improvements to the parcel of 75 percent or more of the total appraised value of the existing development of the property, landscaping shall be provided in compliance with Chapter 18.36 (Landscaping).

C. Landscaping Shall Be Improved to Maximum Extent Possible. Along with any change, expansion, or intensification of use, the landscaping shall be improved to the maximum extent possible.

18.98.020 – Nonconformities Regarding Off-Street Parking and Loading

A. Parking Spaces and Improvements.

1. Any nonconformity with respect to off-street parking spaces or improvements may continue indefinitely, except that with any change, expansion, or intensification of use, the additional off-street parking required for the change, expansion, or intensification shall be provided in compliance with Chapter 18.38 (Off-Street Parking and Loading).

2. The only exception to this provision is found in Subsection 18.90.040 B.1.a, which allows retention of a one-car garage in certain specified circumstances.

B. Loading Spaces. Any nonconformity with respect to off-street loading areas may continue indefinitely, except that with any change, expansion, or intensification of use, the additional off-street loading areas required for the change, expansion, or intensification shall be provided in compliance with Chapter 18.38 (Off-Street Parking and Loading).

C. Parking Lot Landscaping. Upon a review for any expansion, intensification, or reconfiguration of an existing parking lot, the designated Review Authority may require that any nonconformity with respect to interior landscaping and landscaped yards along streets for parking lots be made to conform with the requirements specified in Chapter 18.38 (Off-Street Parking and Loading) to the fullest extent feasible.

18.98.030 – Nonconformities Regarding Signs

Legally established nonconforming signs shall be allowed to continue, subject to the compliance with Section 18.42.200 (Nonconforming Signs).

Article 6 – Permit Processing Procedures

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.110 – General Provisions ---------- 6-1

18.110.010 – Purpose ---------- 6-1
18.110.020 – Discretionary Permits and Actions ---------- 6-1
18.110.030 – Additional Permits May Be Required ---------- 6-3

Chapter 18.112 – Application Processing Procedures ---------- 6-5

18.112.010 – Purpose ---------- 6-5
18.112.020 – Authority for Land Use and Zoning Decisions ---------- 6-5
18.112.030 – Application Preparation and Filing ---------- 6-6
18.112.040 – Application and Other Related Fees ---------- 6-7
18.112.050 – Applicant Indemnification ---------- 6-8
18.112.060 – Initial Review of Application ---------- 6-8

Chapter 18.114 – Conditional and Minor Use Permits ---------- 6-11

18.114.010 – Purpose ---------- 6-11
18.114.020 – Applicability ---------- 6-11
18.114.030 – Application Filing, Processing, and Review ---------- 6-11
18.114.040 – Project Review, Notice, and Hearing ---------- 6-12
18.114.050 – Findings and Decision ---------- 6-13
18.114.060 – Conditions of Approval ---------- 6-13
18.114.070 – Permit to Run with the Land ---------- 6-13
18.114.080 – Post-Decision Procedures ---------- 6-14

Chapter 18.116 – Off-Site Parking Permits ---------- 6-15

18.116.010 – Purpose ---------- 6-15
18.116.020 – Intent ---------- 6-15
18.116.030 – Administrative Off-Site Parking Permit Required ---------- 6-15
18.116.040 – Procedure for Granting Off-Site Parking Permits ---------- 6-16
18.116.050 – Conditions of Approval ---------- 6-16
18.116.060 – Appeals ---------- 6-17
18.116.070 – Off-Site Parking Permit Requirements ---------- 6-17
18.116.080 – Post-Decision Procedures ---------- 6-18

Chapter 18.118 – Reasonable Accommodation ---------- 6-19

18.118.010 – Purpose ---------- 6-19
18.118.020 – Applicability ---------- 6-19
18.118.030 – Application Filing, Processing, and Review ---------- 6-20
18.118.040 – Review Authority ---------- 6-21
18.118.050 – Review Procedures ---------- 6-21
18.118.060 – Findings and Decision ---------- 6-22
18.118.070 – Rescission of Approval of Reasonable Accommodation ---------- 6-22
18.118.080 – Post-Decision Procedures ---------- 6-23

Chapter 18.120 – Architectural Review ---------- 6-25

18.120.010 – Intent ---------- 6-25

18.120.020 – Architectural Review Process ---- 6-25
18.120.030 – Minor Changes by Director ---- 6-28
18.120.040 – Post-Decision Procedures ---- 6-28

Chapter 18.122 – Temporary Use Permits ---- 6-29

18.122.010 – Purpose ---- 6-29
18.122.020 – Definition ---- 6-29
18.122.030 – Applicability ---- 6-29
18.122.040 – Exempt Temporary Uses ---- **Error! Bookmark not defined.**
18.122.050 – Allowed Temporary Uses ---- **Error! Bookmark not defined.**
18.122.060 – Application Filing, Processing, and Review ---- 6-29
18.122.070 – Director's Review ---- 6-30
18.122.080 – Findings and Decision ---- 6-30
18.122.090 – Conditions of Approval ---- 6-31
18.122.100 – Condition of Site Following Temporary Use ---- 6-32
18.122.110 – Post-Decision Procedures ---- 6-32

Chapter 18.124 – Variances and Minor Modifications ---- 6-34

18.124.010 – Purpose ---- 6-34
18.124.020 – Applicability ---- 6-34
18.124.030 – Application Filing and Processing ---- 6-35
18.124.040 – Project Review, Notice, and Review ---- 6-35
18.124.050 – Findings and Decision ---- 6-37
18.124.060 – Denial of Minor Modification ---- 6-38
18.124.070 – Precedence ---- 6-38
18.124.080 – Conditions of Approval ---- 6-38
18.124.090 – Post-Decision Procedures ---- 6-38

Chapter 18.126 – Zoning Clearances ---- 6-39

18.126.010 – Purpose ---- 6-39
18.126.020 – Applicability ---- 6-39
18.126.030 – Review Procedures ---- 6-40
18.126.040 – Post-Decision Procedures ---- 6-40

Chapter 18.128 – Permit Implementation, Time Limits, and Extensions ---- 6-42

18.128.010 – Purpose ---- 6-42
18.128.020 – Conformance to Approved Plans ---- 6-42
18.128.030 – Effective Dates of Permits ---- 6-42
18.128.040 – Approvals Under the Permit Streamlining Act ---- 6-43
18.128.050 – Performance Guarantees ---- 6-43
18.128.060 – Expiration ---- 6-44
18.128.070 – Time Extensions ---- 6-45
18.128.080 – Changes to an Approved Project ---- 6-46
18.128.090 – Resubmittals ---- 6-47
18.128.100 – Condition Compliance Required ---- 6-48

Chapter 18.130 – Historic Preservation ---- 6-50

18.130.010 – Purpose ---- 6-50
18.130.020 – Intent ---- 6-50
18.130.030 – Identification of HRI Properties ---- 6-50
18.130.040 – HRI Property Designation ---- 6-51
18.130.050 – Property Alteration ---- 6-53
18.130.060 – Demolition Permits ---- 6-55
18.130.070 – HLC Referral for Projects Near HRI Properties ---- 6-56
18.130.080 – Unsafe or Dangerous Conditions ---- 6-56

TABLES

Table 6-1 Review Authority.....6-5

-This page intentionally left blank-

Chapter 18.110 – General Provisions

Sections

18.110.010 – Purpose
18.110.020 – Discretionary Permits and Actions
18.110.030 – Additional Permits May Be Required

18.110.010 – Purpose

This Article establishes the overall structure for the application, processing, review, and action on discretionary permit applications and identifies and describes those discretionary permits and other approvals required by this Zoning Code in Table 6-1 (Review Authority).

18.110.020 – Discretionary Permits and Actions

A. Administrative Actions and Permits. Except when combined with legislative actions or other non-administrative actions specified in this Article, the Community Development Director, referred to in this Zoning Code as the Director or the designee of the Director, is the designated Review Authority for the following administrative permits and actions, which are generally limited to interpretation of policy or relatively minor adjustments of Zoning Code standards. Additionally, the Director has primary administrative authority for certain activities which require the determination of compliance with applicable Zoning Code provisions. The Director, at the Director's sole discretion, may elevate the level of review to the next higher Review Authority.

1. **Architectural Reviews Without a Public Hearing.** An administrative review process providing for review of projects for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City as specified in Chapter 18.122 (Architectural Review), but not including architectural reviews for which a public hearing is required by Section 18.120.020.D. The Director's and Commission's review roles are specified in Chapter 18.122 and Table 6-1.

2. **Density Bonus for Affordable Housing.** An action authorizing a residential density bonus in compliance with Chapter 18.64 (Density Bonuses for Affordable Housing).

3. **Minor Modifications.** An administrative action granting an exception to specified development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with with the procedures specified Chapter 18.126 (Variances and Minor Modifications).

4. **Off-Site Parking Permits.** An administrative permit authorizing uses in nonresidential and mixed-use zones to satisfy their on-site parking demands off-site in compliance with Chapter 18.120 (Off-Site Parking Permits).

5. **Reasonable Accommodation.** An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and the procedures specified in Chapter 18.120 (Reasonable Accommodation).

6. **Sign-Related Permits.**

   a. **Sign Permits.** An administrative permit authorizing a variety of signs, including individual signs for promotional advertising in compliance with specific provisions and conditions of this Zoning Code and Chapter 18.44 (Signs). Temporary signs may also be approved in conjunction with a Temporary Use Permit granted in compliance with Chapter 18.124 (Temporary Use Permits).

   b. **Comprehensive Sign Programs.** An administrative permit process through which permissible on-site signs are reviewed to provide for a coordinated, complementary program of signs within a single development project consisting of multiple tenant spaces, or a district.

7. **Zoning Clearances.** An administrative review of nonexempt uses and structures that do not otherwise require a determintion of compliance with applicable provisions of this Zoning Code as specified in Chapter 18.128 (Zoning Clearances).

B. **Quasi-Judicial Actions and Permits.** Except when combined with legislative actions, the Planning Commission is the designated Review Authority for the following quasi-judicial permits and actions. Additionally, the Director may refer applications to the Planning Commission. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 18.146 (Public Notices and Hearings).

1. **Architectural Reviews With a Public Hearing.** A review process providing for review of projects for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City as specified in Chapter 18.122 (Architectural Review), for which a public hearing is required by Section 18.120.020.D. The Director's and Commission's review roles are specified in Chapter 18.122 and Table 6-1.

2. **Conditional Use Permits.** A permit conditionally authorizing a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and the procedures specified in Chapter 18.114 (Conditional and Minor Use Permits).

3. **Minor Use Permits.** An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and the procedures specified in Chapter 18.114 (Conditional and Minor Use Permits).

4. **Temporary Use Permits.** A permit authorizing specific limited term uses in compliance with conditions and performance criteria specified in Chapter 18.124 (Temporary Use Permits).

5. **Variances.** An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with Chapter 18.126 (Variances and Minor Modifications).

C. **Legislative Actions.** The designated Review Authority for all legislative actions is the Council. A public hearing is required for the following legislative actions in compliance with Chapter 18.146 (Public Notices and Hearings).

1. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property in compliance with Chapter 18.142 (Amendments).

2. **Specific Plans.** An action authorizing the review and adoption of a specific plan in compliance with the provisoins specified in Chapter 18.150 (Specific Plans).

3. **Zoning Code Text/Zoning Map Amendments.** An action authorizing either a text amendment to this Zoning Code or a Zoning Map amendment changing the zoning designation of particular property in compliance with Chapter 18.142 (Amendments).

D. Subdivision Maps and Other Approvals.

1. **Subdivision of Land.** Regulations governing the subdivision of land are established in City Code Title 17 (Development), Chapter 17.05 (Subdivisions).

2. **Buildings and Construction.** Provisions for buildings and construction are established in City Code Title 15 (Buildings and Construction).

18.110.030 – Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of this Zoning Code shall also comply with the permit requirements of other City Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Zoning Code shall eliminate the need to obtain any permits required by:

A. Any other City Code provisions, including Building, Grading, or other construction permits, as set forth in Title 15 (Buildings and Construction), or subdivision approval if required by Title 17 (Development), Chapter 17.05 (Subdivisions); or

B. Any applicable City, regional, State, or Federal regulations.

-This page intentionally left blank-

Chapter 18.112 – Application Processing Procedures

Sections

18.112.010 – Purpose
18.112.020 – Authority for Land Use and Zoning Decisions
18.112.030 – Application Preparation and Filing
18.112.040 – Application and Other Related Fees
18.112.050 – Applicant Indemnification
18.112.060 – Initial Review of Application

18.112.010 – Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the permit applications and approvals required or offered by this Zoning Code.

18.112.020 – Authority for Land Use and Zoning Decisions

Table 6-1 (Review Authority), below, identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Zoning Code.

Table 6-1
Review Authority

Type of Action	Applicable Code Citation	Role of Review Authority[1][2]		
		Director	Planning Commission	Council
A. Administrative Permits and Actions				
Architectural Review				
Review of Single-Family Res.	18.120	Decision	Appeal	Appeal
Review of All Other Items	18.120	Decision		Appeal
Density Bonus for Affordable Housing	18.64	Decision	Appeal	
Minor Modifications	18.124	Decision	Appeal	
Minor Use Permits	18.114	Decision	Appeal	
Off-Site Parking Permit	18.116	Decision	Appeal	
Reasonable Accommodation	18.118	Decision	Appeal	
Sign Permits/Comprehensive Sign Programs	18.44	Decision	Appeal	
Temporary Use Permits	18.122	Decision	Appeal	
Zoning Clearances	18.126	Issuance	Appeal	
B. Quasi-Judicial Permits and Actions				
Conditional Use Permits	18.114		Decision	Appeal
Major Modifications	18.114		Decision	Appeal
Minor Modifictions	18.114	Decision	Appeal	
Historic Preservation	18.130	Decision	Decision	Appeal
Variances	18.124		Decision	Appeal

Table 6-1
Review Authority

C. Legislative Actions				
General Plan Text/Map Amendments	18.142		Recommend	Decision
Specific Plans and Amendments	18.150		Recommend	Decision
Zoning Code Text/Zoning Map Amendments	18.142		Recommend	Decision
D. Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps	See Title 17 (Development), Chapter 17.05 (Subdivisions)			
Lot Line Adjustments, Mergers, and Approvals	See Title 17 (Development), Chapter 17.05 (Subdivisions)			

Notes:
1. "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 18.144 (Appeals); “Issuance” means that the Review Authority may consider and grant the request in compliance with this Zoning Code; “Recommend” means that the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration.
2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Council is specified as the Review Authority, the Council shall be the final level of review.

18.112.030 – Application Preparation and Filing

A. Eligible Applicants.

1. May be Filed by Owner(s), Lessee(s), and Agent(s). An application for a discretionary permit or a Zoning Map Amendment may only be filed by the owner(s) of the subject property, a lessee with at least a five-year lease, or an authorized agent of the property owner(s) with the written consent of the property owner(s).

2. Signature of Owner(s) Required. The application shall be signed by the property owner(s) of record or may be signed by the lessee or by authorized agent of the property owner(s) if written authorization from the property owner(s) of record is filed concurrently with the application.

B. Application Contents. Each application for a permit, amendment, or other matter pertaining to this Zoning Code shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date Department handout for the specific type of application and/or as specified by the Director.

C. Application Filing Status.

1. Application Filing and Determination. The application shall be prepared by the applicant and submitted to the Department where City staff will make the following determinations, if applicable:

a. Proposal is consistent with the General Plan.

b. Proposed use(s) are allowed within the zone in which they would be located.

c. Type of permit required.

d. Legal status of property.

e. There are no outstanding violations on the property which need to be corrected prior to application acceptance.

2. Cannot Lawfully be Approved. If the Director determines that an application cannot lawfully be approved by the City (e.g., a request for a Zoning Map amendment or Conditional Use Permit could not be approved in the absence of a concurrent General Plan amendment application or a Conditional Use Permit application proposes a use that is not allowable in the subject zone, etc.), or the application constitutes a non-allowed resubmittal of a previously denied request in compliance with Section 18.128.090 (Resubmittals), the Director shall not accept the application for processing and any collected fees shall be returned.

3. Not Within the Scope. In cases where the Director considers the reasons and conditions specified in the application not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed and given an opportunity to complete the application in compliance with Section 18.112.060 (Initial Review of Application).

4. Signed by Eligible Applicants. If the application is filed and the required fees are accepted, the application shall be signed by the applicant to the effect that the applicant was informed of the matters specified in Subparagraph B. 2., above.

5. Acceptance Does Not Consitute Approval. Acceptance of the application and/or fees does not constitute an indication of approval nor imply that the application is complete.

18.112.040 – Application and Other Related Fees

A. Fee Schedule.

1. The Council shall establish a Planning Application Fee Schedule for the processing of the applications required by this Zoning Code.

2. The fee schedule is intended to allow recovery of all costs, to the maximum extent allowed by law, incurred by the City in processing permit applications.

B. Timing of Payment.

1. The total fee is due and payable when the application is submitted to the Department.

2. Applications shall not be deemed complete and processing shall not commence on any application until the applicant has paid all required fees or deposits. Payment of required fees and/or deposits shall not be sufficient to deem the application complete.

3. Failure to make timely payments of required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Zoning Code.

C. Refunds and Withdrawals.

1. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications.

2. No fee refund based on application denial shall be allowed.

3. In the case of an application withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

18.112.050 – Applicant Indemnification

A. **Applicant agreement.** At the time of submitting an application for a discretionary land use approval, the applicant shall be deemed to have agreed as part of the application, to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its elected and appointed officials, agents, attorneys, employees and officers, from any action, claim or proceeding brought against the City or its elected and appointed officials, agents, employees and officers to attack, set aside, void, or annul a discretionary land use approval of the City, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorneys' fees and other costs and expenses incurred in connection with the action.

B. **City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A., above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and the applicant shall cooperate fully in the defense of the action, claim, or proceeding.

C. **City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City defends the action in good faith.

18.112.060 – Initial Review of Application

A. **Determination of Completeness.** Within the timelines prescribed by law, the Director shall review each application for completeness and accuracy before it is accepted as being complete. The Director's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any preliminary review and/or during the initial application review period.

1. **Determniation of Completeness.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be notified by a letter that the application is complete or that the application is incomplete and that additional information shall be provided within 14 days. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 18.144 (Appeals). This is not applicable to legislative actions.

2. **Processing Schedule.** Upon receipt of the fee and/or additional information, application processing shall begin and the applicant shall be sent a processing schedule with tentative dates for referrals, environmental review, and decision on the application.

3. **Application Available for Public Review.** After an application has been accepted as complete, in compliance with the Public Records Act, the City may, if requested, make the application available for public review.

4. **Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines.

5. **Processing Timelines.** When the Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by Subparagraph C., below.

B. Withdrawal or Return of Application. An application may be withdrawn and returned to the applicant if requested by the applicant.

C. Expiration of Application.

1. If an applicant fails to provide the additional information specified in the Director's letter within 180 days following the date of the letter, or shorter time frame as specified by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless a written request for a time extension is submitted by the applicant and approved by the Director.

2. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

D. Referral of Application. At the discretion of the Director and where required by City, State, or Federal law, any land use application may be referred to any responsible public agency that may be affected by or have an interest in the proposed project.

E. Project Review Procedures.

1. **Investigation of Facts.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Article.

2. **Inspection of Premises.**

   a. **Pre-inspections.** The Director shall have access to the premises subject to the application in order to make an inspection(s) to confirm the statements contained in the application and accompanying graphic materials and to make a judgment as to its suitability.

   b. **Post-inspections.** Following approval, the Director shall have access to the subject premises to confirm compliance with this Zoning Code and all conditions of permit approval.

F. Referral to Historical and Landmarks Commission. For development projects that require Architectural Review but that are not located on HRI (HRI) properties, if the project is located within 200 feet of an HRI property, then before submitting the application to the Director, the application shall first be referred to the Historical and Landmarks Commission (HLC). The HLC shall review the project for neighborhood compatibility and consistency with the City's Design Guidelines, and make a recommendation to the Director.

-This page intentionally left blank-

Chapter 18.114 – Conditional and Minor Use Permits

Sections

18.114.010 – Purpose
18.114.020 – Applicability
18.114.030 – Application Filing, Processing, and Review
18.114.040 – Project Review, Notice, and Hearing
18.114.050 – Findings and Decision
18.114.060 – Conditions of Approval
18.114.070 – Permit to Run with the Land
18.114.080 – Post-Decision Procedures

18.114.010 – Purpose

A. **Purpose.** The purpose of this Chapter is to provide procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and its surroundings cannot be determined before being proposed for a specific site.

B. **Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the City because they possess unique characteristics or present special challenges that make automatic inclusion as permitted uses either impractical or undesirable due to potential and unforeseeable effects on the surrounding area.

C. **Intent.** The Conditional and Minor Use Permit procedures are intended to provide sufficient flexibility in the use regulations to further the objectives of this Zoning Code and to provide the City with the opportunity to impose special conditions to mitigate potential impacts that could result from allowing the use(s) at the requested location.

18.114.020 – Applicability

Approval of a Conditional or Minor Use Permit is required to authorize proposed land uses specified by Article 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of a Conditional or Minor Use Permit.

18.114.030 – Application Filing, Processing, and Review

A. **Filing and Processing.** An application for a Conditional and Minor Use Permit shall be filed and processed in compliance with Chapter 18.112 (Application Processing Procedures).

B. **Application Contents.** The application shall include the information and materials specified in the most up-to-date Department handout for Conditional and Minor Use Permit applications, together with the required fee in compliance with the Fee Schedule.

C. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 18.114.050 (Findings and Decision), below.

D. Initial Review. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 18.112.060 (Initial Review of Application).

E. Applicable Review Authority.

1. Minor Use Permits.

a. Except as provided in Subparagraph b below, Minor Use Permits shall be reviewed and either approved or denied by the Director.

b. The Director may choose to refer any Minor Use Permit application to the Planning Commission.

2. Conditional Use Permits. Conditional Use Permits shall be reviwed and either approved or denied by the Planning Commission.

18.114.040 – Project Review, Notice, and Hearing

Each application for a Conditional Use Permit and Minor Use Permit shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Code.

A. Minor Use Permits. Before a decision on a Minor Use Permit is made, the City shall provide notice in compliance with Chapter 18.146 (Public Notices and Hearings), and as follows.

1. Notice Required.

a. The notice shall state that the Director will decide whether to approve, conditionally approve, or deny the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

b. Any written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings specified in Section 18.114.050 [Findings and Decision], below).

c. If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Minor Use Permit approval, the Director may consider the permit in compliance with Subparagraph 2. b., below.

2. Hearing.

a. A hearing before the Director shall be scheduled, noticed, and conducted in compliance with Chapter 18.146 (Public Notices and Hearings) if either of the following apply:

(1) If a public hearing is requested and the provisions of Subparagraph A. 1. c., above, do not apply; or

(2) The Director determines that a hearing would serve the public interest.

b. In all other circumstances, the Director shall render a decision on the date specified in the notice referred to in Subparagraph A. 1. a., above.

3. Appeals. The Director's decision is appealable, once only, to the Planning Commission in compliance with Chapter 18.144 (Appeals). No appeal may be taken from a Planning Commission decision on such an appeal.

B. Conditional Use Permits.

1. The Planning Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application.

2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

3. The Planning Commission's decision is appealable to the Council in compliance with Chapter 18.144 (Appeals).

18.114.050 – Findings and Decision

The Review Authority may approve or conditionally approve a Conditional or Minor Use Permit only after first making all of the following findings:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

B. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Code and the City Code;

C. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

D. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare; and

E. The subject site is:

1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and

2. Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate.

18.114.060 – Conditions of Approval

When considering approvoval of a Conditional or Minor Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 18.114.050 (Findings and Decision), above.

18.114.070 – Permit to Run with the Land

A. A Conditional or Minor Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter, except as specified in Subparagraph B., below.

B. Any Conditional or Minor Use Permit that is not actively exercised for a continuous period of 12 months shall become invalid and shall not be reestablished without issuance of a new permit.

18.114.080 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Conditional or Minor Use Permit application.

Chapter 18.116 – Off-Site Parking Permits

Sections

18.118.010 – Purpose
18.118.020 – Applicability
18.118.030 – Application Filing, Processing, and Review
18.118.040 – Review Authority
18.118.050 – Review Procedures
18.118.060 – Findings and Decision
18.118.070 – Rescission of Approval of Reasonable Accommodation
18.118.080 – Post-Decision Procedures

18.116.010 – Purpose

Parking requirements for uses in all nonresidential and mixed-use zones may be satisfied on other parcels or sites through approval of an Off-Site Parking Permit in compliance with this Chapter. The Off-Site Parking Permit shall be obtained by the owner of the property providing the off-site parking, subject to satisfying the specific parking demands on his/her own site. It is a violation of this Zoning Code to operate a parking lot for off-site uses without first obtaining an Off-Site Parking Permit and violators will be subject to the the enforcement provisions specified in Article 7.

18.116.020 – Intent

The intent of this Chapter is to establish a process for conditionally allowing off-site parking as a means to satisfy on-site parking requirements for any use in nonresidential and mixed-use zones. Off-site parking facilitates parking consolidation, and thereby may decrease the amount of impervious surfaces, increase space available for landscaping, and optimize land use efficiency. By allowing the flexibility to provide required parking off-site, this Chapter enables more efficient use of existing parking spaces, in concert with enabling nonresidential and mixed-use land uses to meet required peak parking demands.

18.116.030 – Administrative Off-Site Parking Permit Required

All property owners, except the City, Sports and Open Space Authority, Housing Authority, Bayshore North Project Enhancement Authority, and Stadium Authority, who seek to provide parking on their parcel or site for a project or use located elsewhere, shall first obtain an Administrative Off-Site Parking Permit. Applications for Off-Site Parking Permits shall include all of the following:

A. **Aerial Photo(s).** Aerial photo(s) illustrating the boundaries of the parcel or site generating the parking demand and the parcel or site providing the off-site parking. Aerial photo(s) shall clearly indicate the distance between the project site and the off-site parking locations. A pedestrian path of travel between the parcels or sites shall also be illustrated on the aerial photo(s).

B. **Site Plan.** A site plan for the site or parcel where the off-site parking will be provided. The site plan shall clearly illustrate all parking spaces, the dimensions of parking spaces, a parking space count, any parking spaces reserved for on-site use(s), driveways, curb cuts, drive aisles, landscaping, signs, and light standards.

C. **Written Description.** A written description of the off-site parking, which shall include, but not be limited to all of the following:

1. Days/hours of availability for off-site parking;

2. The term of the off-site parking availability (e.g., annual, until sale of property, etc.);

3. Responsible party for off-site parking management;

4. A written statement acknowledging that designated off-site parking spaces are exclusively for the benefit of off-site uses, and are not available for concurrent use to meet on-site parking demand;

5. Description/count of parkinig spaces available under the Off-Site Parking Permit; and

6. Existing uses on the parcels or sites providing the off-site parking, and the associated parking requirement.

D. **Fee.** Application submittal fees in compliance with Section 18.112.040 (Application and Other Related Fees).

18.116.040 – Procedure for Granting Off-Site Parking Permits

The procedure for granting Off-Site Parking Permits by the Director shall be administrative; provided, that all of the requirements of this Zoning Code are met. The Director may approve or conditionally approve a Off-Site Parking Permit only after first making all of the following findings:

A. The establishment or operation of the off-site parking, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare;

B. The off-site parking will not be detrimental to any of the following:

1. The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the proposed off-site parking;

2. Property or improvements in the neighborhood of the proposed off-site parking; or

3. The general welfare of the City;

C. The off-site parking will not impair the integrity and character of the zone in which the site is located;

D. The off-site parking is in keeping with the purposes and intent of this Zoning Code; and

E. Those sites providing parking for events at sports or entertainment venues located north of State Highway 101 are in compliance with the requirements of any City-adopted parking program for this area.

18.116.050 – Conditions of Approval

In approving an Off-Site Parking Permit, the Director may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 18.116.040 (Procedure for Granting Off-Site Parking Permits), above.

18.116.060 – Appeals

In the event the applicant or others affected by the decision are not satisfied with the decision of the Director, within seven calendar days following the decision a written appeal may be made to the Planning Commission. In the event that there is any dissatisfaction with the action of the Planning Commission, the applicant, others affected, or the Council may appeal the action to the Council, in compliance with the appeal provisions specified in Chapter 18.144 (Appeals).

18.116.070 – Off-Site Parking Permit Requirements

Off-Site Parking Permits shall be managed by the owner of the property providing the off-site parking. The property owner responsible for the Off-Site Parking Permit shall ensure compliance with all of the following requirements:

A. **Conditions of Approval.** All conditions of approval imposed on the approved Off-Site Parking Permit.

B. **Adopted Parking Program.** Off-Site Parking Permits for sites providing parking for events at sports and entertainment venues located north of State Highway 101 shall comply with all requirements of any Council-adopted parking program for this area, including payment of any fees necessary to mitigate the costs affiliated with the parking program.

C. **Chapter 18.38.** All applicable provisions of Chapter 18.38 (Off-Street Parking Regulations and Design Standards).

D. **Solid Waste and Recycling Receptacles.** Solid waste and recycling receptacles shall be provided for use by individuals utilizing the off-site parking lot. Any solid waste or recyclables blown or thrown into the public right-of-way or onto adjacent properties by individuals utilizing the off-site parking lot shall be picked up in a timely manner.

E. **Lighting.** Adequate lighting facilities shall be provided and maintained on the off-site parking lot, consistent with the site plan approved with the Off-Site Parking Permit application. Any lighting shall be directed and maintained so as not to interfere with persons using any public street or improvement, or unnecessarily with the use and enjoyment of any adjacent property.

F. **Signs.** The off-site parking lot shall not be used for advertising, unless otherwise allowed in an adopted parking program. A sign(s) may be installed to indicate the name of the business, activity or event that the parking lot serves. Necessary traffic-control and disclaimer signs are also allowed and not included in the maximum permissible sign area. All signs shall be shown on the site plan. The area of all signs shall be calculated in compliance with this Zoning Code. The maximum permissible signage shall be one sign per each entrance to the parking lot, with the maximum size of each sign not exceeding 12 square feet, excluding the temporary and permanent signs otherwise allowed for the primary use on the property and any temporary signs allowewd as a component of an adopted parking program.

G. **Security.** For special event parking, security may be required for the duration of the event.

H. **Parking Lot Surfacing.** The area reserved for parking and all vehicular and pedestrian access ways shall be appropriately surfaced and maintined to the satisfaction of the Director.

I. **Landscaping.** Existing site landscaping and landscape features, such as water features and sculptures, shall be maintained consistent with the requirements of this Zoning Code.

J. Existing Nonconforming Conditions. For purposes of this Chapter, physical conditions on the site that are legally nonconforming with respect to current standards of the applicable zone shall not be required to be rectified as a condition of permit approval.

18.116.080 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on an Off-Site Parking Permit application.

Chapter 18.118 – Reasonable Accommodation

Sections

18.118.010 – Purpose
18.118.020 – Applicability
18.118.030 – Application Filing, Processing, and Review
18.118.040 – Review Authority
18.118.050 – Review Procedures
18.118.060 – Findings and Decision
18.118.070 – Rescission of Approval of Reasonable Accommodation
18.118.080 – Post-Decision Procedures

18.118.010 – Purpose

A. Provides Procedures.

1. This Chapter provides a procedure to request Reasonable Accommodation for individuals with disabilities seeking equal access to housing under State and Federal law in the application of zoning laws and other land use regulations, policies, and procedures.

2. It is a further purpose of this Chapter to provide a procedure for individuals with disabilities to make requests for, and be provided, reasonable accommodation with respect to development standards, building regulations, rules, policies, practices, and/or procedures of the City, including land use and zoning regulations, when reasonable accommodation is warranted based upon substantial evidence.

B. Typical Adjustment. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

18.118.020 – Applicability

A. Eligible Applicants.

1. A request for Reasonable Accommodation may be made by any individual with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

2. An individual with a disability is an individual who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment; but not including an indivudal's current, illegal use of a controlled substance, unless an individual has a separate disability.

B. Eligible Request.

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice.

2. A request for Reasonable Accommodation shall comply with Section 18.118.030 (Application Filing, Processing, and Review), below.

3. Reasonable Accommodation does not include an accommodation that would:

(a) Impose an undue financial or administrative burden on the City; or

(b) Require a fundamental alteration in the nature of the City's land use policies or zoning regulations.

C. Department Notice.

1. Notice of the availability of Reasonable Accommodation shall be prominently displayed at public information counters in the Department advising the public of the availability of the procedure for eligible individuals.

2. Forms for requesting Reasonable Accommodation shall be available to the public in the Department.

D. Assistance with Request. If an individual with a disability or representative needs assistance in making a request for Reasonable Accommodation, or appealing a determination regarding Reasonable Accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by an individual designated by the applicant as his or her representative or a developer or provider of housing for individuals with disabilities.

E. Other Obligations Not Affected. A Reasonable Accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

F. Laws Remain in Effect During Processing. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

18.118.030 – Application Filing, Processing, and Review

A. Application. An application for a Reasonable Accommodation shall be filed and processed in compliance with Chapter 18.112 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 18.112.060 (Initial Review of Application). The applicant shall sign the application under penalty of perjury, attesting to the accuracy of the application and all of the accompanying materials.

B. Filing with Other Land Use Applications. If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Architectural Review, Conditional

Use Permit, etc.), the applicant shall file the information required by Subsection A. (Application), above, together with the materials required for the other discretionary approval.

C. Responsibility of the Applicant. It is the responsibility of the applicant to provide evidence sufficient to support each of the findings required by Section 18.118.060 (Findings and Decision), below.

18.118.040 – Review Authority

A. Director. A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.

B. Other Review Authority. A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed (and approved or denied) by the Review Authority reviewing the discretionary land use application.

C. Available Actions. The applicable Review Authority shall take one of the following actions regarding a request for Reasonable Accommodation:

1. Grant the Reasonable Accommodation request, based upon the findings specified in Section 18.118.060 (Findings and Decision), below;

2. Grant the Reasonable Accommodation request, subject to specified conditions;

3. Deny the Reasonable Accommodation request; or

4. Refer the determination of the Reasonable Accommodation request to the Planning Commission who shall render a determination on the application.

18.118.050 – Review Procedures

A. Review Authority.

1. For applications only for a request for Reasonable Accommodation, the Director shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Section 18.118.060 (Findings and Decision), below.

2. For applications for other permits accompanying a request for Reasonable Accommodation, the written decision on whether to approve, conditionally approve, approve with modifications, or deny the request for Reasonable Accommodation shall be made by the Review Authority responsible for reviewing the other discretionary land use permit application(s) in compliance with the applicable review procedure for the discretionary review. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with Section 18.118.060 (Findings and Decision), below.

B. Notice of City's Intent. Upon submittal of a completed application for Reasonable Accommodation and subsequent to an application being deemed complete, the Department shall prepare a notice of City's intent to approve, deny, or refer the Reasonable Accommodation request in compliance with this Chapter. The notice of City's intent shall be prepared and disseminated as follows:

1. Content of Notice. The notice of City's intent shall provide a detailed description of the subject property, the Reasonable Accommodation request, and the findings in compliance

with Section 18.118.060 (Findings and Decision), below. Additionally, the notice of City's intent shall include information on the public comment period for the request.

2. **Mailing of Notice.** The notice of City's intent shall be mailed to the applicant and the property owner of record of the property that is the subject of the Reasonable Accommodation request, and all neighboring properties abutting the subject property within 30 days from the submittal of a completed application for Reasonable Accommodation.

C. Applicability. A Reasonable Accommodation request that is granted in compliance with this Chapter shall not, in and of itself, require the approval of a Variance. The Reasonable Accommodation shall be subject to the following provisions:

1. The Reasonable Accommodation shall only be applicable to a residential structure occupied by one or more individuals with a disability.

2. The Reasonable Accommodation shall only be applicable to the specific use for which an application is made.

3. The Reasonable Accommodation is subject to any and all Building Code permit and inspection requirements of the City and all other applicable zoning regulations and procedures.

4. The applicable Review Authority may impose additional conditions on the approval of a Reasonable Accommodation request that are consistent with the purposes of this Chapter.

18.118.060 – Findings and Decision

The written decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation shall be based on consideration of all of the following factors:

A. The physical attributes of the property and structures;

B. Whether the housing, which is the subject of the request, will be used by an individual with a disability;

C. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability;

D. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;

E. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program, policy, procedure, or law, including but not limited to land use and zoning; and

F. Whether alternative Reasonable Accommodations may provide an equivalent level of benefit.

18.118.070 – Rescission of Approval of Reasonable Accommodation

A. Rescission. An approval or conditional approval of an application made in compliance with this Chapter shall be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the disabled individual vacates the subject site), unless allowed to remain in compliance with Subsection B. (Discontinuance), below.

B. Discontinuance and Exceptions.

1. Any change in use or circumstances that negate the basis for the approval of the Reasonable Accommodation shall require its termination and removal within 180 days.

2. Notwithstanding Sparagraph 1, the applicable Review Authority may allow a Reasonable Accommodation to apply to subsequent occupants, if the Review Authority makes all of the findings specified in Section 18.118.060 (Findings and Decision), above, in any of the following circumstances:

a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Zoning Code; or

b. The accommodation is to be used by another qualifying individual with a disability, and the Review Authority makes the findings in Section 18.118.060 (Findings and Decision).

3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying individuals with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

18.118.080 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Reasonable Accommodation application.

-This page intentionally left blank-

Chapter 18.120 – Architectural Review

Sections

18.120.010 – Intent
18.120.020 – Architectural Review Process
18.120.030 – Minor Changes by Director
18.120.040 – Post-Decision Procedures

18.120.010 – Intent

The Council of the City of Santa Clara finds, determines and declares that in order to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the General Plan; there is hereby established the Architectural Review Process, as described in Section 18.120.020, below.

18.120.020 – Architectural Review Process

A. **Review Authority.** Architectural Review shall be the responsibility of the Director or designee ("Director").

B. **Before Any Other Action.** Before action is taken on any application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone, plans and drawings of the sign, building, or alteration shall be submitted, in such form and detail as the Director may prescribe.

C. **No Public Hearing Required.** The Director shall approve or deny the architectural design without a public hearing, unless the type of project is listed in Subsection D, below.

D. **Public Hearing Required.** The Director shall conduct a public hearing, titled the "Development Review Hearing," after providing notice in compliance with Chapter 18.146 (Public Notices and Hearings) for the following types of projects:

1. New or expanded single-family homes resulting in:

a. Five or more bedrooms;

b. Five or more bathrooms;

c. Two or more bedrooms with direct exterior access; or

d. A new second story or the expansion of an existing second story.

2. Residential parcel or subdivision maps and any associated development plans.

3. New multi-family developments of any size.

4. New freestanding non-residential development greater than 5,000 square feet in size.

5. Modifications or additions to existing non-residential development, where the modification or addition is greater than 20,000 square feet in size.

6. Demolition or major alterations to properties on the City's Historic Resources Inventory (HRI).

7. Demolition of an existing structure, other than a non-habitable accessory structure.

8. Any other project not listed above that the Director determines should be considered at a public hearing.

E. Demolition Defined. For the purpose of this Chapter, "demolition" means removal of more than fifty percent of the exterior walls of a building.

1. A wall, or portion of a wall, is deemed "removed" when its structure is removed or moved to another location or elevation on site, when the wall is enclosed behind newly constructed space, or when the exterior siding of the wall is removed.

2. For the purposes of calculating the amount of exterior walls removed, the remaining exterior walls must be contiguous.

3. Removal and replication of framing and/or siding for purposes of repair only does not constitute removal or demolition.

F. Findings. In order to grant Architectural Review approval, the findings and determinations shall be that the proposed development, as specified in such plans and drawings to be approved, is based on the following standards of architectural design:

1. Any off-street parking areas, screening strips and other facilities and improvements necessary to secure the purpose and intent of this Zoning Code and the General Plan are a part of the proposed development;

2. The design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard;

3. The design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this Zoning Code and the General Plan;

4. The granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort, or general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

5. The proposed development as specified in the plans and drawings, are consistent with the set of more detailed policies and criteria for Architectural Review as approved and updated from time to time by the Council, which set shall be maintained in the Department. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this Zoning Code.

G. Director May Require Modification(s). The Director may require the applicant or owner of any such proposed development, as a condition to the approval of any such proposal, to modify buildings, parking areas, landscaping, signs, and other facilities and improvements deemed necessary to secure the purposes of this Zoning Code and the General Plan, and may require guarantees and evidence that such conditions will be complied with by the applicant.

H. Unable to Make Required Findings. If the Director is unable to make the findings and determinations prerequisite to the granting of Architectural Review approval in compliance with Subsection E. (Findings), above, the application shall be denied.

I. Decision Within 40 Days.

1. The Director shall render a decision on any application for Architectural Review approval within 40 days following a determination by the Department that the application is complete, except where the applicant consents to an extension of time.

2. Failure to render a decision within said period of 40 days and said period of extension consented to by applicant shall be deemed to be a decision of denial.

J. Review Authority's Action Shall be Final. The granting of any Architectural Review approval, when conforming to the provisions of this Chapter, shall be final and conclusive, except in the event of an appeal and referral as hereinafter provided.

K. Appeals.

1. Single-Family Residential Project,

a. In the event the applicant or any interested party are not satisfied with the decision of the Director or designee for a single-family residential project, they may within seven days after such decision, appeal in writing to the Planning Commission, in compliance with the procedures specified Chapter 18.144 (Appeals).

b. In the event the applicant or any interested party are not satisfied with the decision of the Planning Commission for a single-family residential project, they may within seven days after such decision, appeal in writing to the Council, in compliance with the procedures specified in Chapter 18.144 (Appeals).

2. Other Than a Single-Family Residential Project.

a. For a project other than a single-family residential project, in the event the applicant or any interested party are not satisfied with the decision of the Director they may within seven days after such decision, appeal in writing to the Council, in compliance with the procedures specified Chapter 18.144 (Appeals).

b. Said appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk.

3. Appeals Shall be Heard de Novo. All appeals of Architectural Review approvals will be heard de novo.

4. Director May Refer to the Council. The Director may refer any application for Architectural Review consideration to the Council for its decision with the same effect as if an appeal had been taken.

L. Following Action by Review Authority.

1. No permit shall be issued, and no structure, building, or sign shall be constructed or used in any case hereinabove mentioned until such plans and drawings have been approved by the Director, or on referral to the Planning Commission or Council by the Director, and no appeal or review is pending and the time to appeal has expired.

2. In the event of an appeal by the applicant or others affected, or action to review is taken by the Planning Commission or Council, no such permit shall be granted until the matter has been finally acted upon and final approval has been received.

3. All signs, buildings, structures, and grounds shall be in compliance with the plans and drawings as finally approved.

M. On File With the Department. All approvals shall be on file with the Department.

N. Automatic Revocation. Any Architectural Review approval granted in compliance with the terms of this Zoning Code shall be automatically revoked and terminated if not used within two years of original grant or within the period of any authorized extensions thereof.

18.120.030 – Minor Changes by Director

Minor changes in an Architectural Review approval that do not involve an increase in structure area or height including the reconfiguration of existing interior space resulting in not more than two additional bedrooms, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 18.128.080 (Changes to an Approved Project).

18.120.040 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on an Architectural Review application.

Chapter 18.122 – Temporary Use Permits

Sections

18.122.010 – Purpose
18.122.020 – Definition
18.122.030 – Applicability
18.122.040 – Exempt Temporary Uses
18.122.050 – Allowed Temporary Uses
18.122.060 – Application Filing, Processing, and Review
18.122.070 – Director's Review
18.122.080 – Findings and Decision
18.122.090 – Conditions of Approval
18.122.100 – Condition of Site Following Temporary Use
18.122.110 – Post-Decision Procedures

18.122.010 – Purpose

The purpose of this Chapter is to allow for short-term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

18.122.020 – Definition

For purposes of this Chapter, a temporary (short-term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and lasting from one to 30 days, and generally not more than 30 consecutive days in duration.

18.122.030 – Applicability

A. Short-Term Activities. A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.

18.122.040 – Application Filing, Processing, and Review

A. Filing. An application for a Temporary Use Permit shall be filed with the Department in the following manner:

1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 18.112 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Fee Schedule.

2. The application shall be filed with the Department at least 30 days before the date that the proposed temporary use is scheduled to take place.

3. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 18.112.060 (Initial Review of Application).

B. Evidence. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 18.122.080 (Findings and Decision), below.

C. Notice Requirements for Director's Review of a Temporary Use Permit Application.

1. Notice shall be provided in compliance with Chapter 18.146 (Public Notices and Hearings), subject to the exceptions specified in this Subsection, and shall be mailed to all owners of real property as shown on the latest assessment rolls, located immediately adjacent (both sides, rear, and immediately across the street) to the parcel that is the subject of the application; and any other person(s) whose property may, in the judgment of the Director, be affected by the proposed project at least 10 days before the date of the Director's consideration and final decision as stated in the notice.

2. The mailed notice shall state that the Director will consider and decide whether to approve, conditionally approve, or deny the Temporary Use Permit application on a date specified in the notice.

3. The Director may defer action and refer any Temporary Use Permit request to the Commission for consideration and final decision.

18.122.050 – Director's Review

A. Director's Action. The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Section 18.122.090 (Conditions of Approval) below; or the Director may defer action and refer the application to the Planning Commission for review and final decision.

B. Referral of Application. Each Temporary Use Permit application shall also be referred, as needed, to the Building Official, Environmental Health Division, Fire Department, Police Department, Public Works Department, or their designees, for their recommendations for approval, modification, conditions, or denial in compliance with their respective entitlements and regulations including but not limited to the following:

1. The Santa Clara Police Department shall review the applicant's security and traffic plans or make a determination that no such plans are required.

2. The Santa Clara Fire Department shall review the applicant's plans for any proposed fire control devices, tents and canopies, cooking equipment, pyrotechnics, and emergency vehicle access.

3. The Building Division shall review any temporary electrical connections.

4. The applicant shall secure any necessary permits from the California Department of Alcoholic Beverage Control or shall certify that no alcohol sales will occur.

18.122.060 – Findings and Decision

A. Director's Review. The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.

B. Required Findings. The Director (or the Planning Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only after first making all the following findings:

1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a threat to the public convenience, health, safety, or general welfare;

2. The operation of the requested temporary use will not be detrimental to abutting properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;

3. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;

4. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the type and quantity of traffic that the temporary use will or could reasonably be expected to generate;

5. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;

6. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Review Authority; and

7. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.

18.122.070 – Conditions of Approval

A. Applicable Standards.

1. The temporary events shall be conducted in compliance with the applicable standards specified in Section 18.60.230 (Temporary Uses).

2. Furthermore, the standards for parking, vehicle and delivery truck ingress and egress, structure setbacks, heights, landscaping requirements, and other structure and property development standards that apply to the category of use or the zone of the subject property shall be used as a guide for determining the appropriate development standards for temporary uses. However, in approving the Temporary Use Permit, the Director may authorize variation from the specific requirements as may be appropriate, so long as variations do not negatively impact abutting properties to an unacceptable level.

B. May Impose Conditions. In approving a Temporary Use Permit application, the Director (or the Planning Commission on a referral) may impose conditions to ensure that the permit would be in full compliance with the findings required by Section 18.122.080 (Findings and Decision), above.

C. Appropriate Conditions. These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following, in compliance with Section 18.60.230 (Temporary Uses):

1. Fixed period of time;

2. Operating hours and days;

3. Temporary pedestrian and vehicular access, circulation, and parkiing;

4. Regulation of nuisance factors;

5. Regulation of temporary structures;

6. Litter, medical, sanitary, and water facilities;

7. Waste collection, recycling, and/or disposal;

8. Police/security and safety measures;

9. Signs;

10. Performance bond or other security;

11. Limitations on alcoholic beverage sales;

12. Noise attenuation for generators and amusement rides;

13. Limits on size, configuration, location, and the number of attendees;

14. Scheduled maintenance of the venue during and at the completion of the event, including removal of animal waste, if applicable;

15. Compliance with applicable provisions; and

16. Other conditions.

18.122.080 – Condition of Site Following Temporary Use

A. **Site Restoration.** Temporary Use Permit recipients shall clean each site occupied by a temporary use of all temporary structures, debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall fully restore the site to its previous condition. Subsequent to the completion of the temporary use, the site shall continue to be used in compliance with this Zoning Code.

B. **Deposit Required.** A security deposit, in compliance with Section 18.128.050 (Performance Guarantees) shall be filed with the Director before initiation of any proposed temporary use for the purpose of defraying any cost of site clean-up by the City in the event the applicant fails to leave the property clean and free of debris associated with the approved temporary use and restored to its previous condition. The amount of the security deposit shall be determined by the Director or as specified in the Fee Schedule.

18.122.090 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Temporary Use Permit application.

-This page intentionally left blank-

Chapter 18.124 – Variances and Minor Modifications

Sections

18.124.010 – Purpose
18.124.020 – Applicability
18.124.030 – Application Filing and Processing
18.124.040 – Project Review, Notice, and Review
18.124.050 – Findings and Decision
18.124.060 – Denial of Minor Modification
18.124.070 – Precedence
18.124.080 – Conditions of Approval
18.124.090 – Post-Decision Procedures

18.124.010 – Purpose

A. The Purpose of this Chapter is to Ensure That:

1. Variances and Minor Modifications are only approved when, because of special circumstances applicable to the property, the strict application of this Zoning Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and

2. Specific findings are required and associated conditions are applied that would work together to guarantee that the Variance or Minor Modification shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Limitations. This Chapter does not grant the authority to approve Variances and Minor Modifications which allow land uses not otherwise allowed in the zone.

18.124.020 – Applicability

A. Variances. The Planning Commission may approve a Variance that allows for any adjustment from any of the development standards required by this Zoning Code only after first making the findings specified in Section 18.124.050 (Findings and Decision), below.

B. Minor Modifications.

1. The Director shall have the authority to grant only the following Minor Modifications in compliance with this Chapter, and only after first making the findings specified in Section 18.124.050 (Findings and Decision), below:

a. Minor Modifications of the vehicle parking space and loading space requirements;

b. Minor Modifications of height, area, and yard regulations;

c. Minor Modifications of fence, wall, and hedge regulations;

d. Minor Modifications of other requirements of this Zoning Code not specifically required to be referred to the Planning Commission.

2. A Minor Modification shall in no event be deemed to be greater than 25 percent of the dimensions of an area, space, height, or other requirement provided for in this Zoning Code, and where the proposed alteration or variation exceeds 25 percent of any requirement, the modification shall be deemed to be a "Variance" and processed in compliance with this Chapter

3. In the performance of his/her duties, the Director may informally seek the advisory services of the City's joint Project Clearance Committee, any advisory board or commission, or any department head in City government, including the City Manager, the City Attorney, and other elected or appointed officials.

4. Notwithstanding any other provision of this section, no minor modification shall be issued for any property in the Downtown zoning district. Any requested deviations from Code requirements must follow the procedure requirements from Deviation From Standards set forth in Chapter 18.13 (Downtown Form-Based Code).

18.124.030 – Application Filing and Processing

A. **Filing.** An application for a Variance or Minor Modification shall be filed and processed in compliance with Chapter 18.112 (Application Processing Procedures).

B. **Contents.** The application shall include the information and materials specified in the most up-to-date Department handout for Variance or Minor Modification applications, together with the required fee in compliance with the Fee Schedule.

C. **Evidence.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 18.124.050 (Findings and Decision), below.

D. **Initial Review.** Initial review of the application, including time requirements and requests for information, shall be as provided in Section 18.112.060 (Initial Review of Application).

18.124.040 – Project Review, Notice, and Review

A. **Review by Director.** Each Variance and Modification application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.

B. **Variances – Notice and Public Hearing Required.** A public hearing shall be required for the Planning Commission's decision on a Variance application.

1. **Scheduling of hearing.** The public hearing shall be scheduled once the Director has determined the application complete.

2. **Giving of notice.** Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

C. **Minor Modifications.**

1. **No Notice Required.** No notice shall be required for the Director's action on a Minor Modification.

2. **Director May Defer.** The Director may defer action and refer any Minor Modification request to the Commission for consideration and final decision.

D. Appeals.

1. The Director's decision on Minor Modifications is appealable to the Planning Commission in compliance with Chapter 18.144 (Appeals). No appeal may be taken from a Planning Commission decision on such an appeal.

2. The Planning Commission's decision on a Variance is appealable to the Council in compliance with Chapter 18.144 (Appeals).

18.124.050 – Findings and Decision

A. Review Authority Actions. The applicable Review Authority shall approve or deny Variance and Minor Modification applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required by this Section.

B. Decision. The Review Authority shall record the decision in writing and shall recite the findings upon which the decision is based.

C. Required Variance Findings. The Review Authority may approve a Variance application only after first making all the following findings:

1. There are special circumstances or conditions applicable to the subject property or existing buildings (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

3. Approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and

4. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property in question.

D. Required Minor Modification Findings. The Review Authority may approve a Minor Modification application only after first making all the following findings:

1. The site characteristics and/or existing improvements make strict adherence to the Zoning Code requirements impractical or infeasible;

2. Granting the Minor Modification will result in development compatible and consistent with the adjoining properties and the immediate neighborhood;

3. Granting the Minor Modification will be in conformance with the intent and purposes of the zone for the property; and

4. There are no significant adverse impacts from the proposed Minor Modification or any adverse impacts have been mitigated.

18.124.060 – Denial of Minor Modification

The Review Authority decision to deny a Minor Modification application shall not prohibit or affect the right of the applicant to file an application for a Variance in compliance with Subsection 18.124.020 A. (Variances), above.

18.124.070 – Precedence

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Modification is not admissible evidence for the approval of a new Variance or Minor Modification.

18.124.080 – Conditions of Approval

In approving a Variance or Minor Modification application, the applicable Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 18.124.050 (Findings and Decision), above.

18.124.090 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Variance or Minor Modification application.

Chapter 18.126 – Zoning Clearances

Sections

18.126.010 – Purpose
18.126.020 – Applicability
18.126.030 – Review Procedures
18.126.040 – Post-Decision Procedures

18.126.010 – Purpose

Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure complies with the list of uses allowed in the applicable zone and the development standards applicable to the use or structure.

18.126.020 – Applicability

A Zoning Clearance shall be required at the time of the Director's review of any of the following:

A. Initiation of a Land Use. A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.

B. Building Permit, Grading Permit, or Other Construction Permit.

1. A Zoning Clearance shall be obtained before the City issues a new or modified Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure.

2. Before a Building Permit may be issued for any structure in a development requiring Architectural Review in compliance with Chapter 18.120, the Building Inspector shall make a determination that the proposed structure is in compliance with the approved Architectural Review.

C. Change of Use.

1**.** Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.

2. A Zoning Clearance shall also be required for a proposed change of use even if the lessee, operator, or owner of the previous use did not previously file for or receive a Zoning Clearance.

D. Issuance of Business License. A new Zoning Clearance shall be obtained before issuance of a City Business License in compliance with SCCC Title 5 (Business Licenses and Regulations).

E. Compliance with Off-Street Loading Standards, per Code Section 18.38.070.

F. **Ministerial ADU Approval on Single-Family Parcels.** The City shall ministerially approve the construction of certain accessory dwelling units (ADUs) meeting the requirements set forth in Section 18.60.020 through the issuance of Zoning Clearance on any single-family residential parcel.

G. **Ministerial ADU Approval on Multi-Family and Mixed-Use Parcels.** The City shall ministerially approve certain ADUs meeting the requirements set forth in Section 18.60.020 through the issuance of Zoning Clearance on any multi-family residential or mixed-use parcel.

H. **Accessory Uses.** As an addition to an allowed primary use located on the site where only Zoning Clearance and no Minor Use Permit or Conditional Use Permit is required, as determined by the Director per Code Section 18.60.030.

I. **Tasting Incidental to a Retail Establishment.** Tasting of beer, wine, or spirits incidental to the retail sales of goods and merchandise is allowed, with Zoning Clearance approval, if the use meets all of the requirements set forth in Code Section 18.60.040.

J. **Home Occupations**, per Code Section 18.60.120.

K. **Outdoor Dining and Seating Areas of 24 seats or fewer,** per Code Section18.60.140.

L. **Reverse Vending Facilities** meeting the objective standards of Table 4-2, Code Section 18.60.180.

M. **Vehicle Service Station conversions,** per Code Section 18.60.220.

N. **Wireless Telecommunications Facilities exempt from discretionary permit requirements**, per Code Section 18.66.030.

18.126.030 – Review Procedures

A. **Zoning Clearance.** Uses of land that are allowed by right in a zone require the issuance of a Zoning Clearance. and are called "permitted uses". Zoning Clearances shall first be reviewed and issued by the Director, in consultation with the City Fire Marshall, Public Works Department, and County Environmental Health Department. These Zoning Clearances are necessary to confirm compliance with all applicable City laws and regulations before the issuance of a Building Permit, or the initiation of an activity where no Building Permit is required.

C. **Director's Responsibility.** The Director shall issue the Zoning Clearance after first determining that the request complies with all Zoning Code provisions applicable to the proposed land use or structure.

D. **Form of Approval.** An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

18.126.040 – Post-Decision Procedures

The procedures and requirements in Chapter 18.128 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the Director's action on a Zoning Clearance.

Chapter 18.128 – Permit Implementation, Time Limits, and Extensions

Sections

18.128.010 – Purpose
18.128.020 – Conformance to Approved Plans
18.128.030 – Effective Dates of Permits
18.128.040 – Approvals Under the Permit Streamlining Act
18.128.050 – Performance Guarantees
18.128.060 – Expiration
18.128.070 – Time Extensions
18.128.080 – Changes to an Approved Project
18.128.090 – Resubmittals
18.128.100 – Condition Compliance Required

18.128.010 – Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits or approvals required or offered by this Zoning Code, including time limits and procedures for approving extensions of time.

18.128.020 – Conformance to Approved Plans

A. Compliance. All work performed under a Building Permit for which project drawings and plans have received approval by the Director, Planning Commission, or Council shall be in full compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable Review Authority.

B. Changes. Changes to an approved project shall be submitted and processed in compliance with Section 18.128.080 (Changes to an Approved Project), below.

18.128.030 – Effective Dates of Permits

A. Approvals, Permits, and Variances.

1. Decisions ona a Reasonable Accommodation, Temporary Use Permit, and Zoning Clearance shall become effective immediately following its approval/issuance.

2. Decisions on a Architectural Review, Conditional Use Permit, Minor Modifications, Minor Use Permit, or Variance shall become effective on the eighth calendar day following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with Chapter 18.144 (Appeals) prior to the effective date.

B. General Plan and Specific Plan Adoption and Amendments. Council actions to adopt or amend the General Plan or a specific plan by resolution shall become effective on the 31st day following adoption of the resolution by the Council.

C. Issued on the Effective Date.

1. Permits, certificates, and/or other approvals shall not be issued until the effective date specified in Subsections A. (Approvals, Permits, and Variances) and B. (Plans/ Amendments), above; provided, that no appeal of the Review Authority's decision has been filed, in compliance with Chapter 18.144 (Appeals).

2. Public Resources Code Sections 21167-21167.8, inclusive, specify the applicable time constraints for CEQA compliance. Failure by the applicant to comply with all applicable CEQA time constraints places the burden on the applicant for being responsible for all associated risks.

18.128.040 – Approvals Under the Permit Streamlining Act

A. Applicable Provisions. Any application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Zoning Code, which the applicant must fully satisfy before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.

B. Public Hearing. The application shall be deemed approved only if the application received proper notice in compliance with Chapter 18.146 (Public Notices and Hearings) and Government Code Section 65956(b).

18.128.050 – Performance Guarantees

A. Security.

1. As a condition of approval of an Architectural Review, Conditional Use Permit, Minor Modification, Minor Use Permit, Reasonable Accommodation, Temporary Use Permit, or Variance, upon a finding that the City's health, safety, and welfare warrant, the Review Authority may require the execution of a covenant
and/or the provision of security in an amount sufficient to ensure the faithful performance of one or more of the conditions of approval of the permit in the event that the obligor fails to perform.

2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director, in his or her sole discretion, determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).

3. The security shall be in the form of a letter of credit or a corporate security bond, on a form acceptable to the City Attorney, or cash or a certified or cashier's check.

4. The amount of security shall be sufficient to fully cover the cost of satisfying the condition, as determined by the Director. The Director may require the applicant to submit one or more estimates and similar financial data to establish such cost.

5. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director, in conjunction with the City Engineer, where applicable.

6. Security required in compliance with this Section shall be payable to the City.

B. Release of Security. Upon satisfactory compliance (as determined by the Director) with all applicable provisions of the conditions specified in the approval/permit, the security shall be released.

C. Failure to Comply.

1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs, including any additional costs exceeding the security, and measurable costs for administration.

2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

18.128.060 – Expiration

A. Expiration of Permit or Approval. Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions.

1. Shall Be Exercised.

a. To ensure continued compliance with the provisions of this Zoning Code, the permit or approval shall be exercised within 24 months following the effective date, unless, by conditions of the permit or approval, a different (either greater or lesser) time is prescribed, or the permit or approval shall be deemed void, unless an extension is approved by the applicable Review Authority, in compliance with Section 18.128.070 (Time Extensions), below.

b. If after construction commencement, work is discontinued for more than six months, the permit or approval shall expire and be deemed void.

2. Allowable Phasing.

a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit shall not be approved until the Review Authority has approved the final phasing plan for the entire project site.

b. Pre-approved phases.

(1) If a project is to be built in pre-approved phases, each subsequent phase shall have 24 months from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval. If the second or later phase does not commence within 24 months, the permit or approval for that phase and all subsequent phases shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map.

3. Shall Be Exercised before Expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or

b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director, in preparation for the work described in Subsection a., above.

B. Effect of Expiration. Where the permit or approval has expired and/or has been deemed void:

1. No further action is required by the City;

2. No further reliance may be placed on the previously approved permit or approval;

3. The applicant shall have no rights previously granted under the permit or approval;

4. The applicant shall file a new application(s), together with all required fees, and obtain all required approvals before construction can commence or an allowable use may be implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be used by the City to provide suitable protection from any harm that may result from the terminated development.

18.128.070 – Time Extensions

A. Director's Action to Extend.

1. The Director shall have the authority to extend the period specified in Section 18.128.060 (Expiration), above, for up to two additional 12-month periods.

2. The applicant's written request for an extension of time shall be on file with the Department at least 30 days before expiration of the permit or approval, together with the filing fee required by the Fee Schedule.

3. Public hearing not required.

a. A public hearing shall not be required for the Director's decision on an extension of time.

b. However, the Director may conduct a public hearing in compliance with Chapter 18.146 (Public Notices and Hearings) if deemed appropriate by the Director.

B. Director Denies Extension. In the event the Director denies the request for extension, the applicant may appeal the decision in compliance with Chapter 18.144 (Appeals).

C. Required Findings. An extension of the permit or approval may be granted only if the Director first makes all the following findings:

1. There have been no changes in circumstances or law that would preclude the Director from making the findings upon which the original approval was based; and

2. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.

D. Further Extensions. An application for an extension of the permit or approval more than 48 months following the original date of approval (original 24 months plus up to two additional 12-month periods) shall be treated as a new application which shall be filed in compliance with Chapter 18.112 (Application Processing Procedures).

E. Further Extensions – Data Centers. For Data Center Uses, the Director may grant up to five additional 12-month extensions beyond the original 48-month approval period (original 24 months plus up to two additional 12-month periods) if Silicon Valley Power has not guaranteed the availability of power to the site.

F. Not a Matter of Right. The granting of an extension of a discretionary permit or approval is not a matter of right and the Review Authority may deny the application or grant the application subject to new or different conditions.

18.128.080 – Changes to an Approved Project

A. Application.

1. Shall be In Compliance With the Approved Drawings and Plans, A development or new land use allowed through a Architectural Review, Conditional Use Permit, Minor Modification, Minor Use Permit, Reasonable Accommodation, Temporary Use Permit, Variance, or an approved PD zoned project shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.

2. Request Desired Changes In Writing. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reason(s) for the change(s).

3. Type of Changes Allowed. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project (e.g., hours of operation, expansion of a use) as originally proposed by the applicant or approved by the Review Authority.

4. Shall First be Approved by Review Authority. Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and Hearing, If Required.

1. If the original matter required a noticed public hearing, the Review Authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C. - Minor Changes by Director), and shall give notice, in compliance with Chapter 18.146 (Public Notices and Hearings).

2. If the original matter did not require a noticed public hearing, the Review Authority shall not be required to hold a public hearing.

C. Minor Changes by Director. The Director may authorize minor changes to an approved permit's site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with the applicable General Plan land use designation and all applicable provisions of this Zoning Code and the spirit and intent of the original approval.

2. Do not involve a feature of the project that was:

a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;

b. A basis for conditions of approval for the project; or

c. A specific consideration by the Review Authority (e.g., the Director, Planning Commission, or Council) in granting the permit or approval.

3. Do not involve any expansion or intensification of the use in terms of residential density, Floor Area Ratio, or reduction of required commercial Floor Area Ratio in the case of mixed use projects.

4. Would not result in a significant effect on the environment.

5. Would not be materially detrimental to other properties or land uses in the area.

D. Major Changes. All other changes would be considered major changes and would include changes to the project involving features specifically described in Subsections C. 2. through 5. (Minor Changes by Director), above, and shall only be approved by the original Review Authority through a new application, processed in compliance with this Zoning Code.

E. An Approved PD Zoned Project. Changes to an approved PD zoned project that meets the requirements for a minor change shall be processed in compliance with Subsection C., while a project that meets the requirements for a major change shall be processed in compliance with Subsection D.

18.128.090 – Resubmittals

A. Resubmittal after Denial with Prejudice. Except as otherwise provided in Subsection B., below, the following shall apply to resubmittals after a denial with prejudice:

1. The Director may reject an application for a discretionary planning permit, or amendment, on the grounds that one or more similar applications for the same site have been denied in the past two years (denial with prejudice), or that another cause exists for limiting the refiling of the application.

2. For a period of 12 months following the actual date of denial with prejudice by the Director, Planning Commission, or Council, or, if appealed, the actual date of denial by the applicable Review Authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion thereof.

B. Changed Conditions; New Evidence; Mistake. Notwithstanding Subsection A., above, the Director may allow a resubmittal based on one or more of the following findings:

1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.

2. The surrounding area has been rezoned or a major change in the area has taken place since the previous hearing(s), which materially affects the applicant's real property.

3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.

C. Resubmittal after Denial without Prejudice. There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.

D. Director's Determination, Appeal.

1. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application in compliance with this Section.

2. The Director's determination may be appealed to the Planning Commission, in compliance with Chapter 18.144 (Appeals).

18.128.100 – Condition Compliance Required

A. Full Understanding and Acceptance. The applicant, upon receipt of the approved copy of the permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.

B. Signed and Dated. The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the date of the Acknowledgement.

C. Appeal. If the applicant wishes to appeal any or all the final conditions of approval, the applicant shall file an appeal within five days following the actual date the decision was rendered by the applicable review authority in compliance with Chapter 18.144 (Appeals).

-This page intentionally left blank-

Chapter 18.130 – Historic Preservation

Sections:

18.130.010 – Purpose
18.130.020 – Intent
18.130.030 – Identification of HRI Properties
18.130.040 – HRI Property Designation
18.130.050 – Property Alteration
18.130.060 – Demolition Permits
18.130.070 – HLC Referral for Projects Near HRI Properties
18.130.080 – Unsafe or Dangerous Conditions

18.130.010 – Purpose

The purpose of this Chapter is to promote the identification, protection, enhancement, and perpetuation of buildings, structures, and properties within the City that reflect special elements of the City's social, economic, historical, archaeological, architectural, engineering, cultural, natural, or aesthetic heritage.

18.130.020 – Intent

This Chapter shall be known as the Santa Clara Historic Preservation Ordinance.

18.130.030 – Identification of HRI Properties

A. In order to carry out the goals and policies of the General Plan, and to further the purposes of this Chapter, a list of architecturally or historically significant resources shall be maintained as Appendix 8.9 of the General Plan. This list shall be known as the Historic Resource Inventory (HRI).

B. In order for a property to be placed on the HRI following the adoption of this Chapter, an historic resource survey (DPR 523A) shall be prepared by a qualified consultant in compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Professional Qualifications Standards. Properties evaluated in an historic resource survey that meet the designation criteria specified in Subsection 18.130.040 A. (Designation Criteria) may be added to the HRI by the Council after consideration and recommendation by the Historical and Landmarks Commission (HLC).

C. The HRI shall be kept on file in the Department, subject to review and update by the HLC and the Council as deemed necessary. Because the HRI is an appendix to the General Plan, the City shall amend the General Plan on a regular basis to update the HRI to reflect recent Council decisions on designation.

18.130.040 – HRI Property Designation

A. Designation Criteria. For purposes of this Chapter, a building, structure, object, or site is eligible for inclusion in the HRI if it meets all of the following designation criteria:

1. Age. A building, structure, object, site, or district that is 50 years of age or older may qualify as an HRI property if it meets other designation criteria. If a property proposed for inclusion is less than 50 years of age, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the property, and/or the property proposed for inclusion is a distinctive or important example of its type or style;

2. Retains Historic Integrity. A building, structure, object, site, or district must maintain integrity to be considered eligible for listing on the City's inventory as an HRI property. Integrity refers to a resource's ability to convey its significance by the retention of a property's visual and physical characteristics and its surroundings. If a property proposed for inclusion was moved to prevent demolition at its former location, it may still be considered eligible for listing as an HRI property if the new location is compatible with the original character of the property; and

3. Appendix 8.9. The property proposed for inclusion falls within one or more of the following categories, as these terms are defined in Section 8.9.2 of Appendix 8.9 of the General Plan (Criteria for Local Significance):

a. Historical or cultural significance;

b. Architectural significance;

c. Geographic significance; or

d. Archaeological significance.

B. Initiation of Designation.

1. Designation of a property proposed for inclusion on the HRI may be initiated by any of the following parties:

a. Owner(s) of the property proposed for inclusion or authorized representative of the owner(s);

b. Historical and Landmarks Commission; or

c. Council.

2. If designation is initiated by the owner(s), an application for designation shall be made to the Department through submittal of the prescribed application form accompanied by a nonrefundable filing fee as specified in the Fee Schedule. The Department shall establish what supporting documentation shall accompany the application, including, but not limited to, State of California DPR 523 series forms or other HRI forms as may be approved by the State.

3. At the time of submission of an application for designation, the owner(s) or authorized representative of the owner(s) shall provide written consent for the designation process to the City.

4. The application shall indicate the parameters of the property proposed for inclusion, specifying any related structures or landscape that is to be included for consideration and an evaluation of the property's conformance with the applicable criteria.

5. If designation is initiated by the HLC or the Council, the Department shall notify the owner(s) of the property by certified mail within 90 days of the initiation and request written consent from the owner. If the owner does not consent to the designation application, the designation procedure shall not proceed.

6. Applications for designation of a property proposed for inclusion on the HRI shall be agendized for review by the HLC within 60 days from the date the application is deemed complete.

C. Approval of Permits When Designation is Pending. Except as provided in Section 18.130.080 (Unsafe or Dangerous Conditions), no Building Permit, Demolition Permit, or other permit that would result in a major alteration of the property shall be issued for any property when a HRI designation application has been initiated with the Department as specified in Subsection B. (Initiation of Designation) until all hearings on the matter are concluded. Minor alterations and small projects may still be approved.

D. HLC Public Hearing.

1. The HLC shall conduct a public hearing on the application for designation in a timely manner.

2. Notice of the public hearing shall be provided in compliance with Chapter 18.146 (Public Notices and Hearings).

3. A staff report, including the supporting documentation as described in Subsection B. (Initiation of Designation) concerning the property proposed for inclusion shall be provided to the HLC. The report shall address the significance and integrity of the property proposed for inclusion as it relates to the designation criteria, provide other relevant information, and include a recommendation concerning the application and the basis therefor.

4. The HLC shall consider any evidence or input offered at the hearing. The HLC shall recommend to the Council approval, modification, or denial of the designation proposal.

E., Council Action. Following the HLC action, the Council shall take action on the request by resolution or other means determining whether the subject property is eligible for inclusion on the HRI.

F. Notice of Designation.

1. Following action by the Council, a copy of the findings shall be sent by first class mail to the owner(s) of the newly designated HRI property, and a notice of the designation, along with a legal description of the property, shall be recorded in the records of the County Recorder.

2. Failure to record with the County Recorder shall not invalidate a designation or any of the requirements of this Chapter.

G. Designation Repeal or Amendment.

1. Designation may be repealed or amended in the same manner and procedure as was followed in Subsection B. (Initiation of Designation) et seq. This action shall result from

new information, the discovery of earlier misinformation or change of original circumstances, conditions, or factors that justified the designation.

2. If a repeal is approved by the Council, a notice shall be sent to the same persons and manner specified in Subsection F. (Notice of Designation).

18.130.050 – Property Alteration

A. Permit(s) Required for Alterations. No person shall make alterations to any HRI property without first obtaining the required permits or approvals from the Director, or the Review Authority specified in this Chapter.

1. A Significant Properties Alteration (SPA) Permit shall be required for alterations to an HRI property.

2. The addition of an accessory dwelling unit to an HRI property requires an SPA Permit.

3. For purposes of compliance with the California Environmental Quality Act (CEQA), an SPA Permit for a major alteration shall be considered a discretionary project under Section 15357 of the CEQA Guidelines.

B. Application for Significant Property Alteration (SPA) Permit.

1. The owner or authorized representative proposing alterations to an HRI property shall file a planning application with the Department, with the required supporting information, and any applicable filing fee in compliance with the Fee Schedule.

2. As soon as practicable after the application is deemed complete, the application for the SPA Permit shall be forwarded to the Director or HLC, as appropriate, for its review and recommendation.

C. Review Required for Alterations.

1. The Director shall approve or deny applications for SPA Permits for small projects as defined in this Chapter. The Director has the discretion to determine that any such application for a small project should instead be construed as a major alteration requiring review by the HLC and approval by the Director of Community Development.

2. The HLC shall review applications for SPA Permits proposed for major alterations and render a recommendation to the Director of Community Development.

3. Following review and recommendation by the HLC, applications for SPA Permits for major alterations shall be forwarded to the Director of Community Development, which shall approve or deny the application.

4. The Director or HLC may require supplemental information or reports as may be necessary for a complete review.

5. The Director may impose such reasonable conditions or restrictions as they deem necessary or appropriate on a case-by-case basis to promote or achieve the purposes of this Chapter.

6. Preventative maintenance, as defined in this Chapter, shall be excluded from the review process specified in this Section.

7. The addition of an accessory dwelling unit to an HRI property shall be considered a major alteration if (A) the accessory unit would be attached to the main house and involve alterations to the exterior of the main house; (B) the HRI property is subject to a Mills Act contract; (C) the accessory dwelling unit would convert a garage that may be of a similar age and design to the main dwelling and contribute to the integrity of the HRI property; or (D) the Director makes a determination that the addition would be a major alteration. All other additions of accessory dwelling units shall be processed as small projects.

D. Findings Necessary to Approve SPA Permits. A decision to approve, approve with changes, and/or conditions, or deny the application for the SPA Permit shall be based upon the following findings.

1. The alterations shall be designed to the essential character, features, and defining elements that make the HRI property significant;

2. The project proposal shall not have a significant adverse effect on the integrity of the HRI property;

3. The alterations must be compatible with the existing structure or district; and

4. The alterations must be consistent with the Secretary of the Interior's Treatment Standards.

E. Appeal Procedures.

1. In the event the applicant or other interested party is not satisfied with the permit or approval action permitted by this Section, the decision may be appealed. Such appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk within seven calendar days after rendition of the decision, along with the payment of an appeal fee as specified in the Fee Schedule.

2. Appeals of the Director's decisions shall be evaluated in the same manner as major alterations and shall be referred to the HLC for recommendation and the Council for decision.

F. Approval Expiration. Any approval granted under this Section shall remain valid for a period of two years following the date the action was taken by the Director or the applicable Review Authority. The Director or Review Authority may at any time authorize extensions of time on any approval, without the need for any public hearing, for a total period of 24 months following the original date of expiration.

G. Preventative Maintenance. The owner, lessee, or other person(s) in actual charge of an HRI property ("responsible party") shall maintain and keep such property in a manner that ensures its continued eligibility for listing on the HRI. Care of the HRI property shall be undertaken so as not to constitute "demolition by neglect" and prevent deterioration, dilapidation, and decay of the historic fabric of any portion of the property. The responsible party shall ensure that all HRI properties shall remain free from structural defects through prompt corrections of any of the following defects:

1. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports.

2. Members of ceilings, roofs, and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

3. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken window glass or doors.

4. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.

5. Any fault or defect in the structure which renders it structurally unsafe or not properly watertight.

6. Minor mechanical systems in need of repair, not involving substantial removal of original interior or exterior building materials or features.

18.130.060 – Demolition Permits

A. Properties Not Listed on the HRI.

1. Upon receiving an application for a Demolition Permit for a property not listed on the HRI, the Department shall search the City permit system database to ascertain if the property is noted as "potentially historic" next to the assessor's parcel number. If the property contains this notation, the Department shall make a determination as to whether an application should be referred to the HLC and Council for a determination as to whether the property is eligible for listing on the HRI. If no referral is made, the Demolition Permit may be approved or denied along with replacement plans by the Director.

2. For any such referral, the HLC and Council shall make an eligibility determination using the same criteria and process as a designation determination in compliance with Section 18.130.040 (HRI Property Designation), except that properties found to be eligible will not automatically be added to the HRI, unless the property owner requests that the property be listed. The owner shall be responsible for submitting the required documentation needed, including but not limited to a completed DPR 523A form so the City may make a determination on the referral of the property to the HLC or Council.

3. For properties the Council determines to be ineligible for listing on the HRI, the Council may approve or deny the Demolition Permit at the time of the eligibility determination. For properties the Council determines to be eligible for listing on the HRI, the Demolition Permit application shall follow the process in Subsection B. (HRI Properties and Eligible Properties).

B. HRI Properties and Eligible Properties.

1. An Environmental Impact Report shall be required for any application to demolish an HRI property or a property determined to be eligible for listing in compliance with Subsection A. (Properties Not Listed on the HRI).

2. The Demolition Permit application and Environmental Impact report shall be referred to the HLC for a recommendation on whether to grant, modify, or deny the Demolition Permit application. The HLC recommendation shall be forwarded to the Council, which shall make a final decision on the application.

3. The HLC shall recommend approval of a Demolition Permit, and the Council shall approve a Demolition Permit, only if there are no viable alternatives for saving the property, and such alternatives have been fully addressed in an Environmental Impact Report.

18.130.070 – HLC Referral for Projects Near HRI Properties

A. For development projects that require Architectural Review but that are not located on HRI properties, if the project is located within 200 feet of an HRI property, then before submitting the application to the Director, the application shall first be referred to the HLC.

B. The HLC shall review the project for neighborhood compatibility and consistency with the City's adopted Design Guidelines and make a recommendation to the Director.

18.130.080 – Unsafe or Dangerous Conditions

A. None of the provisions of this Chapter shall prevent the alteration, construction, reconstruction, restoration, stabilization, or demolition of an HRI property, or any exterior feature thereof, which the Building Official or designee has declared necessary to correct an unsafe or dangerous condition where there is a threat to public health and safety.

B. Only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed in compliance with this Subsection.

C. The California Historical Building Code shall be employed for this purpose at the request of the property owner.

-This page intentionally left blank-

Article 7 – Zoning Code Administration

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

Chapter 18.140 – Administrative Responsibility ---------- 7-1

18.140.010 – Purpose ---------- 7-1
18.140.020 – Planning Agency ---------- 7-1
18.140.030 – City Council ---------- 7-1
18.140.040 – Planning Commission ---------- 7-2
18.140.050 – Community Development Director ---------- 7-2

Chapter 18.142 – Amendments (General Plan, Zoning Code, and Zoning Map) -- 7-5

18.142.010 – Purpose ---------- 7-5
18.142.020 – Initiation of Amendment ---------- 7-6
18.142.030 – Project Review, Notice, and Hearing ---------- 7-6
18.142.040 – Planning Commission Action on Amendments ---------- 7-7
18.142.050 – Council Action on Amendments ---------- 7-7
18.142.060 – Effective Dates ---------- 7-8

Chapter 18.144 – Appeals ---------- 7-9

18.144.010 – Purpose ---------- 7-9
18.144.020 – Appeal Subjects and Jurisdiction ---------- 7-9
18.144.030 – Filing and Processing of Appeals ---------- 7-10
18.144.040 – Calls for Review ---------- 7-12

Chapter 18.146 – Public Notices and Hearings ---------- 7-15

18.146.010 – Purpose ---------- 7-15
18.146.020 – Notice of Hearing ---------- 7-15
18.146.030 – Hearing Procedure ---------- 7-17
18.146.040 – Recommendation by Planning Commission ---------- 7-17
18.146.050 – Decision and Notice ---------- 7-18
18.146.060 – Effective Date of Decision ---------- 7-18

Chapter 18.148 – Specific Plans and Amendments ---------- 7-21

18.148.010 – Purpose ---------- 7-21
18.148.020 – Intent ---------- 7-21
18.148.030 – Applicability ---------- 7-21
18.148.040 – Minimum Project Area ---------- 7-21
18.148.050 – Initiation of Specific Plan ---------- 7-22
18.148.060 – Project Review, Notice, and Hearing ---------- 7-22
18.148.070 – Adoption of Specific Plan ---------- 7-22
18.148.080 – Amendment of Specific Plans ---------- 7-22

Chapter 18.150 – Permit Modifications and Revocations ---------- 7-23

18.150.010 – Purpose ---------- 7-23
18.150.020 – Modifications ---------- 7-23
18.150.030 – Revocations ---------- 7-23
18.150.040 – Findings to Modify or Revoke ---------- 7-23

18.150.050 – Hearing and Notice Required ---------- 7-24

Chapter 18.152 – Enforcement Provisions ---------- 7-25

18.152.010 – Purpose ---------- 7-25
18.152.020 – Permits and Approvals ---------- 7-25
18.152.030 – Enforcement Responsibility ---------- 7-25
18.152.040 – Inspections ---------- 7-26
18.152.050 – Initial Enforcement Action ---------- 7-26
18.152.060 – Recording Notice of Violation ---------- 7-27
18.152.070 – Violations ---------- 7-28
18.152.080 – Legal Remedies ---------- 7-29
18.152.090 – Remedies Are Cumulative ---------- 7-30
18.152.100 – Recovery of Costs ---------- 7-30
18.152.110 – Additional Permit Fees ---------- 7-32
18.152.120 – Reinspection Fees ---------- 7-32
18.152.130 – Limitation of Actions Challenging Certain Decisions ---------- 7-33
18.152.140 – Conclusive Notice ---------- 7-33

Chapter 18.140 – Administrative Responsibility

Sections

18.140.010 – Purpose
18.140.020 – Planning Agency
18.140.030 – City Council
18.140.040 – Planning Commission
18.140.050 – Community Development Director

18.140.010 – Purpose

The purpose of this Chapter is to describe the authority and responsibilities of the City Council, Planning Commission, and Community Development Director in the administration of this Zoning Code.

18.140.020 – Planning Agency

The Planning Commission and the Community Development Director shall function as the Planning Agency and as the Advisory Agency, when so required or authorized, in compliance with Government Code Section 65100.

18.140.030 – City Council

The City Council, referred to in this Zoning Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in this SCCC Section 2.10.020 (Powers and Duties) and this Zoning Code, which include all of the following:

A. **Review Authority on Specified Legislative Planning Matters.** Final legislative decisions on development agreements and amendments, General Plan amendments, specific plans and amendments, Zoning Code amendments, Zoning Map amendments, related CEQA environmental documents, and other applicable policy or Zoning Code matters related to the City's planning process.

B. **Appeals.** The review of appeals filed from Planning Commission and the Community Development Director decisions in compliance with Chapter 18.144 (Appeals).

C. **Compliance.** The above-listed functions shall be performed in compliance with Table 6-1 (Review Authority), Table 6-3 (Review Authority for Site Plan and Design Review), Title 17 (Subdivisions), and the California Environmental Quality Act (CEQA).

D. **Imposition of Conditions.** In making decisions on applications, the Council may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plans, the City Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

18.140.040 – Planning Commission

A. Establishment. The Planning Commission, referred to in this Zoning Code as the Planning Commission, is established in compliance with Sections 1006 and 1007 of the City Charter and SCCC Section 2.120.050 (Planning Commission).

B. Appointment. The Planning Commission shall consist of seven members who shall be appointed by the Council in compliance with SCCC Section 2.120.050 (Planning Commission).

C. Duties and Authority. The Planning Commission shall perform the duties and functions prescribed by Government Code Section 65000, SCCC Section 2.120.050 (Planning Commission) and this Zoning Code, specified in Subparagraphs 1 to 4 below. In addition, the Council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law.

1. The review of development projects, including referrals from the Community Development Director;

2. The review of appeals from the Community Development Director's decisions and the Community Development Director's and Department staff's determinations;

3. The recommendation, to the Council for final legislative decisions, on development agreements and amendments, General Plan amendments, specific plans and amendments, Zoning Code amendments, Zoning Map amendments, related CEQA environmental documents, and other applicable policy or regulatory matters related to the City's planning process; and

4. The above-listed functions shall be performed in compliance with Table 6-1 (Review Authority), Table 6-3 (Review Authority for Site Plan and Design Review), and the California Environmental Quality Act (CEQA).

D. Meeting Notices and Conduct of Hearings. The Planning Commission shall conduct public hearings and meetings in compliance with SCCC Section 2.120.050 (Planning Commission) and Chapter 18.146 (Public Notices and Hearings).

E. Imposition of Conditions. In making decisions on applications, the Planning Commission may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plans, the City Code standards that apply to development, and to further the public health, safety and general welfare of the community.

F. Appeals. The Planning Commission shall review and decide appeals filed from Director decisions. Decisions by the Planning Commission may be appealed to the Council subject to the provisions of Chapter 18.144 (Appeals).

18.140.050 – Community Development Director

A. Appointment. The Community Development Director, referred to in this Zoning Code as the Director or the Director's designee.

B. Duties and Authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law and SCCC Chapter 2.75 (Planning and Inspection Department);

2. Perform the duties and functions prescribed in this Zoning Code, including compliance with Table 6-1 (Review Authority), Table 6-3 (Review Authority for Site Plan and Design Review), and the California Environmental Quality Act (CEQA);

3. Have the authority to defer action on an application and refer the request to the Planning Commission for consideration and final action;

4. Perform other responsibilities assigned by the Council, Planning Commission, or City Manager; and

5. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.

C. Imposition of Conditions. In making decisions on applications, the Director may impose conditions the Director deems reasonable and necessary to implement the General Plan, any applicable specific plans, the City Code standards that apply to development, and to further the public health, safety and general welfare of the community.

D. Appeals. Depending on the type of approval, decisions made by the Director may be appealed to the Planning Commission or Council, subject to the requirments of Chapter 18.144 (Appeals).

-This page intentionally left blank-

Chapter 18.142 – Amendments (General Plan, Zoning Code, and Zoning Map)

Sections

18.142.010 – Purpose
18.142.020 – Initiation of Amendment
18.142.030 – Project Review, Notice, and Hearing
18.142.040 – Planning Commission's Action on Amendment
18.142.050 – Council's Action on Amendment
18.142.060 – Effective Dates

18.142.010 – Purpose

This Chapter provides procedures for the amendment of the General Plan, this Zoning Code, and the Official Zoning Map whenever the Council determines public necessity and general welfare require an amendment.

A. General Plan Amendments. The General Plan is the City's guiding land use policy document on which the Official Zoning Map is based, and the City shall strive to achieve substantial consistency between the two documents. Amendments to the General Plan shall be by resolution adopted by the Council, following noticed public hearings before the Planning Commission and Council.

B. Zoning Code Amendments. This Zoning Code specifies all the rules, regulations, and standards that serve to implement the General Plan. Amendments to this Zoning Code shall be by resolution adopted by the Council, following noticed public hearings before the Planning Commission and Council.

C. Zoning Map Amendments.

1. All land in the incorporated area of the City is classified into various zones. These zones are outlined on one or more of the City's Official Zoning Maps. Article 2 (Zones, Allowable Uses, and Development Standards) describes the uses of land that are allowed in each zone and Article 4 (Standards For Specific Land Uses) describes the development standards applicable for each specific use.

2. A Zoning Map Amendment is a procedure involving an application to reclassify land to a different zone. If approved by the Council, it results in a change to the adopted Official Zoning Map. It is also common to process a General Plan Map Amendment together with a Zoning Map Amendment since the General Plan is the City's guiding land use policy document which the Zoning Map is based on, and the City shall strive to achieve substantial consistency between the two.

3. Amendments to the Zoning Map shall be by resolution adopted by the Council, following noticed public hearings before the Planning Commission and Council.

18.142.020 – Initiation of Amendment

A. Initiation. An amendment to this Zoning Code may be initiated:

1. By the Planning Commission or Council or as specified in Subsection B., below; or

2. By recommendation of the Director to clarify text, address changes mandated by State law, promote consistency with the General Plan, or for any other reason beneficial to the City.

B. General Plan or Zoning Map Amendments Only. In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by all of the owners or authorized agent(s)/representative(s) of the property owner(s) to be affected by the amendment, or the plaintiff in an action in eminent domain to acquire the subject property.

18.142.030 – Project Review, Notice, and Hearing

A. Application Filing and Processing.

1. If initiated by the filing of an amendment application in compliance with Subsection 18.142.020 B. (General Plan or Zoning Map Amendments Only), above, the application shall be processed in compliance with Chapter 18.112 (Application Processing Procedures).

2. The application shall include all of the information and materials specified in the most up-to-date Department handout for amendment applications, together with the required fee in compliance with the Fee Schedule.

3. Referrals to other agencies required.

a. General Plan Amendments. The Department shall send out referrals to all of the affected agencies for their review and comment in compliance with Governement Code Section 65352 (Referral of plans).

b. All Other Amendments. The Department shall send out referrals to all of the affected agencies for their review and comment.

B. Public Hearings Required. The Planning Commission and Council shall each conduct one or more public hearings regarding the amendment.

C. Notice of Hearings Required. Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

D. Abandonment of Amendment Proceedings.

1. Withdrawn by Applicant. Upon the consent of the Planning Commission, any application for an amendment may be withdrawn upon the written application of a majority of the persons who signed the application.

2. Withdrawn by Review Authority. The applicable Review Authority may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention; provided that the abandonment may be made only when the proceedings are before the subject Review Authority for consideration, and further provided that any hearing of which public notice has been given shall be held.

18.142.040 – Planning Commission Action on Amendments

A. All Amendments. After the public hearing, the Planning Commission shall forward a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed amendment.

B. Recommendations on Zoning Code and Zoning Map Amendments. A recommendation for approval, approval in modified form, or denial of a Zoning Code or Zoning Map amendment shall require the affirmative vote of the majority of the entire membership of the Planning Commission. In the event the Planning Commission is unable to reach agreement on a recommendation, the amendment shall be forwarded to the Council with no recommendation.

C. Recommendations on General Plan Amendments. A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of the majority of the entire membership of the Planning Commission. In the event the Planning Commission is unable to reach agreement on a recommendation, the amendment shall be forwarded to the Council with a recommendation of denial.

18.142.050 – Council Action on Amendments

A. Approval.

1. All Amendments. Upon receipt of the Planning Commission's recommendation to approve, approve in modified form, or deny an amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the amendment.

2. Action on Zoning Code and Zoning Map Amendments. The action by the Council to approve the Planning Commission's recommendation regarding a Zoning Code or Zoning Map amendment shall require the affirnative vote of the majority of the entire membership of the Council. In the event the Council is unable to reach agreement on a proposed Zoning Code or Zoning Map amendment, the amendment shall be deemed denied.

3. Action on General Plan Amendments. The action by the Council to approve the Planning Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of a majority of the entire membership of the Council, adopted by resolution, and shall be final and conclusive. In the event the Council is unable to reach agreement on a proposed General Plan amendment, the amendment shall be deemed denied.

B. Referral to Planning Commission.

1. Council Referral for Further Study.

a. The Council may defer action on an amendment and instead request the Planning Commission to study and report on the proposed amendment.

b. Upon receipt of the request from the Council, the Planning Commission shall conduct the requested study at a public meeting.

c. If the Planning Commission fails to report back to the Council within a reasonable time period, in the Council's sole discretion, the Council shall have the option of actin on the amendment without the Planning Commission's recommendation on the amendment.

2. Council Referral for Substantial Modifications to Previously Considered Amendments.

a. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation.

b. The Planning Commission shall not be required to hold a public hearing on the referral.

c. Failure to Resppond – General Plan Amendments. If the Planning Commission fails to report back to the Council within 45 days after the referral of the General Plan amendment, or a longer period as may be designated by the Council, the Planning Commission's inaction shall be treated as a recommendation for approval of the amendment in compliance with Government Code Sections 65356.

d. Failure to Resppond – Zoning Code and Zoning Map Amendments. If the Planning Commission fails to report back to the Council within a reasonable time period after the referral of a Zoning Code or Zoning Map Amendment, in the Council's sole discretion, the Council shall have the option of acting on the amendment without the Planning Commission's recommendation on the amendment.

18.142.060 – Effective Dates

All amendments shall become effective on the 31st day following the adoption of a resolution by the Council.

Chapter 18.144 – Appeals

Sections

18.144.010 – Purpose
18.144.020 – Appeal Subjects and Jurisdiction
18.144.030 – Filing and Processing of Appeals
18.144.040 – Calls for Review

18.144.010 – Purpose

This Chapter establishes procedures for the appeal of determinations and decisions rendered by the Director and Planning Commission.

18.144.020 – Appeal Subjects and Jurisdiction

A. Zoning Code Administration. The following determinations, and enforcement actions of the Director may be appealed to the Planning Commission, which shall serve as the final Review Authority for Director appeals:

1. Determinations. Any determination that a permit application or information submitted with the application cannot be accepted or is incomplete, in compliance with Government Code Section 65943; or

2. Enforcement Actions. Any enforcement action filed in compliance with Chapter 18.154 (Enforcement Provisions).

B. Planning Permit Decisions.

1. Director's Decisions. Any decision of the Director may be appealed to the Planning Commission, which shall serve as the final Review Authority for appeals of the Director.

2. Planning Commission's Decisions. With the exception of appeals of Director's Decisions, any decision of the Planning Commission may be appealed to the Council, which shall serve as the final Review Authority for appeals of the Planning Commission.

3. Appeals Regarding Architectural Reviews of Single-Family Residences.

a. The Planning Commission shall serve as the appeal body for all Director decisions on Architectural Reviews of single-family residences.

b. Notwithstanding paragraph 1, in the event that the Planning Commission decision is also appealed, the Council shall serve as the final Review Authority for all Planning Commission decisions on Architectural Reviews of single-family residences.

4. Appeals Regarding All Other Architectural Reviews. The Council shall serve as the final Review Authority for all Director decisions on all other Architectural Reviews.

5. No Further Appeals are Available. No further appeals ae available.

C. CEQA Decisions.

1. Any CEQA determination of the Director may be appealed to the Planning Commission, which shall serve as the final Review Authority for appeals of the Director. Further appeals to the Council are not permitted.

2. Subject tp Subparagraph 1., any CEQA determination of the Planning Commission may be appealed to the Council, which shall serve as the final Review Authority for appeals of the Planning Commission.

18.144.030 – Filing and Processing of Appeals

A. Eligibility to Appeal.

1. Any interested person or agency may appeal a Director decision that did not involve a public hearing.

2. A decision at a public hearing may be appealed by any interested party who, in person or through a representative identified as such, appeared at a public hearing in connection with the decision being appealed, or who informed the City in writing of the nature of their concerns before the hearing.

B. Timing and Form of Appeal. An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous Review Authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.

2. The appeal shall be filed with the Department or City Clerk, as applicable, within seven days following the actual date the decision was rendered .

a. An appeal addressed to the Planning Commission shall be filed with the Department; and

b. An appeal addressed to the Council shall be filed with the City Clerk.

3. The appeal shall be accompanied by the filing fee identified in the Fee Schedule.

a. The appeal fees are established to cover the cost of the following items as are required for the particular case: field investigation; preparation of necessary reports; preparation of site maps; mailing notices; printing and posting notices and legal publications.

b. These fees, no part of which shall be refundable, shall be paid to the Department or City Clerk, as applicable, at the time the appeal is filed.

4. The appeal shall be accompanied by a written verification by at least one of the petitioners attesting to the truth and correctness of all facts and maps and other graphic materials

presented with the appeal petition. The verification shall be signed before a notary public or other officer authorized to administer oaths.

5. Once an appeal is filed, any approval of the subject project is stayed until the appeal is processed and a final decision is rendered by the applicable Review Authority.

C. Scope of Planning Permit Appeals.

1. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, which are part of the record, or information that was not a part of the record at the time of the decision that is being appealed.

2. For purposes of this Section, the record consists of all correspondence, minutes, reports, transcripts, written and oral testimony at the public hearing, and any other documents or evidence considered or relied upon by the Review Authority in the decision-making process.

D. Report and Scheduling of Hearing.

1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate Review Authority identified in Section 18.144.020 (Appeal Subjects and Jurisdiction), above, in most circmstances within 60 days of the filing of the appeal, although the Director may take up to 120 days in extenuating circumstances.

2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

3. Any interested party may appear and be heard regarding the appeal.

E. Decision.

1. The appeal of any planning permit is heard *de novo.* During the appeal hearing, the issues that may be raised and considered by the Review Authority are not limited to those raised by the appellant, and may include any aspect of the proposed project, whether or not originally considered as part of the decision being appealed. The Review Authority may:

a. Affirm, affirm in part, vacate, modify, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Zoning Code; and

b. Adopt additional conditions of approval, which may address issues or concerns other than the subject of the appeal.

2. If new or different evidence is presented on appeal, the Planning Commission or Council may refer the matter to the Director, Planning Commission, or another board or commission as applicable, for further consideration.

3. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.

4. Provision of Notice of Decision.

a. Following the final decision on an appeal of a permit or other approval required by this Zoning Code, the City shall provide notice of its final decision to the appellant, applicant, property owner/owner's representative, and to any person who specifically requested notice of the City's final action.

b. The notice of the final decision shall contain applicable findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

F. Effective Date of Appeal Decisions.

1. For appeals of Architectural Review of single-family residences to the Planning Commission, if no appeal of the Planning Commission's decision is received within seven days, the Planning Commission's decision will become final at the end of the seventh day.

2. For all other appeals, the Review Authority's decision on an appeal shall be effective immediately.

G. Multiple Appeals Prohibited in Most Circumstances. Except for appeals of Architectural Review approvals for single-family residences, once a Review Authority issues a decision, no appeal from that decision may be taken.

18.144.040 – Calls for Review

A. Planning Commission or Council Review.

1. Planning Commission. The Planning Commission may call for a review of any determination or decision rendered by the Director or Department Staff.

2. Council. The Council may call for a review of any determination or decision rendered by the Planning Commission, Director, or Department Staff.

3. Majority Vote Required. A Call for Review may only commence by the affirnative vote of the majority of the entire membership of the Review Authority.

B. Process for Calling for a Review.

1. Initiation by Planning Commissioners. One or more Planning Commissioners may initiate a Call for Review of a Director's determination or decision by filing a written request with the Department before the effective date of the action, which unless otherwise specified by this Zoning Code, means within seven days following the date of the determination or decision.

2. Initiation by Council Members.

a. One or more Council members may initiate a Call for Review of a Planning Commission's or Director's determination or decision by filing a written request with the City Clerk before the effective date of the action, which unless otherwise specified by this Zoning Code, means within sevaen days following the date of the determination or decision.

b. The Council may call for the review of a Director's determination or decision directly, or may direct the Planning Commission to first consider the matter and provide a written recommendation to the Council.

3. **Consideration of Call for Review.** The Planning Commission or Council, as applicable, shall consider the Call for Review at its next regularly scheduled meeting. This action need not be noticed as a public hearing.

4. **Requests for Verbatim Transcript.** If by its action the Planning Commission or Council requests a verbatim transcript of the prior hearing, a copy shall be made available for inspection by any interested party. No fees shall be required for the transcript.

5. **Vote by Review Authority.** If the Planning Commission or Council, as applicable, votes to grant the review of the determination or decision, a subsequent review hearing shall be scheduled to consider the merits of the review.

6. **Notice to Applicant.** If the Review Authority is reviewing the decision of a discretionary application, the applicant shall be informed of the aspects of the application and the determination or decision that the Review Authority will consider.

7. **Effect of Call for Review.**

   a. A request for a Call for Review by a member of a Review Authority shall stay the effective date of a determination or decision until the Review Authority can make a decision on whether to grant the Call for Review request.

   b. The timely filing of a Call for Review does not extend the time in which an appeal of a determination or decision shall be filed. The normal appeal period shall continue to run in compliance with Subsection 18.144.030 B. (Timing and Form of Appeal), above.

   c. If the Review Authority decides to grant the Call for Review of the subject determination or decision, then the previous determination or decision shall continue to be stayed until such time as the Review Authority issues a decision on the merits.

   d. If the Review Authority decides to not grant the Call for Review of the subject determination or decision, then the determination or decision shall become final when the Review Authority declines the request, unless the appeal period has not expired.

8. **Filing of an Appeal Pending a Call for Review.**

   a. Right to File an Appeal. Any person may file a timely appeal in compliance with this Chapter even though a Call for Review has been filed in compliance with this Section.

   b. Effect of Filing an Appeal. The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the Call for Review is subsequently withdrawn or rejected.

9. **Withdrawal or Failure of a Call for Review.** If a request for a Call for Review is withdrawn after filing, or is rejected, the remaining days of the Call for Review period shall start from the date on which the Call for Review is withdrawn or is rejected.

10. **Notice and Public Hearing.**

a. A Call for Review hearing on the merits shall be a public hearing if the original determination or decision required a public hearing. No public hearing is required for the initial decision on whether to grant a Call for Review.

b. If a public hearing is required under Subparagraph a., notice of the public hearing shall be the same as the original determination or decision, in compliance with Chapter 18.146 (Public Notices and Hearings).

c. The public hearing shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

11. Fees Not Required. Fees shall not be required in conjunction with the filing of a Call for Review.

12. Required Votes. The final action calling for review of a determination or decision shall require an affirnative vote of the majority of the entire membership of the Review Authority.

C. Concurrent Planning Commission Recommendations. When the Planning Commission makes a recommendation to the Council on a legislative matter (e.g., General Plan amendment, specific plan or amendment, Zoning Code amendment, or Zoning Map amendment), any concurrent companion decision(s) by the Planning Commission on an approval, permit, or Variance, or other non-legislative land use permit application concerning, in whole or in part, the same property shall automatically be deemed to be timely called up for review by the Council.

Chapter 18.146 – Public Notices and Hearings

Sections

18.146.010 – Purpose
18.146.020 – Notice of Hearing
18.146.030 – Scheduling of Hearing
18.146.040 – Hearing Procedure
18.146.050 – Recommendation by Planning Commission, Action by Council
18.146.060 – Decision and Notice
18.146.070 – Effective Date of Decision

18.146.010 – Purpose

This Chapter provides procedures for public hearings required by this Zoning Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

18.146.020 – Notice of Hearing

When this Zoning Code requires a public hearing before a decision on a permit or for another matter, the public shall be provided notice of the hearing as required by this Chapter.

A. Content of Notice. Notice of a public hearing shall include all the following information, as applicable.

1. Hearing Information. The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number, email address, and street address of the Department where an interested person could call, email, or visit to obtain additional information.

2. Project Information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

3. Statement on Environmental Document. If a Negative Declaration, Mitigated Negative Declaration, or Final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the Review Authority will also consider the proposed Negative Declaration, Mitigated Negative Declaration, or the Final Environmental Impact Report, as applicable.

B. Method of Notice Distribution. Notice of a public hearing required by this Chapter for a planning permit, amendment, appeal, or other approval shall be given as follows.

1. **Mailing for a Hearing Before the Director or Planning Commission - With a Public Hearing.** Notice shall be mailed, postage prepaid, or delivered at least 10 days before the scheduled hearing date to all of the following. If mailed, the notice shall be deemed delivered two days after being mailed.

   a. **Project Site Owner(s) and the Applicant.** The owner(s) of the property being considered in the application or the owner's authorized agent, the applicant (at the addresses designated on the application), and any appellant(s).

   b. **Local Agencies – Only For Development Agreements, General Plan Amendments, and Specific Plans and Amendments.** Each local agency expected to provide roads, schools, streets, water, wastewater collection, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.

   c. **Affected Owners.**

      (1) **All Public Hearings – 300 feet.** Except as otherwise provided in Subparagraph c. (2), below, all owners of real property, as shown on the latest tax assessor's records, located within a radius of 300 feet of the exterior boundaries of the property that is the subject of a public hearing. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project.

      (2) **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection c. (1)., above is greater than or equal to 1,000, the Director may choose instead to provide a one-eighth page newspaper advertisement in one newspaper of general circulation within the City.

   d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director and has paid the required fee to cover the cost of this mailing.

   e. **Exceptions to the 10-day Notice Provision,** The only exceptions to the 10-day notice provision shall be for Off-Site Parking Permits and Temporary Use Permits which shall only require a 24-hour notice.

2. **Alternative Notice for the Director's Decision - Without a Public Hearing.** If approval is by the Director without a public hearing, the following requirements shall apply:

   a. Except as otherwise provided in Subparagraph b., notice shall be given by electronic notice only to the owner/applicant and the abutting property owners (i.e., abutting and across the street).

   b. Notice is not required to be given to abutting property owners in applications for minor modifications to permits where there are no significant issues, as determined by the Director.

   c. A newspaper notice is not required.

   d. A notice of Architectural Review decisions by the Director without a public hearing shall also be posted on the City's website at the same time notice is provided to the owner/applicant.

3. Publication.

a. Publication for Development Agreements, General Plan Amendments, and Specific Plans. Notice of a public hearing for a development agreement, development agreement amendment, General Plan amendment, or specific plan shall be published at least once in a newspaper of general circulation in the City at least 10 days before the scheduled hearing date.

b. No publications shall be required for approvals not listed in Subparagraph a.

4. Posting Notices. Notices of public hearing shall be posted as follows:

a. For development agreements, at least one additional paper notice shall also be posted on the project site, fronting on an improved public street.

b. Each paper notice shall be headed by the word "Notice," in letters not less than one inch in height.

c. The person posting the notices shall file a Certificate of Posting together with a copy of the notice with the City Clerk.

d. The notice shall be posted in at least three public places.

e. All notices shall be posted at least five days, but 10 days for development agreements, before the public hearing.

f. A notice of all public hearings shall also be posted on the City's website.

.

4. Additional Notice. In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.

5. Errors. Any substative defect or error appearing in any notice shall not divest the Director, Planning Commission, or Council of jurisdiction nor invalidate any proceedings.

18.146.030 – Hearing Procedure

A. Time and Place of Hearing. A hearing shall be held at the date, time, and place for which notice was given.

B. Continued Hearing. Any hearing may be continued from time to time without further notice; provided, the chair of the Review Authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. Deferral of Final Decision. The Review Authority may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.

18.146.040 – Recommendation by Planning Commission

A. Recommendation to the Council. After a public hearing on a proposed amendment to the General Plan, this Zoning Code, the Zoning Map, or the adoption or amendment of a specific plan, the Department shall forward the recommendation and findings of the Planning Commission to the Council.

B. Recommendation to the Applicant. The recommendation and findings shall be mailed to the applicant at the address shown on the application.

18.146.050 – Decision and Notice

A. Decision.

1. The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 18.146.040 (Hearing Procedure), above.

2. For any formal action by the applicable Review Authority, the affirmative vote of the majority of the entire membership of the Review Authority shall be required.

3. Except as otherwise provided in this Zoning Code, tie votes of the Review Authority shall result in no action by the Review Authority.

4. At the conclusion of a hearing conducted by the Director, the Director may instead refer the matter to the Planning Commission for review and final decision. Such a referral shall not constitute an appeal, and the resulting decision of the Planning Commission may be appealed to the Council.

5. All decisions shall be in writing and, if required by law, shall contain written findings.

B. Notice of Decision.

1. Provision of Notice. Following the final decision on an application for a permit or other approval required by this Zoning Code, the City shall provide notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.

2. Contents of Notice. The notice of the final decision shall contain applicable findings (only if any such findings were required), conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

3. Delivery of Notice. The notice of the final decision shall be delivered by electronic notice, with a courtesy copy sent via U.S.P.S., but only if requested by the applicant.

18.146.060 – Effective Date of Decision

A. Director's or Planning Commission's Decision. Subject to Chapter 18.144 (Appeals), the decision of the Director or Planning Commission is final and effective after 5:00 p.m. on the seventh day following the actual date the final decision is rendered if no appeal of that decision has been filed in compliance with Chapter 18.144 (Appeals).

B. Council's Decision.

1. Adopted by Ordinance. A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is adopted by the Council, unless otherwise provided in the adopting ordinance. For example, an ordinance adopted on October 1st will be effective on October 31st.

2. Adopted by Resolution.

a. A legislative decision of the Council adopted by resolution is final and shall become effective on the 31st day following the date the resolution is adopted by the Council, unless otherwise provided in the adopting resolution.

b. All other resolutions adopted by the Council are final and shall be effective on the date the decision is rendered.

3. Contingent on Future Date or Event. Notwithstanding Subparagraphs 1. and 2., the Council may take a final action and make it contingent on a future date or event.

-This page intentionally left blank-

Chapter 18.148 – Specific Plans and Amendments

Sections

18.148.010 – Purpose
18.148.020 – Intent
18.148.030 – Applicability
18.148.040 – Minimum Project Area
18.148.050 – Initiation of Specific Plan
18.148.060 – Project Review, Notice, and Hearing
18.148.070 – Adoption of Specific Plan
18.148.080 – Amentment of Specific Plan

18.148.010 – Purpose

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.

18.148.020 – Intent

A. **General Plan Implementation.** After the Council has adopted the General Plan, or any amendment, the City may, or as directed by the Council, shall prepare specific plans for the implementation of the General Plan.

B. **Adopted by Resolution.** A specific plan adopted by resolution shall take precedence over the development standards and guidelines identified in the General Plan.

18.148.030 – Applicability

A. **Specific Plan – When Required.** When required by the General Plan or this Zoning Code to systematically implement the General Plan, a specific plan shall be prepared, processed, approved and implemented, denied, and amended in compliance with this Chapter.

B. **Flexibility and Innovation.** A specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.

C. **Planning Commission and Council Review.** An application for a specific plan shall be considered by the Planning Commission and Council.

18.148.040 – Minimum Project Area

A specific plan may only be requested for a site(s) with a minimum of two acres.

18.148.050 – Initiation of Specific Plan

A specific plan may only be initiated by the Council or proposed by the Planning Commission or Director.

18.148.060 – Project Review, Notice, and Hearing

A. **Hearings.** Public hearings shall be required for the Planning Commission's recommendation and the Council's action on a specific plan or a specific plan amendment.

B. **Notice.** Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

18.148.070 – Adoption of Specific Plan

A. **Mandatory Finding for Adoption.** A specific plan may only be adopted if first found consistent with the General Plan.

B. **Method of Adoption.** The specific plan shall be adopted by resolution of the Council.

18.148.080 – Amendment of Specific Plans

A. **Process for Amendment.** A specific plan may be amended through the same procedures specified by this Chapter for the adoption of a specific plan.

B. **Mandatory Finding for Amendment.** A specific plan may only be amended if first found consistent with the General Plan.

C. **Frequency of Amendments.** The specific plan may be amended as often as deemed necessary by the Council.

Chapter 18.150 – Permit Modifications and Revocations

Sections

18.150.010 – Purpose
18.150.020 – Modifications
18.150.030 – Revocations
18.150.040 – Findings to Modify or Revoke
18.150.050 – Hearing and Notice Required

18.150.010 – Purpose

A. This Chapter provides procedures for securing corrective modification or revocation of previously approved permits or approvals.

B. A discretionary permit may be modified or revoked for cause as provided by this Chapter.

C. For purposes of this Chapter, modification may include the modification of the terms of the permit itself or the waiver, alteration, and imposition of new or modified conditions.

D. Any action to modify or revoke a permit or approval may be initiated by order of the Council or Planning Commission, on its own motion, or at the request of the Director.

18.150.020 – Modifications

The City's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, outdoor lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

18.150.030 – Revocations

The City's action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

18.150.040 – Findings to Modify or Revoke

A Conditional Use Permit, Minor Modification, Minor Use Permit, Variance, or other City planning permit may be modified or revoked by the Review Authority (e.g., Director, Planning Commission, or Council) that is responsible for that type of permit, if the Review Authority first makes any one of the following findings:

A. Circumstances under which the permit or approval was granted have been changed to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the modification or revocation;

B. The permit or other approval was granted or extended, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;

C. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated and/or the approved plot plan has not been followed;

D. The permit or any improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute;

E. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or general welfare; or

F. The Building Official or the Council determines that the manner of operation constitutes or is creating a nuisance.

18.150.050 – Hearing and Notice Required

A. **Hearing Required.** The appropriate Review Authority which originally granted the permit or approval shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Zoning Code.

B. **Noticing and Conduct of Hearing.** The public hearing shall be noticed and conducted in compliance with Chapter 18.146 (Public Notices and Hearings).

Chapter 18.152 – Enforcement Provisions

Sections

18.152.010 – Purpose
18.152.020 – Permits and Approvals
18.152.030 – Enforcement Responsibility
18.152.040 – Inspections
18.152.050 – Initial Enforcement Action
18.152.060 – Recording Notice of Violation
18.152.070 – Violations
18.152.080 – Legal Remedies
18.152.090 – Remedies Are Cumulative
18.152.100 – Recovery of Costs
18.152.110 – Additional Permit Fees
18.152.120 – Reinspection Fees
18.152.130 – Limitation of Actions Attacking Certain Decisions
18.152.140 – Conclusive Notice

18.152.010 – Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of SCCC Title 18 (Zoning) and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

18.152.020 – Permits and Approvals

All departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, licenses, permits, and other approvals shall comply with the provisions of SCCC Title 18.

A. **Permits in Conflict with SCCC Title 18.** Certificates, licenses, permits, and other approvals for uses or structures that would conflict with the provisions of Title 18 shall not be issued.

B. **Permits Deemed Void.** Any certificate, license, permits, and other approvals issued in conflict with the provisions of SCCC Title 18 shall be void and of no effect.

18.152.030 – Enforcement Responsibility

A. **Responsibility of Director.** The Director, and such employees designated by the Director, may exercise the authority provided in California Penal Code Section 836.5(a) and issue notices of violation, stop work orders, and citations for any violations of SCCC Title 18 pertaining to the use of any land, and the addition, alteration, construction, conversion, installation, moving, reconstruction, or use of any structure.

B. **Additional Responsibility to Enforce.** Other City officials charged by the law with the general duty of enforcing City ordinances shall also enforce the provisions of SCCC Title 18.

C. **Procedures.** The procedures to be followed for the issuance of citations are those that are or may be authorized from time to time by provisions of the California Penal Code.

18.152.040 – Inspections

A. **Right of entry.** The enforcement officer may enter any property or premises at all times to perform any duty imposed upon him/her by SCCC Title 18 whenever the enforcement officer has cause to believe a violation of provisions of SCCC Title 18 is occurring; provided, that:

1. The enforcement officer shall present proper credentials, state the reason for entry, and request entry from the owner or occupant.

(a) If entry is denied, the enforcement officer may seek a court-ordered inspection warrant if cause exists in compliance with Code of Civil Procedure Section 1822.50 et seq.; and

(b) If entry is denied, the enforcement officer shall have recourse to every remedy provided by law to secure entry.

2. The enforcement officer shall make a reasonable effort to locate the owner of unoccupied property or premises, inform the owner of the reasons for entry, and request entry.

3. The enforcement officer shall not enter any property or premises in the absence of permission to enter unless an inspection warrant has been issued by a court of competent jurisdiction.

B. **Pre-approval Inspections.** Every applicant seeking a permit or any other approval in compliance with SCCC Title 18 shall allow the City officials handling the application access to any premises or property that is the subject of the application.

C. **Post approval Inspections.** If the permit or other approval in compliance with SCCC Title 18 is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

18.152.050 – Initial Enforcement Action

A. **Procedures for Initiating Enforcement.** This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of SCCC Title 18.

1. **Notice to Responsible Parties.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

a. A description of the violation(s) and citations of applicable SCCC Title 18 provisions being violated;

b. The time limit for correction of the violation, as specified below;

c. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s); and

d. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods for the correction of the violation(s).

2. Time Limit for Correction.

a. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City.

b. The 30-day time limit may be extended by the Director upon determining that the responsible party will likely correct the violations within a reasonable time period.

c. The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the violation constitutes a public nuisance or is a hazard to public health or safety.

B. Encourage Voluntary Cooperation. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

C. Other Steps. These provisions shall not limit or prevent the City from taking any other steps necessary to obtain compliance with SCCC Title 18.

D. Use of Other Enforcement Procedures. The enforcement procedures of Section 18.154.080 (Legal Remedies) may be employed by the City after or instead of the provisions of this Section where the Director determines that this Section may be ineffective in securing the correction of the violation(s) within a reasonable time.

18.152.060 – Recording Notice of Violation

A. Record Notice with County Recorder's Office. If property in the City exists in violation of SCCC Title 18 and the owner fails or refuses to correct the violation(s), the City may record a Notice of Violation against the affected property in the County Recorder's Office.

B. City Actions before Recordation. Before recording a Notice of Violation, the City shall do all the following:

1. Mailing of Notice.

a. The Director, through the City Code Enforcement Staff, shall send a written Notice of Violation to the current owner(s) and any mortgage holder(s) that a violation(s) exists and request that the owner(s) correct the violation within a specified, reasonable period of time, in compliance with Section 18.154.100 (Recovery of Costs), below.

b. The Director may, in the Director's discretion, send more than one Notice of Violation.

2. Failure to Correct Violation.

a. If the owner fails or refuses to correct the violation(s) within the specified time, the Director, through the City Code Enforcement Staff, shall mail to the current owner(s) by regular first class and by certified mail a Notice of Intention to record a Notice of Violation, describing the real property in detail, naming the owner(s), describing the violation(s) in detail (including relevant City Code sections), and stating that an opportunity will be given to the owner(s) to present evidence at the hearing on the matter.

b. The notice shall specify a time, date, and place for a Planning Commission hearing at which the owner may present evidence to the Planning Commission why the Notice of Violation should not be recorded.

c. The Planning Commission hearing shall take place no sooner than 30 days and no later than 60 days following the date of mailing of the Notice of Violation.

3. Planning Commission's Actions.

a. The Planning Commission shall hear the matter on the date scheduled.

b. If, after the owner(s) and the City staff have presented evidence, the Planning Commission determines that there is no violation, the Director shall mail a clearance letter to the current owner(s).

c. If the owner(s) fails to appear, or the Planning Commission determines that there is a violation(s), the Planning Commission may, by resolution, direct the Director to record the Notice of Violation with the County Recorder.

4. Constructive Notice. The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation(s) to all successors-in-interest in the property, under California Civil Code Sections 1213 and 1215.

5. Release or Cancellation of Notice of Violation. If the owner(s) corrects the violation(s) or the property otherwise becomes conforming after the Notice of Violation has been recorded, and the owner(s) has notified the City in writing and consented to an inspection to confirm the correction, the Director shall record a release or cancellation of the Notice of Violation.

18.152.070 – Violations

A. Violations of SCCC Title 18.

1. Any use of land or structures operated or maintained contrary to the provisions of SCCC Title 18 and any structure constructed or maintained contrary to the provisions of Title 18 are hereby declared to be a public nuisance and a violation of Title 18 in compliance with SCCC Chapter 1.10 (Administrative Penalties – Citations).

2. The violation of any required condition imposed on a permit or approval shall constitute a violation of Title 18 and may constitute grounds for modification or revocation of the permit in compliance with Chapter 18.152 (Permit Modifications and Revocations), or any other remedy available to the City under the SCCC.

3. Any violations of SCCC Title 18 or any required condition(s) imposed on a permit or approval granted in compliance with Title 18 shall be treated as a strict liability offense regardless of intent.

4. Any person, firm, or corporation, whether as principal, agent, employee, lessee, occupant, or otherwise, violating any provision of SCCC Title 18 shall be deemed guilty of an infraction or misdemeanor and be subject to administrative and civil penalties under SCCC Section 1.05.070. Such violations shall be punished by a fine in compliance with SCCC Section 1.05.070 and Chapter 1.10 [Administrative Penalties – Citations]. Funds collected pursuant to this section shall be paid to City's Community Development Department account.

B. Public Nuisance Defined and Abatement.

1. Public Nuisance Defined.

a. Any structure set up, altered, constructed, converted, demolished, enlarged, erected, maintained, or moved contrary to the provisions of SCCC Title 18 or any use of any land, structure, or premises established, conducted, operated, or maintained contrary to the provisions of Title 18 is hereby declared to be unlawful and a public nuisance.

b. Such a condition or use shall be subject to the remedies and penalties established by SCCC Chapters 1.10 (Administrative Penalties – Citations) and 15.40 (Dangerous Building Code), and the City Attorney may commence an action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law.

c. The City Attorney may also take other steps and apply to any courts as may have jurisdiction to grant relief as will abate and remove the structure and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any structure or using any property contrary to the provisions of Title 18.

2. Abatement.

a. The City may choose to abate any public nuisance or violation of SCCC Title 18 through any of the abatement methods specified in this Chapter or in other local, State or Federal law and nothing contained in these titles shall be construed as limiting, prejudicing, or adversely affecting the City's ability to concurrently or consecutively use any of these proceedings as the City may deem are applicable.

b. Proceeding under this Section will not preclude the City from proceeding under other sections of these titles, whether simultaneously of in seriatim.

c. Whenever an enforcement officer determines that any condition exists in violation of the provisions of these titles, the enforcement officer may take enforcement action in compliance with this Section.

C. Compliance Responsibility. Paying a fine or serving a jail sentence shall not relieve any person from the responsibility for correcting any condition which violates any provision of SCCC Title 18.

D. Stop Work Order.

1. Any construction in violation of SCCC Title 18 or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order" or other similar notice issued by the City.

2. Any violation of a Stop Work Order or other similar notice shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the City Code and this Chapter.

18.152.080 – Legal Remedies

In compliance with SCCC 1.05.070, the City, in its prosecutorial discretion, may enforce violation(s) of the provisions of Title 18 as a civil, criminal, and/or administrative action.

A. Civil Actions.

1. Injunction. The City Attorney or District Attorney may apply to the Superior Court for injunctive or other appropriate relief to terminate a violation(s) of SCCC Title 18.

2. Abatement Proceedings. The City Attorney or District Attorney may apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation(s) and require the violator to pay for the cost of the actions.

3. Nuisance Abatement. The City may pursue any remedies or enforcement action(s) for the abatement of a nuisance in compliance with SCCC Chapter 15.40 (Dangerous Building Code), Health and Safety Code Section 17920 et seq, or other applicable law.

B. Civil Remedies and Penalties.

1. Civil Penalties. Any person who violates the provisions of Title 18 or any permit issued in compliance with Title 18 shall be liable for a civil penalty for each day, or a portion of the day, that a violation(s) continues to exist in compliance with SCCC Section 1.05.070.

2. Costs and Damages. Any person violating any provisions of SCCC Title 18 or any permit issued in compliance with Title 18, shall be liable to the City for all of the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s), including reasonable attorney fees and costs.

3. Procedure. In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation(s), the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal Actions and Penalties. See SCCC Section 1.05.070.

18.152.090 – Remedies Are Cumulative

A. Cumulative, Not Exclusive. All remedies contained in SCCC Title 18 for the handling of violations or enforcement of the provisions of Title 18 shall be cumulative and not exclusive of any other applicable provisions of City or State law.

B. Other Remedies. Should a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of SCCC Title 18, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

18.152.100 – Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including City staff and City Attorney time expended on the enforcement of the provisions of SCCC Title 18 in order to correct a violation. The intent of this Section is to recover all City administrative costs reasonably related to administrative, civil, or criminal enforcement in compliance with Code of Civil Procedure Section 1033.5, SCCC Section 1.05.070, Chapter 1.10 (Administrative Penalties – Citations), and this Section.

A. Record of Costs.

1. The Department shall maintain records of all administrative costs incurred by responsible City departments, including City Attorney costs, associated with the processing of violations and enforcement of SCCC Title 18, and shall recover the costs from the property owner(s) or the person(s) in control of the property in compliance with this Section.

2. City staff time shall be calculated at an hourly rate as established and revised from time to time by the Council, or the actual rate charged to the City.

B. Notice. Upon investigation and a determination that a violation of any of the provisions of SCCC Title 18 or any condition(s) imposed on a permit or approval is found to exist, the Director shall notify the record owner(s) and/or any person(s) having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing regarding any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of Costs and Notice.

1. At the conclusion of the investigation, the Director shall send a summary of costs associated with enforcement to the property owner(s) and/or person(s) having possession or control of the property by certified and first class mail.

2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days following the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner(s) and/or person(s) in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with Government Code Section 54988, at the City's election.

5. The obligation to pay any unpaid costs shall be made a personal obligation of the property owner(s). The obligation may be recovered against the property owner(s) through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law. The City shall be entitled to recover costs of the civil action, including the City's Attorney's fees.

D. Attorney's Fees. In any action or administrative proceeding to enjoin, or abate a nuisance, or seek a civil penalty, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

E. Request for Hearing on Costs. Any property owner(s) and/or other person(s) having possession and control of the subject property who receives a summary of costs shall have the right to a hearing before the Director.

1. A request for hearing shall be filed with the Department within 10 days following the service by mail of the Department's summary of costs, on a form provided by the Department.

2. Within 30 days following the filing of the request, and on 10 days' written notice to the owner(s), the Director shall hold a hearing on the owner's objections, and determine their validity.

3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered shall include:

a. Whether the present owner(s) created the violation(s);

b. Whether there is a present ability to correct the violation(s);

c. Whether the owner(s) moved promptly to correct the violation(s);

d. The degree of cooperation provided by the owner(s); and

e. Whether reasonable minds differ as to whether a violation(s) exists.

4. The Director's decision shall be appealable directly to the Planning Commission in compliance with Chapter 18.144 (Appeals).

18.152.110 Additional Permit Fees

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any permit required by SCCC Ttile 18, shall pay the additional permit processing fees established by the Fee Schedule for the correction of the violations, before being granted a permit for a use or structure on the site.

18.152.120 – Reinspection Fees

A. Amount and Applicability of Reinspection Fee.

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of SCCC Title 18 or the City Code, adopted Building Code, or State law.

a. The fee amount shall be established by the Fee Schedule.

b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction has been made to the satisfaction of the Director.

B. Continuation of the Original Case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of SCCC Title 18, the City Code, or any condition of a permit or other approval for less than 90 days, the violation shall be deemed a

continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating SCCC Title 18 or the City Code.

3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of SCCC Title 18 or the City Code, or costs incurred by the City for the abatement of a public nuisance.

18.152.130 – Limitation of Actions Challenging Certain Decisions

Any action or proceeding to annul, challenge, review, set aside, or void any decision of matters contained in SCCC Title 18 within the authority of jurisdiction of the Director, the Planning Commission, or the Council, or concerning any of the proceedings, acts or determinations taken, done, or made before the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained in any court by any person unless the action or proceeding is commenced within 30 days after the date of the decision. Thereafter all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts, or determinations.

18.152.140 – Conclusive Notice

A. **Mailings.** Whenever a notice is required to be given under this code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be conclusively deemed to have been completed at the time of deposit in the post office.

B. **Postings.** Further, the posting of notice of a hearing or order in compliance with SCCC Title 18 shall be conclusively deemed to be adequate notice to any and all occupants, users, or possessors of the property or its contents and the failure of the occupant, user, or possessor to see, read, understand, or otherwise receive the notice shall not invalidate any of the proceedings.

-This page intentionally left blank-

Article 8 – Definitions

December 2023

Title 18 – Zoning Code

TABLE OF CONTENTS

18.60.010 – "A" Definitions ---------- 8-3
18.60.020 – "B" Definitions ---------- 8-5
18.60.030 – "C" Definitions ---------- 8-6
18.60.040 – "D" Definitions ---------- 8-9
18.60.050 – "E" Definitions ---------- 8-10
18.60.060 – "F" Definitions ---------- 8-11
18.60.070 – "G" Definitions ---------- 8-13
18.60.080 – "H" Definitions ---------- 8-13
18.60.090 – "I" Definitions ---------- 8-14
18.60.100 – "J" Definitions ---------- 8-15
18.60.110 – "K" Definitions ---------- 8-15
18.60.120 – "L" Definitions ---------- 8-15
18.60.130 – "M" Definitions ---------- 8-16
18.60.140 – "N" Definitions ---------- 8-17
18.60.150 – "O" Definitions ---------- 8-18
18.60.160 – "P" Definitions ---------- 8-18
18.60.170 – "Q" Definitions ---------- 8-22
18.60.180 – "R" Definitions ---------- 8-23
18.60.190 – "S" Definitions ---------- 8-25
18.60.200 – "T" Definitions ---------- 8-28
18.60.210 – "U" Definitions ---------- 8-28
18.60.220 – "V" Definitions ---------- 8-28
18.60.230 – "W" Definitions ---------- 8-30
18.60.240 – "X" Definitions ---------- 8-30
18.60.250 – "Y" Definitions ---------- 8-31
18.60.260 – "Z" Definitions ---------- 8-31

-This page intentionally left blank-

18.60.010 – "A" Definitions

Abandon. To cease or suspend from developing or maintaining a structure or use for 12 months or more.

Abutting. Having a common border with or being separated from a common border by a right-of-way, street, alley, easement, or having property lines in common.

Accessory Dwelling Unit (ADU). Residential dwelling unit with permanent provisions for living, sleeping, eating, cooking, and sanitation that is located on the same lot as an existing single-family dwelling. An ADU is intended for the habitation by one or more persons, and may take one of the following two (2) forms:

- **Detached.** The unit is separated from the primary single-family dwelling.
- **Attached.** The unit is attached to the primary single-family dwelling (i.e., an addition). This includes converted ADUs (i.e., a garage conversion) and Junior Accessory Dwelling Units.

Accessory Dwelling Unit, Junior. "**Junior accessory dwelling unit**" means an ADU that is no more than 500 square feet in size and contained entirely within an existing single-family structure or accessory building. A **junior accessory dwelling unit** may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Accessory Structure. A structure, either attached or detached, (e.g., carports, garages, storage sheds, workshops) that is customarily part of, and clearly incidental, related, secondary, and subordinate to the primary structure. See Section 18.60.030 (Accessory Use and Structures)

Accessory Use. Means a use that is customarily associated with and subordinate or incidental to the Primary Use of a lot or structure. See Section 18.60.030 (Accessory Use and Structures)

Acres, Gross. The entire acreage of a site, including easements.

Acres, Net. The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights of way, public open space, easements, and floodways.

Addition. A structure added to an existing, permitted structure or building.

Adult Business Uses. Includes the following:

(1) "Adult book store" means a building or portion thereof used by a business which has as a substantial or significant portion of its stock in trade for sale to the public, or certain members thereof, books, magazines or other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as hereinafter defined).

(2) "Adult cabaret" means a building or portion thereof or area used for the presentation or exhibition or featuring of topless and/or bottomless dancers, persons engaging in "specified sexual activities" (as hereinafter defined), strippers, male or female impersonators or similar entertainers for observation by patrons or customers.

(3) "Adult motion picture theater" means a building or portion thereof or area, open or enclosed, used for the presentation of motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as hereinafter defined) for observation by patrons or customers.

(4) "Adult novelty store" means a building or portion thereof used by a business which has a substantial or significant portion (over twenty-five percent (25%) of the business' stock in trade for sale or rental to the public or over twenty-five percent (25%) of its gross dollar of business or, if applicable, over twenty-five percent (25%) of the actual display area of the store) of its stock in trade for sale or rental to the public, or

certain members thereof, adult-oriented novelty items which are distinguished or characterized by their emphasis or use for "specified sexual activities" (as hereinafter defined).

(5) "Nude encounter studio" means a building or portion thereof or area used, upon payment of any compensation (as hereinafter defined), for permitting the patron or customer to meet, be present privately, or otherwise "encounter" a person or persons who are topless and/or bottomless and are employed for such purpose (as hereinafter defined) by the operator of such establishment.

(6) "Nude photography studio" means a building or portion thereof or area used upon payment of any compensation (as hereinafter defined), for permitting the patron or customer to photograph a person or persons who are topless and/or bottomless and who are employed for such purpose (as hereinafter defined) by the operator of such establishment.

Reference Santa Clara City Code Chapter 18.62 "Adult Business Uses".

Airports. Areas of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Alley. Public or private roadway, customarily located at the rear or side of properties, permanently reserved as means of vehicular or pedestrian access to abutting properties.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure or change in the appearance of any structure.

> **Alteration, Landscaping.** Any construction or physical change in approved landscaping either in the form of plantings, trees, or other landscape sculptural pieces.
>
> **Alteration, Parking.** Any construction or physical change in the internal arrangement or placement of parking stalls or change in the appearance of a parking lot or parking garage.

Alteration, Historic Preservation. Any change or expansion to an HRI property that involves:

> **1.** changes to the exterior of a structure, such as its surface materials or its architectural features, or
>
> **2.** substantial reconfiguration of the interior space.

Ambulance Service. Emergency medical transportation, including incidental storage, offices, sleeping accommodations, and maintenance of vehicles.

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal.

Apartment. Residential dwelling unit contained within a structure with three or more dwelling units which is designed and built for rental occupancy.

Applicant. A person who submits a land use application and who is the property owner, or authorized agent of the owner who is legally authorized to act for the owner of record.

Architectural Feature. Architectural elements embodying the historical significance or architectural style, design, general arrangement, and components of all the exterior surfaces of a building or structure, including, but not limited to, the type of building materials, and type and style of windows, doors, design, arrangement, massing, texture, painted and unpainted surfaces and materials.

Area, Gross. The entire area of a site, including easements.

Assisted Living Facilities. A combination of housing, personalized supportive services, and health-related care. Meant for those who require help with activities of daily living. Includes, but is not limited to, the following:

- Residential Care Facilities for the Elderly (RCFEs) and Adult Residential Care Facilities (ARFs) licensed through the California Department of Social Services.
- Also includes skilled nursing facilities licensed through the California Department of Public Health, which offer 24-hr medical and nursing care for chronic and short-term conditions.
- Housing for the ambulatory aged.

Attached. Any structure that has an interior wall or roof in common with another structure

Awning. A sheet of canvas or other material on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

18.60.020 – "B" Definitions

Banks and Financial Institution. Commercial establishment including federally chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses.

Banks and Financial Institution, Stand-alone ATM. Stand-alone commercial establishment typically in the form of a self-serve kiosk located in retail shopping centers, areas for commercial entertainment, or adjacent to pedestrian walkways, that provide retail banking services to individuals and businesses.

Bar. Commercial establishment used primarily for the sale of alcoholic beverages to be consumed on the premises.

Basement. The portion of a structure between the floor and ceiling that is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

Bedroom. A habitable room that includes a closet of not less than two feet in interior depth and three feet in width.

Bed and Breakfast Inn. Residential structure used as a lodging establishment in which the manager is an occupant in the structure and receives compensation in exchange for providing overnight sleeping accommodations which contain no individual cooking facilities, on a less than weekly basis, and in which breakfast is included as part of the basic service.

Body-Piercing Shop. A building or portion thereof where piercing of human body parts is administered or from which a body-piercing business or service is operated. This shall not include establishments which limit their piercing to ears only.

Brewery. Establishment where malt beverages are manufactured on the premises. Retail sale of related promotional items may be allowed as part of the brewery operation. A brewery may also include a tasting room and entertainment space as part of an accessory use if the floor area used for the tasting room is less than or equal to 25 percent of the total floor area of the facility.

Broadcasting or Recording Studio. Commercial establishment that creates or broadcasts radio and television programs.

Buffer. Strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses (e.g., the use of multi-family housing located between single-family housing and commercial uses).

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Historic Preservation. Refer to SCCC Article 6.

Building Material Stores and Yard. Indoor and/or outdoor retail establishment selling hardware, tools, appliances, lumber and other building materials, plants, portable spas, and other landscaping materials. May also include the rental of tools and equipment used in the building trades.

Building Site. A lot or parcel of land in single or joint ownership, and occupied or to be occupied by a building or buildings, together with such open spaces as are required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access thereto by way of a City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Business Support Service Center. Commercial establishment that provide services to other businesses including maintenance, repair and service, testing, rental, etc. Illustrative examples of these services include:

- computer-related services (rental, repair)
- copying and quick printing services
- film processing and photofinishing (retail)
- graphic design services
- mailing and mail box services
- security systems services
- testing laboratories (soils, materials, testing, etc.)

18.60.030 – "C" Definitions

Call Center. An office equipped to handle a large volume of calls especially for taking orders or servicing customers.

California Register of Historical Resources. The authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. (Public Resources Code Section 5024.1(a))

Caretaker Housing. A residence that is accessory to a nonresidential primary use and that is used for security, 24-hour care or supervision, or monitoring facilities, equipment or other conditions on the site.

Carport. A permanent roofed structure not completely enclosed to be used for vehicle parking.

Car Wash and Detailing Facility. Permanent, self-service and/or attended motor vehicle washing establishment, including fully mechanized facilities. May include detailing services and the limited sale of retail merchandise customarily used by the motorists.

Cemetery and Mausoleum. An area set aside for or containing the long-term confinement of graves, tombs, or funeral urns.

Character-defining feature. Architectural features of a building, structure, or object that help convey the significance of the HRI property and which were present during the period of significance.

Check-Cashing Shop. A building or portion thereof where checks or money orders are cashed or money orders or wires are issued and these services are a significant part of the business (over twenty-five percent (25%) of the gross dollar volume of business). This does not include banks, savings and loan institutions, credit unions, or other banking organizations regulated by State or Federal law.

Child Day Care Facility. Establishment that provides non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the State Department of Social Services:

> **Child day care home**. A child day care facility located in a residence where an occupant of the residence provides care and supervision for up to 14 children in compliance with Health and Safety Code Sections 1597.44 and 1597.465. Children under the age of 10 years who reside in the home count as children served by the day care facility See Section 18.60.070 (Article 4) for additional standards.
>
> **Child day care center.** A child day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended child day care facilities. These may be operated in conjunction with a business, school, or religious facility.

Commercial Vehicle. A vehicle with commercial license plates, which is equipped with dual rear wheels and is not designed and used for recreational housing purposes.

Common Interest Development. "Common interest development" means a community apartment project, condominium project or a stock cooperative as defined by Section 4100 of the Civil Code, as may be amended.

Common Living Area. The area of a dwelling available to all residents of a unit, including the living room, dining room and kitchen, but exclusive of bathrooms and hallways.

Communication Equipment, Electrical Distribution, Transmission Station. Facility supporting electric and telecommunication services.

Community Care Facility. Any facility, place, or structure which is maintained and operated to provide, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

Community Garden. Site used for growing plants for food, herbs, or flowers, which is shared and maintained by City residents.

Community Center. Structure used for recreational, social, educational, or cultural activities, usually owned and operated by a public or nonprofit group or agency.

"Community ownership" means: (i) a joint ownership of land and/or improvements combined with a separate ownership or exclusive right of occupancy of a unit or (ii) an investment apartment complex, which is defined as having separate ownership of at least two contiguous dwelling units per each ownership with all dwelling units to be rental units. The characteristics of the various forms of community ownership are as follows:

> (A) "Community apartment" is an interest in real property in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.
>
> (B) "Condominium" is an interest in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate may,

with respect to the duration of its enjoyment, be (i) an estate of inheritance or perpetual estate, (ii) an estate for life, or (iii) an estate for years, such as a leasehold or subleasehold.

(C) “Investment apartments” is an interest in real property wherein an apartment complex has multiple ownership of contiguous rental dwelling units of at least two contiguous units per each ownership, with all dwelling units in the project to remain rental units. This separate ownership of multiple rental dwelling units is combined with common ownership by the associated unit owners of the land and buildings where such units are located.

(D) “Planned development” is an interest in real property, excluding condominiums, community apartments, and stock cooperatives, having either or both of the following features:

(i) Any contiguous lots, parcels, or areas (hereinafter collectively referred to as “common area[s]”) are owned in common by the owners of the separately owned lots, parcels, or areas. Said common area(s) may consist of areas or facilities; the beneficial use and enjoyment of said common area(s) characteristically are reserved to some or all of the owners of separately owned lots, parcels, or areas.

(ii) Any power exists (A) to enforce any obligation in connection with membership in an owners’ association or (B) to enforce any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels, or areas by means of a levy or assessment, which may become a lien upon the separately owned lots, parcels, or areas of defaulting owners or members. Said lien may be foreclosed in any manner provided by law for the foreclosure of mortgages or deeds of trust, with or without a power of sale.

(E) “Stock cooperative” is a corporation that is formed or availed of primarily for the purpose of holding title to improved real property, either in fee simple or for a term of years, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

Community Ownership Project.

(A) “Community apartment project” means a project containing two or more apartment units in a community apartment, as community apartment is defined hereinabove, and shall include a conversion to such a project.

(B) “Condominium project” means a project containing two or more condominium units, as condominium is defined hereinabove, and shall include a conversion to such a project.

(C) “Investment apartment project” means a project containing at least seventy-five (75) rental units that has been subdivided into multiple blocks of unit ownership of at least two contiguous rental units per ownership block, as investment apartment is defined hereinabove, and shall include a conversion to such a project.

(D) “Planned development project” means a project containing two or more separately owned lot, parcel, or area units in a planned development, as planned development is defined hereinabove, and shall include a conversion to such a project.

(E) “Stock cooperative project” means a project containing two or more units of improved real property held by a stock cooperative, as stock cooperative is defined hereinabove, and shall include a conversion to such a project.

Condominium. An interest in real estate property consisting of an undivided interest in common in a portion of a parcel of real property together with sperate interest in space in a residential, industrial, or commercial structure on real property such as an apartment, office, or store.

Conference Center. See "Places of Assembly."

Congregate Care. See "Assisted Living Facilities."

Conversion. A change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined for the appropriate type of community ownership project, as defined herein, regardless of the present or prior use of such lands and structures and regardless of whether improvements have been made or are to be made to such structures.

Crematory. Facility where the bodies of deceased people are cremated.

Cul-de-sac. A street closed at one end with a circular turnaround.

18.60.040 – "D" Definitions

Data Center. A facility that is very limited in the number of on-site staff and contains a large number of networked computer servers typically used by businesses and organizations for the remote storage, and distribution of large amounts of data. Also includes Data Warehouses.

Data Center, ancillary. A facility of networked computer servers for private use by an industrial user, and subordinate and accessory to the primary use. Ancillary Data Centers are limited to 20% of the building square footage on a site and a maximum power draw of nine (9) Megawatts.

Demolition. The destruction, in whole or in part, of the original physical elements or building materials of an HRI property, including features that contribute to its historic character, architecture and integrity. Notwithstanding the foregoing, alteration work that qualifies as a small project as defined in this chapter shall not constitute demolition.

Demolition by Neglect. Negligence resulting in the deterioration and irreversible harm to the original features and materials of an HRI property leading to substantial deterioration and/or structural failure constituting a threat to public health, safety and visual impact to a street, neighborhood or defined geographic area.

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses.



Distillery. Establishment where distilled spirits are manufactured. Retail sale of related promotional items may be allowed as part of the distillery operation. A distillery may also include a tasting room and entertainment space as part of an accessory use if the floor area used for the tasting room is less than or equal to 25 percent of the total floor area of the facility.

Dormitory. Structure intended or used principally for sleeping accommodations, where the structure is related to an educational or public institution, including religious institutions and fraternities and sororities.

Dwelling, Multifamily. Residential structure containing three or more residential dwelling units, each of which is for the occupancy by one or more persons living as a single housekeeping unit. Includes: triplexes (structures under single ownership with three dwelling units in the same structure); fourplexes (structure under single ownership with four dwelling units in the same structure); apartments (five or more dwelling units under single ownership in the same structure or complex); and common ownership attached unit projects including condominiums and townhouses. Does not include two-family residential dwellings.

Dwelling, Single-Family. Residential structure containing one dwelling unit located on a single parcel of land for occupancy by one single household living as a single housekeeping unit. Also includes manufactured housing and mobile homes, when placed on a permanent foundation system.

Dwelling, Two-Family. Residential structure containing two dwelling units located on a single parcel of land for occupancy by two single households living as a single housekeeping unit.

18.60.050 – "E" Definitions

Easement. The right to use the real property of another for a specific purpose.

Electric Power Plant. All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity with a generating capacity of more than five hundred (500) kilowatts including all conduits, ducts, or other devices, materials, apparatus, or property used or to be used for the transmission of the electricity so produced.

Electric Vehicle Charging Station (EV Station). A device or facility that provides power to charge the batteries of electric vehicles.

Employee Housing. Housing provided for six or fewer employees of a single employer. Such housing shall be deemed a single-family structure and a residential use of the property by a single household. All residents of the employee housing must be employed by the owner of the home.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less by homeless persons or families, where no one may be denied emergency shelter because of an inability to pay; as defined and used in California Health and Safety Code Section 50801.

Equipment Sales and Rental Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment.

Evaluation. The process by which the significance and integrity of a building, structure, object or site is judged according to the National Park Service Standards set forth in 36 CFR Part 61 and using the designation criteria outlined in SCCC 18.106.040(a) (Designation Criteria).

18.60.060 – "F" Definitions

Farmers Market (certified). A "certified farmers' market" means a food facility as defined under Section 113742 of the California Health and Safety Code, as the same may be amended from time to time, whose location and operation meet all of the following criteria and standards:

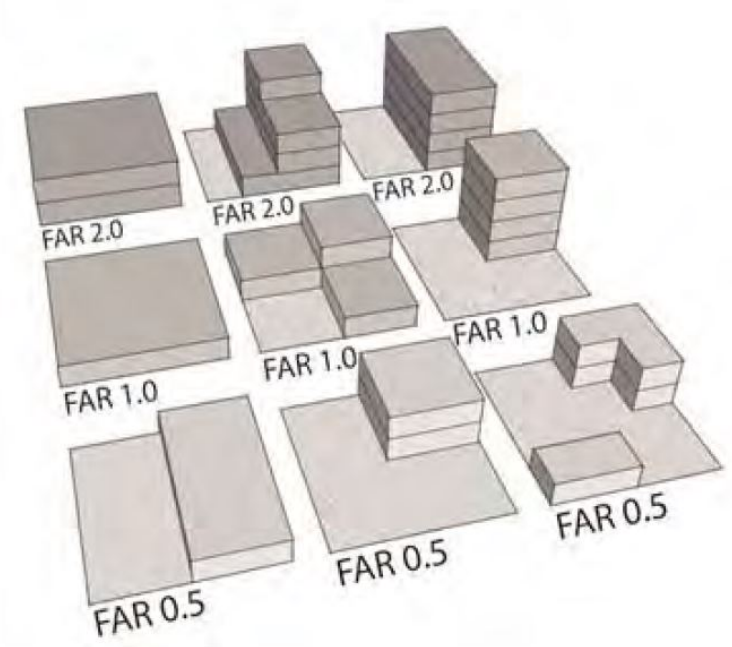
(A) Have been certified by the Santa Clara County agricultural commissioner through the issuance of a current and valid certified farmers' market certificate; and

(B) Are and remain in full conformance at all times with all state and local laws, and related regulations and guidelines, applicable to a certified farmers' market under Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code, as these state and local laws, regulations and guidelines may be amended from time to time.

Fence. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, provide screening, control access, or prevent escape.

Fence, Palisade. A style of fencing that uses steel pales posted on the ground with minimal room in between each pale. These posts are then connected to horizontal rails, providing extra support and security.

Floor Area Ratio. FAR is a broad measure of building mass in relation to the area of a lot or lots. It is calculated as the ratio of the gross floor area of a building or buildings at or above grade divided by the gross area of the site. FARs may be applied on a parcel-by-parcel basis or as an average for an entire site under a single development proposal.



.

Floor Area Ratio, Commercial. For the purpose of determining the required commercial areas of mixed-use projects, the commercial floor area ratio is the floor area of a building devoted to commercial uses, not including parking areas, divided by the gross lot area.

Floor Area, Gross. The floor area computed from the outside dimensions of the building, at or above grade, and not excluding corridors and other design features and aggregated for each additional story or mezzanine floor, and excluding any basement area, except as provided below. For purposes of this definition, where less than one-half the height of a basement is below grade, measured by reference to the average elevation of land within one hundred (100) feet of the building, such basement or ground floor shall be considered a story and contribute to the floor area.

Foot-Candle. A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Freight Yard/Truck Terminal. Transportation establishment furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, trucking facilities including transfer and storage.

Frontage. A portion of a parcel of property which abuts a street or highway.

Fuel and Distribution Center. Facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

18.60.070 – "G" Definitions

Garage, Public. A structure or portion of a structure for the private use of the owner or occupant of a principal structure situated on the same parcel of the principal structure for storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Private. A detached accessory structure or a portion of a main structure on the same parcel as a dwelling for the storage of motor vehicles of the occupants of the dwelling, including carports.

Garden Centers/Plant Nursery. Establishment providing for the indoor and/or outdoor cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and related equipment.

General Plan. An adopted comprehensive long-term plan adopted in accordance with State planning and zoning law to guide the physical development of the City, including diagrams and text setting forth objectives, principles, standards, and plan proposals.

Glare. A sensation of excessive brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground between the exterior wall of a structure and a point five feet distant from such wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a structure and the property line, if it is less than five feet distant from such wall. In case a wall is parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the lowest point of elevation of the sidewalk, alley, or public way.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project.

Grade, Finished. The surface of the ground or pavement at a stated location as it exists after completion of a project.

Grade, Natural. The unaltered natural surface of the ground at a stated location.

18.60.080 – "H" Definitions

Hazardous Materials. Materials that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Hazardous Materials Storage. The storage of materials that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Height (structure). For structures, Height is a vertical distance from the "grade" to the highest point of the coping that defines the volume of the building of a flat roof, or to the deck line of a mansard roof, or to the highest gable of a pitched or hipped roof.

Historic Fabric. Architectural form and character-defining features, such as siding, brick, stone, roofing or other materials visible on the structure, that are characteristic of the period of significance and therefore assist in portraying the style and historic significance of the HRI property from its most important time period.

Historic Resource Inventory. Means the City of Santa Clara Historic Resource Inventory, which is incorporated into the 2010-2035 General Plan as Appendix 8.9 ("Historic Resource Inventory" or "HRI"), as may be amended from time to time.

HRI Property. A building, structure, object, or site currently included in the Historic Resource Inventory (HRI), which was designated as architecturally or historically significant by the City of Santa Clara pursuant to this chapter, or which the City added to the HRI prior to the effective date of this chapter.

Historic Resources Survey. The process of systematically identifying, researching, photographing and documenting HRI properties within a defined geographic area and placed on a State of California DPR 523 series form. All surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation: Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic and Landmarks Commission. Or "HLC" means the Historical and Landmarks Commission (HLC) established pursuant to SCCC 2.120.100.

Home Occupation. An accessory commercial activity or business service conducted on the site of a residential dwelling unit, in a manner clearly incidental and secondary to the residential character of the dwelling and surrounding residential neighborhood, and in compliance with the provisions of Section 18.60.170 (Home Occupations). Home occupations do not include business-type activities conducted solely by residents of a unit that are limited to the use of a desk, telephone, and/or personal computer, including telecommuting, which are allowed in all residential zones.

Host. A person who occupies as his or her primary residence the same residential dwelling unit as a short-term rental.

Hosted. Means that a host has a physical presence at his or her primary residence in the same unit as a short-term rental during the entire period that the short-term rental is rented.

Hotel/Motel. Facility with guest rooms or suites, provided with or without kitchen facilities. Hotels generally provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, meeting facilities, personal services, restaurants/food service, etc. Motels generally provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities (e.g., accessory retail uses, indoor athletic facilities, swimming pools, tennis courts, etc.)

18.60.090 – "I" Definitions

Industrial. Establishments engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products; and laundry and dry-cleaning plants.

Industrial, Minor. Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create substantial amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to pottery, ceramics, glass and metal art and craft productions, cabinetry and furniture manufacturing, food and beverage manufacturing, electronics assembly, microchip manufacturing, machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly. This classification includes Accessory Uses associated the Principal Use—including offices, data centers, laboratories, warehousing and receiving facilities, indoor and outdoor storage, exterior mechanical equipment, and similar uses as well as temporary uses.

Industrial, Major. Manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create substantial amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include

but are not limited to, product assembly and distribution, vehicle and boat assembly, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.

Integrity. The authenticity of an HRI property's historic identity, evidenced by the survival of an HRI property's visual and physical characteristics that existed during the HRI property's period of significance. Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. These seven aspects are location, design, setting, materials, workmanship, feeling and association.

18.60.100 – "J" Definitions

Junk. Any worn out, cast off, or discarded article of material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Junkyard. The use of any lot or portion thereof 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.

18.60.110 – "K" Definitions

Kennel. Facility where five or more dogs, cats, or other small domesticated animals over the age of four months are kept, whether keeping is for pleasure, profit, breeding, or exhibiting, including places where the animals are boarded, kept for sale or hire. May also include daytime boarding and activity for animals (e.g., "doggie daycares") and ancillary grooming facilities.

Kitchen. Any room or space within a structure, all or part of which is designed or used for cooking, preparation, refrigeration and storage of food and which includes any of the following equipment: stove, oven, range top, dishwasher, kitchen sink, microwave oven, and refrigerator/freezer.

18.60.120 – "L" Definitions

Landscaping. The planting and continued maintenance of suitable vegetation in conformity with the requirements of this Zoning Code. See Landscape Standards Chapter 18.36.

Lead Agency. A public agency as defined in Government Code Section 65929, as may be amended, which has the principal responsibility for carrying out or approving a project.

Library. Public facility that provides the use of literary, musical, artistic, or reference materials.

Liquor. Refers to spirituous or intoxicating liquor, including wine and beer.

Liquor Store. See "Retail Sales Establishments, Retail Sales".

Live Entertainment, Incidental. A use as defined by City Code Chapter 5.61, that is provided appurtenant to food service in a restaurant and occurs during the same operating hours as food service.

Live Entertainment, Standalone Use. For the purposes of the Zoning Code, Live Entertainment has the same meaning as Entertainment, as defined in City Code Chapter 5.61, Public Entertainment Generally, when it does not qualify as Incidental Live Entertainment.

Live-Work Facility. Integrated dwelling unit and working space, occupied and used by a single household, designed or structurally modified to accommodate both residential occupancy and light work activity and

that includes: a complete kitchen space and sanitary facilities in compliance with the Building Code and the working space shall only be reserved for and regularly used by one or more occupants of the unit.

Loading Dock. An off-street space provided for cargo vehicles, when loading and unloading.

Low-Barrier Navigation Centers. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
(2) Pets.
(3) The storage of possessions.
(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

18.60.130 – "M" Definitions

Machine Tools Manufacturing. See "Industrial".

Maintained. Preserved in a condition or state of equivalent quality to that which was approved or required by the City. Unless the context demands otherwise, the term is synonymous and is interchangeable with the term "permanently maintained."

Major Alteration. Any significant change that is subject to Director of Community Development review and approval in accordance with Chapter 18.76 SCCC or pursuant to City policy or procedure.

Major Transit Stop. Any of the following:

(1) a transit stop identified in the current version of Plan Bay Area;
(2) an existing rail or bus rapid transit station; or
(3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. As used in this definition, "intersection of two or more major bus routes" means that two or more bus routes converge, meet, or cross, and either a bus stop serving both lines is located in the immediate proximity of the intersection, or a separate bus stop for each bus line is located in the immediate proximity of the intersection. For purposes of clarification, if two bus lines run parallel to each other, such as a rapid bus and a local bus, then a bus stop serving both lines in a location where the lines run parallel does not constitute an "intersection" and does not qualify as a major transit stop.

Manufacturing Plant. See "Industrial".

Massage Establishment. See City Code Chapter 5.40 for more information.

Mausoleum. See "Cemetery and Mausoleum".

Median. An area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

Medical Services. Facility that provides in-patient and out-patient medical care.

Medical Services, Hospitals. Facilities providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (i.e., cafeteria, gift/flower shop, waiting rooms, etc.).

Medical Services, General (clinics, office, and laboratories). Facilities primarily providing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, acupuncture, and other allied health services. Counseling services by other than medical doctors or psychiatrists may also be considered an "offices, business and professional" use.

Memory Care. A type of long-term care geared toward those living with Alzheimer's disease or another form of progressive-degenerative dementia.

Mixed-use. A development consisting of one or more parcels developed as a cohesive development project and designed with a blend of various compatible uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure or horizontally in separate structures.

Mobile Food Vendor. Licensed motor vehicle used for the preparation, sales, and/or distribution of food and beverages to the general public.

Mobile Food Vendor, Semi-Mobile. Any moveable, motorized cart, pushcart, or wagon without a fixed place of business that is used for the preparation, sales, and/or distribution of food and beverages to the general public. Includes street vendors and sidewalk vendors.

Mobile Fueling Delivery. On-site delivery of fuel, including but not limited to gasoline, diesel, liquified natural gas, liquified hydrogen, batteries or other fuel for automobiles, trucks and other vehicles.

Mobile/Manufactured Home. Factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008) and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of the Zoning Code, a manufactured home shall be considered the same as any site-built single-family detached dwelling.

Mortuary or Funeral Home. Facility where deceased persons are prepared for burial or cremation, and funeral services may be conducted. Includes funeral homes and funeral parlors.

Museum. Public or quasi-public facility that provides space for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. Activities may include the sale of objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.

18.60.140 – "N" Definitions

National Register of Historic Places. Means the National Historic Landmarks Register established pursuant to 54 U.S.C. Section 302101 et seq.

Nightclub. Commercial entertainment establishments open at night that typically provide food and alcoholic beverages and space for dancing and amplified music (e.g., live band, DJ, stereo sound system).

Nonconformity, Illegal. An illegally created parcel or a sign, structure, or use that was illegally constructed, created, installed, or initiated without proper permits or approvals, and which does not comply with the provisions of this Zoning Code.

Nonconforming Parcel. A parcel legally created before the effective date of this Zoning Code, or subsequent amendment, which does not comply with the minimum area, depth, width, or other requirements of this Zoning Code.

Nonconforming Sign. A sign legally existing before the effective date of this Zoning Code, or subsequent amendment, which does not comply with the sign regulations of this Zoning Code.

Nonconforming Structure. A structure legally existing before the effective date of this Zoning Code, or subsequent amendment, which does not conform to the requirements of the zone in which it is located.

Nonconforming Use. A use of land and/or a structure legally existing before the effective date of this Zoning Code, or subsequent amendment, but which is no longer allowed in the zone in which it is located.

Nursery. Commercial establishment where plants and trees are grown for sale or for planting elsewhere. May also include the sale of tools and nursery products.

18.60.150 – "O" Definitions

Occupancy. The act of using a site.

Office. Facility or businesses that predominantly offer professional and/or business services.

> **Office, Accessory.** Office that is incidental and accessory to another business, manufacturing, or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. The qualification criterion for this definition is that the floor area of the accessory office use shall not exceed 20 percent of the total floor area.
>
> **Office, Business and Professional.** Facilities and businesses that predominantly offer professional and/or business services including banks, architects, attorneys, accountants, advertising, computer support, land use planners, and other similar professional services and uses.
>
> **Office, Medical.** See "Medical Services General (clinic, office, and laboratories)".

Open Space. Any land or water not covered by structures, roadways, or parking lots.

Outdoor Dining and Seating. A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject structure, (b) enclosed on two sides or less by the walls of the structure with or without a solid roof cover, or (c) enclosed on three sides by the walls of the structure without a solid roof cover.

Outdoor Displays and Sales. Permanent outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities (e.g., auction yards, flea markets, lumber and other material sales yards). Includes news and flower stands. Does not include the sale of motor vehicles, boats, and recreational vehicles ("Vehicle Sales"), or the rental of vehicles ("Vehicle Rentals").

Outdoor Use, Storage. An uncovered but improved land area providing for the arrangement and storage of objects, items, commercial or industrial equipment, products, tools, or other materials, typically not in a fixed position and capable of rearrangement.

18.60.160 – "P" Definitions

Palisade Fencing. See "Fence, Palisade."

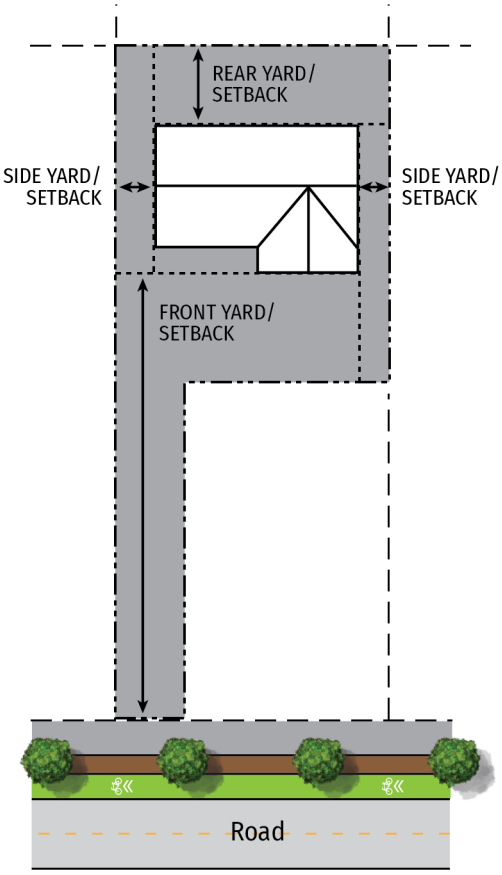
Parcel. Tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as required by this Code, and fronting upon a street or a private easement adequate for purposes of access.

Parcel area. The total of the area, measured in a horizontal plane, within the parcel lines of a parcel.

Parcel, corner. A parcel located at the intersection of two or more streets at an angle of not more than 130 degrees. If the angle is greater than 130 degrees, the parcel shall be considered an "interior parcel."

Parcel depth. The horizontal distance between the front and the rear parcel lines measured in the mean direction of the side parcel lines.

Parcel, flag. A parcel with access provided to the bulk of the lot by means of a corridor less than 25 feet in width. See illustration below.

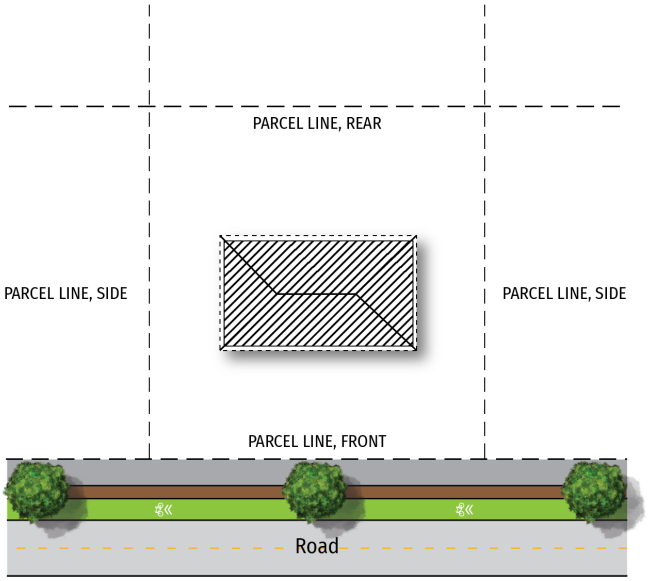


Parcel line. Any line bounding a parcel as defined in this Article. See illustration below.

Parcel line, Front. A property line abutting a street.

Parcel line, Rear. The parcel line opposite the front parcel line.

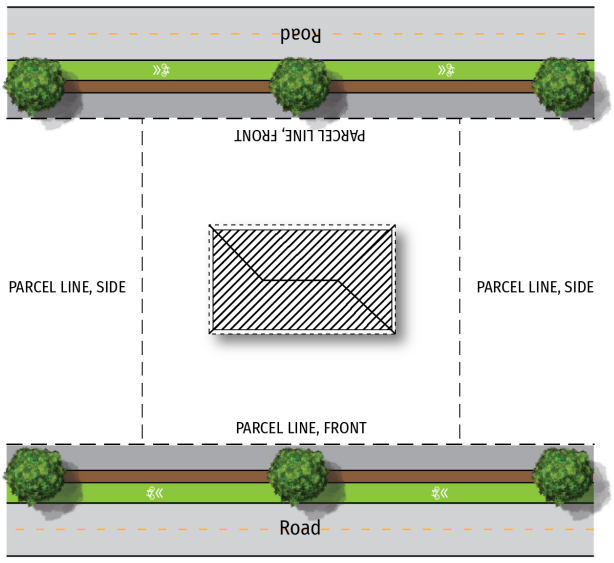
Parcel line, Side. Any parcel line that is not a front parcel line or rear parcel line.



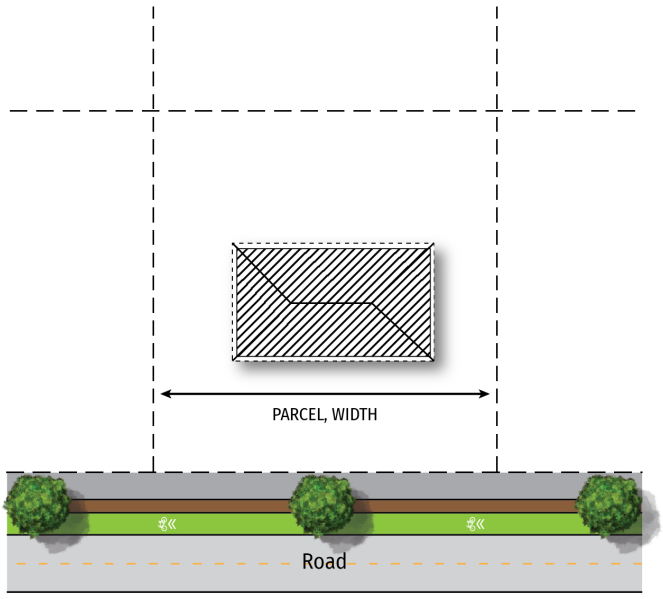
Parcel, reversed corner. A corner parcel, the side line of which is substantially a continuation of the front parcel lines of the parcels to its rear, whether across an alley or not.

Parcel, substandard. A parcel of land that has less than the required minimum land area, width or depth as established by the zone in which it is located.

Parcel, through. A parcel having frontage on two dedicated streets, not including a corner or reversed corner parcel. See illustration below.



Parcel width. The horizontal distance between the side parcel lines, measured at right angles to the parcel depth at the front setback line. See illustration below.



Parking Facility. A parking lot or parking structure customarily used for the temporary parking motor vehicles. Parking facilities should be either primary use or accessory use.

Park and Ride Facility. Designated area where vehicles may be temporarily parked in order to carpool with other commuters or to ride public transit.

Pawn Shop. A building or portion thereof where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges incident thereto. This does not banks, saving and loan institutions, credit unions, or other banking organizations regulated by State or Federal law.

Period of Significance. The span of time during which relevant events and activities occurred at an HRI property.

Personal Service, General. Commercial establishment that provides recurrently needed services of a personal nature. Illustrative examples of these uses include:

- Barber and Beauty Shop
- Clothing rental shop;
- Dry-cleaning pick-up store with limited equipment;
- Laundromats (self-service laundry);
- Locksmith;
- Nail salon;
- Shoe repair shop;
- Tailors and seamstress; and
- Tanning Salon.

These uses may also include accessory retail sales of products related to the personal services provided.

Personal Service, Restricted. Commercial establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas/uses and that may need to be dispersed from other similar uses to minimize adverse impacts. Illustrative examples of these uses include:

- Pawnshop ;
- Check-cashing and Payday lending establishments ; and
- Tattoo service, branding or body piercing studio. The application of permanent makeup is specifically excluded from this definition.

These uses may also include accessory retail sales of products related to the personal services provided.

Photovoltaic Equipment. Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Photovoltaic (PV) System: A solar collection system consisting of one or more building- and/ or ground - mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar photovoltaic system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations.

Place of Assembly. Facility for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities; meeting halls for clubs, religious institutions (i.e., church, temple, synagogue, and mosque), and other membership organizations.

Preventative Maintenance. Any work to prevent deterioration or damage to the structural integrity or any exterior feature of an HRI property that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, wood trim or siding repair, roof repair, patching, caulking, foundation or chimney repairs, or landscape maintenance.

Primary Use. The main or principal use of land or structure, as distinguished from a secondary or accessory use.

Public Building. Structure used (both owned and rented) by public agencies, including city, county, Federal, and State administration buildings; fire stations, and other fire prevention and firefighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities; public libraries, and post offices. Does not include facilities specifically identified under another land use category, including schools.

Public Parks and Playgrounds. Outdoor recreation facilities that provide a variety of recreational opportunities including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreational facilities. May also include enclosed structures providing for recreational opportunities.

Public Safety Facility. Facility necessary to respond to immediate hazards or threats to public health and safety, including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

18.60.170 – "Q" Definitions

No terms defined.

18.60.180 – "R" Definitions

Recreational Facility, Indoor Amusement. Facility for participant sports and similar types of recreation, including indoor sports complexes, bingo parlors, billiard and pool halls, dance halls, clubs, ballrooms, bowling alleys, laser tag, indoor waterpark and/or aquatic park, and ice skating and roller rinks. This use may also include ancillary commercial facilities customarily associated with the above indoor commercial recreation uses, including but not limited to bars and restaurants, fast-food restaurants, and video game arcades.

Recreational Facility, Outdoor Amusement. Facility for various outdoor participant sports and similar types of recreation, including amusement, theme and kiddie parks; drive-in theaters; golf driving ranges independent from golf courses; miniature golf courses (golf courses are included under the definition of Parks and Playgrounds); outdoor waterparks and/or aquatic parks; skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g., ATV's and other non-highway motor vehicles, roller skates); tennis courts, swim and tennis clubs. May also include ancillary commercial facilities customarily associated with the above outdoor commercial recreational uses, including but not limited to bars and restaurants, fast-food restaurants, video game arcades, etc.

Recycling. The series of activities by which discarded materials that would otherwise remain wastes are collected, separated, or processed and used to make new products. See Chapter 18.60.300 (Recycling Facilities).

> **Redemption Center.** Facility where the public may donate, redeem, or sell recyclable materials.
>
> **Recycling Facility.** A variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residential or nonresidential site used solely for the recycling of material generated on the site.

Research and Development Facility. Facility that conducts research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing that may be associated with a manufacturing facility on the same site. Includes chemical and biotechnology and data computing research and development. May allow for minor manufacturing.

Residential Care Facility. Group care facility, or similar facility, as determined by the Director, in a single-family home for 24-hour nonmedical care in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Resource Protection and Restoration. Activities and management of an area to preserve, recreate and enhance natural resource values such as habitat for fish and wildlife; rare, threatened, and endangered plants; vernal pools; erosion control; and floodwater conveyance.

Resource-Related Recreation. Facilities related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

Restaurant. Retail establishment (i.e., cafes, coffee houses, diners, food services) engaged in the business of selling/serving food and beverages prepared for both on-site and off-site consumption. This includes restaurants with sit-down table service and fast food restaurants that may include drive-thru service.

Retail Sales Establishment. Establishment, completely enclosed within structures, engaged in selling goods or merchandise to the general public for profit. Examples of these establishments and lines of merchandise include:

Retail Establishment, Small. A retail business focusing on the sale of merchandise not specifically listed under another use classification that is less than 75,000 square feet with less than 50 percent of the total sales floor area dedicated to nontaxable goods.

Retail Establishment, Medium. A retail business focusing on the sale of merchandise not specifically listed under another use classification that is at least 75,000 square feet but less than 150,000 square feet with less than 10 percent of the total sales floor area dedicated to nontaxable goods.

Retail Establishment, Large. A retail business focusing on the sale of merchandise not specifically listed under another use classification that is 150,000 square feet or larger with less than 10 percent of the total sales floor area dedicated to nontaxable goods.

Retail Sales. The following are examples retail sales and lines of merchandise that are allowed in the three previously described retail sales establishments:

- art, antiques, and collectibles
- artisan shop
- art studio
- artists' supplies
- motor vehicle parts and accessories
- bakery (retail only)
- bicycle sales and rentals
- book
- cameras and photographic supplies
- carpeting and floor covering
- clothing and accessories
- convenience store
- drug and discount store
- electronic equipment
- fabrics and sewing supplies
- florists and houseplant store (indoor sales only)
- furniture sales
- gift shop
- grocery store
- handcrafted items
- hardware
- hobby materials
- household appliances
- household furnishings
- household products
- jewelry
- kitchen utensils
- liquor store
- locksmith
- luggage and leather goods
- lumber
- medical supplies and equipment
- musical instruments, parts and accessories
- newsstand
- office supplies
- orthopedic supplies
- paint and wallpaper
- pet store
- pharmacy
- religious goods
- secondhand goods sales
- sign and banner shop
- shoe store
- small wares
- specialty food and beverage
- specialty shop
- sporting goods and equipment
- stationery
- supermarket
- toys and games
- thrift store
- travel services
- vehicle parts sales

Review Authority. The individual or official City body identified by this Zoning Code as having the responsibility and authority to review and approve or deny ministerial and discretionary permit applications and appeals described in this Zoning Code. Includes the City Council, the Planning Commission, the Director, and the Planning Department.

Right-of-way. The right to make a way to and from another parcel of land. A type of easement granted or reserved over land for transportation purposes, (e.g., a highway, street, sidewalk, rail transport, or canal), as well as electrical transmission lines, oil and gas pipelines.

18.60.190 – "S" Definitions

Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite.

Secretary of the Interior's Treatment Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the National Park Service, as may be amended.

School. Educational institution, whether public or private including elementary, middle, junior high, and high schools, serving transitional kindergarten through 12th grade students, offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and including denominational and sectarian, boarding schools, charter schools, and military academies. Also includes community colleges, public or private colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.

> **School, Charter.** Schools which offer alternative educational opportunities separate from traditional public or private schools and are formed and publicly funded by teachers, parents, or community groups under the terms of a charter with a local or national authority.
>
> **School, Private.** Any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through 12th grade pursuant to the California Education Code.
>
> **School, Public.** Public elementary schools, middle schools, secondary schools, high schools, and any other public school providing academic instruction for students from kindergarten through 12th grade pursuant to the California Education Code.
>
> **School, Private/Public Colleges and Universities.** A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public or private colleges and universities, and technical schools.

Screening. The use of fences, walls, hedges, berms, or other features to shield, conceal, separate, or hide from view adjacent land uses.

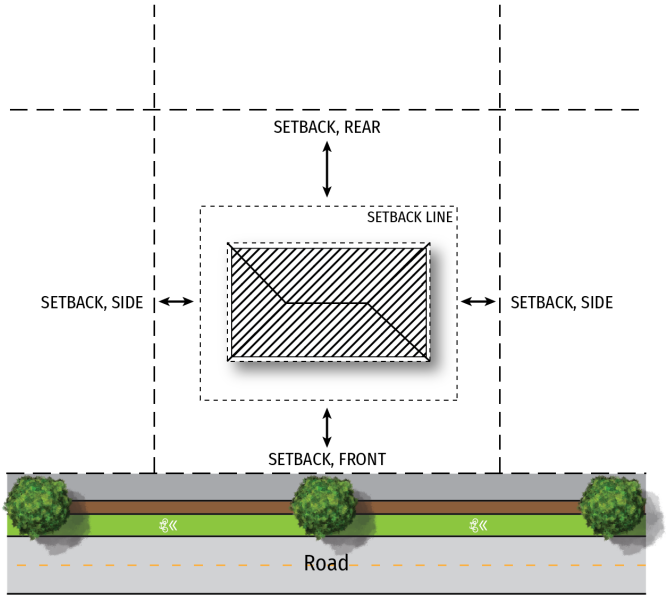
Service-based Senior Living. Senior housing with services, which typically includes a commercial kitchen and the provision of meals. Residents are typically able to perform all Activities of Daily Living (ADLs). Not licensed by the State.

Setback. The distance a structure, parking area, or other development feature must be separated from a parcel line, other structure, development feature, or street centerline. See illustration below.

> **Setback, Front.** The line which defines the depth of the required front yard.

Setback, Rear or Side. The line which defines the width or depth of the required rear or side yard.

Setback, Side Corner. The line which extends between the rear property line and the front setback area on a corner parcel.



Shared housing building. Means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

A “shared housing building” may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

Shared housing unit. Means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section. For purposes of calculating a density bonus granted for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities.

Sign. Structures or other visual devices designed, constructed, and used for the purpose of communicating a message or identifying or attracting attention to a parcel, product, service, person, cause or event. (See Chapter 18.42 Sign Standards).

Sight Distance Area. A space on a corner parcel and any driveway or alley in which all visual obstructions (e.g., structures and plantings), that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited. (See also Site Planning and General Development Standards Section 18.30.030).

Single Development Proposal. An application for an entitlement affecting multiple contiguous parcels and authorized by the owners of all of the affected properties, including but not limited to an application for a building permit, architectural review, rezone, general plan amendment, or subdivision.

Single Housekeeping Unit. An individual or group of persons in a common living arrangement occupying a dwelling. Evidence of a common living arrangement may include some or all of the following: sharing living expenses such as rent or mortgage payments, food and utility costs, a shared lease or shared chores.

Single Room Occupancy (SRO). Any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, or entertainment area).

Site. As applied in the context of this City Code, means the location of a significant historical event, a prehistoric or historic occupation or activity, building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or objects. Examples of a site are a battlefield, designed landscape, trail, or industrial site.

Small Projects. Alterations to any historic resource as defined herein, involving negligible visible changes. Alterations shall not qualify as small projects if they involve the removal or destruction of any exterior character-defining feature or historic fabric, including, but not limited to, original windows, or similarly protected interior features, unless an acceptable replacement is made with like materials and finishes, as determined by the Community Development Director.

Specialized Education and Training/Studio. School offering specialized education and training that typically offer certifications rather than academic degrees (e.g., dance, judo, painting).

Storage, Personal Facility. Facility with structures containing generally small individual compartmentalized areas or lockers rented as individual storage spaces and characterized by low parking demand. Ancillary outdoor storage for RVs' and water vessels is also allowed. (Also, commonly referred to as "Mini Storage" or "Self-Storage" facilities.)

Storage, Warehouse. Commercial establishments offering the storage of furniture, household, office, or other commercial goods of any nature. Includes cold storage. Does not include: storage yards or personal storage facilities offered for rent or lease to the public (see "Storage, Personal Facilities"; or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution Facilities").

Story, Half. A half-story is a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

Structure. Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas (e.g., paved areas, walks, tennis courts), and similar recreation areas.

Structure, Historic Preservation. Refer to SCCC 18.06.010(s)(9). (Ord. 1972 § 1, 11-21-17; Ord. 2011 § 16, 2-11-20).

Structure Coverage. A portion of a parcel which is covered by a structure(s) excepting structure overhangs, paved areas, walks, and swimming pools, regardless of whether or not the structure(s) is intended for human occupancy.

Structure, Primary. A structure in which the principal use is conducted.

Subdivision Sales Office. See "Temporary Uses".

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

18.60.200 – "T" Definitions

Tattooing or Branding Shop. A building or portion thereof where the tattooing or branding of human body parts is administered or from which a tattooing or branding business or service is operated.

Temporary Use. Use established for a specified period of time, typically less than 12 months, with the intent to discontinue the use at the end of the designated time period.

Temporary Use Permit. An administrative permit authorizing specific limited term uses in compliance with conditions and performance criteria specified in Chapter 18.122 (Temporary Use Permits).

Transit Stations and Terminal. Facility where buses, trains, and other mass transit options regularly stop to load and unload passengers and goods.

Transitional Housing. Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses allowed in any residential zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

18.60.210 – "U" Definitions

Use. The purpose (type and extent) for which land or a structure is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Utility Facilities and Infrastructure. All equipment, fixtures, and personal property operated or maintained on private property in connection with the production or provision of water, sewer, power, natural gas, telecommunications, or other services, with the exception of Electric Power Plants.

18.60.220 – "V" Definitions

Vehicle Dismantling Facility. Any premises used for the dismantling or wrecking of motor vehicles required to be registered under the State Vehicle Code. Activities may include the buying, selling, or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles.

Vehicle Impound Facility. Holding or storage places for motor vehicles until they are placed back in control of the owner, recycled for their metal, stripped of their parts at a vehicle dismantling yard, or auctioned off for the benefit of the impounding agency.

Vehicle Rental.

Vehicle Rental, General. Commercial establishment that rents automobiles, construction equipment, motorcycles, recreational vehicles, trucks, trailers, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts, and only when conducted within a fully enclosed structure.

Vehicle Rental, Limited. Commercial establishment that rents small vehicles (e.g., mopeds, scooters, Segway's), and similar sized vehicles with electric power or engines less than 100cc. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent, and only when conducted within fully enclosed structure.

Vehicle Rental, Office Only. Office activities offering the rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles. Does not include the on-site storage of or incidental maintenance of these vehicles.

Vehicle Repair and Maintenance. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

Major Motor Vehicle Repair. Establishments providing major repair of automobiles, boats, motorcycles, recreational vehicles, or trucks including light duty trucks (i.e., gross vehicle weight of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of 10,000 pounds or more). Examples of uses include full-service motor vehicle repair garages; body, fender, and paint shops; brake shops; machine shops; paint shops; tire sales and installation shops; towing services; transmission shops; and tire recapping. Does not include vehicle dismantling.

Minor Motor Vehicle Repair. Establishments providing minor repair services of golf carts, automobiles, motorcycles, recreational vehicles, or light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments; relining and repairs; oil and lube shops; smog shops, tire and battery sales and installation (not including recapping); and wheel alignment and balancing. Does not include any type of car washing service.

Vehicle Sales.

Vehicle Sales, General. Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts. All maintenance and repair activities shall be conducted within a fully enclosed structure.

Vehicle Sales, Wholesale. Sales limited to an office only, offering the sale of automobiles and light duty trucks. Does not include on-site inventory, display, storage, maintenance, or repair of these vehicles. May be subject to parking requirements of the Department of Motor Vehicles.

Vehicle Service Station. A commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual motor vehicles. May include incidental "minor" maintenance and repair (i.e., battery charging and tire changing and repair) of automobiles and light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). May also include a convenience store operated by the service station owner.

Very Low Vehicle Travel Area. An urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, "area" may include a travel analysis zone, hexagon, or grid. For the purposes of determining "regional vehicle miles traveled per capita" pursuant to this paragraph, a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

Veterinary Facility. A place where domestic animals or household pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short time boarding and shall only be incidental to the hospital use.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Vocational School. See "Specialized Education and Training/Studios".

18.60.230 – "W" Definitions

Wall, Masonry. A wall built from individual units which are often laid and bound together by mortar. Masonry walls are commonly used for separating/screening incompatible uses and for safety reasons.

Wholesaling and Distribution Facility. A commercial establishment engaged in the sale of goods or merchandise to retailers, industrial, commercial, institutional, or other professional business users, or to other wholesalers. In general, it is the sale of goods to anyone other than a standard consumer.

Wine Tasting Room. Facility in which wine products grown or processed on the owner's property may be tasted and sold. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery.

Winery. Bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products into wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the winery operation. A winery may include a tasting room as part of an accessory use if the floor area used for the tasting room is less than or equal to 25 percent of the total floor area of the facility.

Wireless Telecommunication Facility. See Chapter 18.66, Wireless Telecommunications Facilities.

Wireless Telecommunication Facility, Microcell. See Chapter 18.66, Wireless Telecommunications Facilities.

18.60.240 – "X" Definitions

No terms defined.

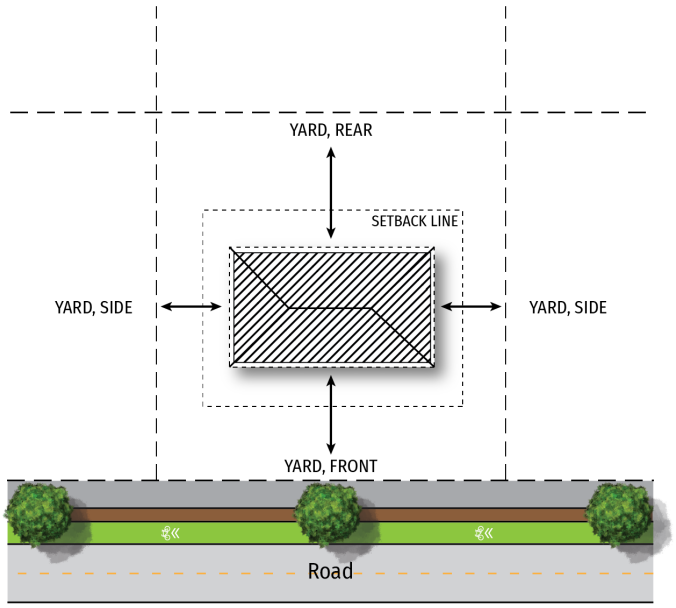
18.60.250 – "Y" Definitions

Yard. Any open space on the same parcel with a structure(s) or a dwelling group which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections or accessory structures allowed by this Zoning Code. See illustration below.

Yard, front. The space between the front of the structure and the front parcel line or highway setback line and extending the full width of the parcel.

Yard, rear. The space between the rear of the structure and the rear parcel line and extending the full width of the parcel.

Yard, side. The space extending from the front yard, or from the front parcel line where no front yard is required by this Zoning Code, to the rear yard, or rear parcel line, between a side parcel line and the side of the structure.



18.60.260 – "Z" Definitions

Zone. A portion of the territory of the City within which certain uses of land, premises, and structures are permitted, other uses are permitted through approval of a discretionary permit from the City, and other uses are not permitted and within which certain development standards are established.