

CHAPTER 29.X. CMU-3 DISTRICT **(COMMERCIAL MIXED USE-3 DISTRICT, NORTH FAIR OAKS)**

SECTION 65XX. REGULATIONS FOR “COMMERCIAL MIXED USE-3” DISTRICT.

The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-3 (CMU-3).

SECTION 6567.X PURPOSES.

1. Promote and enhance the creation of an attractive commercial and residential mixed-use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
2. Provide commercial areas intended primarily for the location of locally-oriented trades and services to meet the needs of both surrounding residential areas.
3. Provide higher-density multifamily housing to address the local and regional need for housing at all income levels.
4. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts.
5. Protect the functional and economic viability of commercial and residential mixed-use areas by restricting incompatible land uses.
6. Support and strengthen the local economy by providing trade and employment opportunities.
7. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6567.X RELATIONSHIP TO NORTH FAIR OAKS COMMUNITY PLAN.

The provisions of this Chapter implement the San Mateo County General Plan, specifically the North Fair Oaks Community Plan. The North Fair Oaks Community Plan has been adopted by the Board of Supervisors as the land use plan for North Fair Oaks, which should be used to provide further guidance in complying with the requirements of this Chapter, and to design and evaluate development proposals for unincorporated North Fair Oaks. However, where any standards or requirements of this Chapter conflict with any provision of the Community Plan, this Chapter shall take precedence and govern.

SECTION 6567.X DEFINITIONS.

1. Administrative, Professional and Business Offices

Establishments where management, administrative, professional, or consulting services are conducted including, but not limited to, government, law, real estate, research and development, accounting, and other business offices.

2. Automobile Parts Stores

Indoor commercial establishments specializing in the sale of automobile parts and accessories, with no automobile repair work done on site.

3. Bars

Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 6102.1.5.

4. Community Centers

Facilities used by local residents for civic activities, classes, meetings, performances, presentations, or other purposes. Includes “clubs” (Section 6102.25) and “meeting halls” (Section 6102.62.5).

5. Community Gardens

An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.

6. Child Care Centers (Institutional Day Care Facilities for Children)

Licensed facilities, including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.

7. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

8. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the

instruction of music and the arts.

9. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

10. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens, not including drive-through restaurants, wholesale bakeries or other large-scale food production or processing establishments.

11. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or take-out service, but not including drive-through restaurants or businesses engaged exclusively in catering.

12. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations (Section 6102.46).

13. Hotels

Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.

14. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

15. Light Industrial and Production, Distribution and Repair (PDR)

Establishments which provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or

lighting to a degree that is offensive when measured at the property line of subject property, nor create impacts on adjacent residential, commercial, or other uses. Light industrial and PDR uses include those uses defined in Zoning Regulation Section 6277.2.10, "Indoor Low to Moderate Impact Manufacturing" which do not substantially impact surrounding properties.

16. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock, and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include "pet sitting" or "doggie day care" establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

17. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

18. Massage Businesses

Massage or massage therapy businesses as defined in Zoning Regulations Section 6567.2.18.

19. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories, acupuncturists, chiropractors, and associated prescription pharmacies.

20. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

21. Mobile Vending/Food Carts

Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.

22. Non-Chartered Financial Institution

Non-Chartered Financial Institutions as defined in Zoning Regulations Section 6567.2.22.

23. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

24. Parking Lots and Parking Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

25. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, and barber shops.

26. Pet Sales, Supplies, and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

27. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.

28. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be

in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

29. Retail Cleaning Establishments

Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment, except dry cleaners using hazardous materials, such as perchloroethylene or other hazardous materials, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

30. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.

31. Indoor Exercise and Leisure Facilities: Small

Facilities of 2,000 square feet or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to exercise facilities, dance academies and martial arts studios.

32. Indoor Exercise and Leisure Facilities: Large

Facilities greater than 2,000 square located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

33. Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

34. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a

limited basis if necessary for their proper medical or surgical treatment.

35. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this Section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

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SECTION 6567.3 PERMITTED USES

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹
1. <u>RESIDENTIAL USE CLASSIFICATION</u>	
<p>A. <u>DWELLINGS</u></p> <p>1. Dwelling, Multiple</p> <p> a. Above the ground floor</p> <p> b. Ground floor</p>	<p>None</p> <p>Use permit for ground floor residential on Middlefield Road; in all other locations, none</p>
2. <u>MIXED USE CLASSIFICATION</u>	
<p>1. Mixed-use development with ground floor commercial and residential above the ground floor</p> <p>2. All other mixed-use development, including all types of horizontal mixed use development²</p>	<p>None</p> <p>Use Permit</p>
3. <u>COMMERCIAL AND OFFICE USE CLASSIFICATION</u>	
<p>A. <u>SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</u></p> <p>1. Personal Convenience Service Establishments</p> <p>2. Retail Cleaning Establishments</p> <p>3. Pet Sales and/or Grooming Establishments</p> <p>4. Veterinary Hospitals for Small Animals</p> <p>5. Massage Businesses</p>	<p>None</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p>
<p>B. <u>VISITOR-SERVING TRADES AND SERVICES</u></p> <p>1. Hotels</p> <p>2. Theaters</p>	<p>Use Permit</p> <p>Use Permit</p>

¹ All projects must obtain a site development permit pursuant to Section 6566 *et seq.* for compliance with design review requirements, in addition to any other required planning permit. Other permits may be required by a combining

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district.

² Horizontal mixed use development is subject to additional standards, as described in Section 6394.9

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT ¹
<p>C. <u>RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</u></p> <ol style="list-style-type: none"> 1. Food and Beverage Stores 2. Liquor Stores 3. Indoor Retail Sales, Rental or Repair Establishments 4. Mobile Vending and Food Trucks 	<p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p>
<p>D. <u>FOOD SERVICES</u></p> <ol style="list-style-type: none"> 1. Bars 2. Restaurants 3. Food Establishments Specializing in Take-Out Service 	<p>Use Permit</p> <p>Use Permit</p> <p>None</p>
<p>E. <u>OFFICES, PROFESSIONAL SERVICES³</u></p> <ol style="list-style-type: none"> 1. Administrative, Professional and Business Offices 2. Medical and Dental Offices 3. Financial Institutions 4. Non-Chartered Financial Institutions 	<p>Use Permit</p> <p>None</p> <p>None</p> <p>Use Permit</p>
<p>F. <u>INDOOR RECREATION FACILITIES</u></p> <ol style="list-style-type: none"> 1. Indoor Exercise and Leisure Facilities: Small 2. Indoor Exercise and Leisure Facilities: Large 	<p>None</p> <p>Use Permit</p>

³ Use permit required, unless ground floor use in a mixed-use residential building
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⁴ Must comply with standards in Section 6396

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹
4. <u>INDUSTRIAL USE CLASSIFICATION</u>	
A. <u>LIGHT INDUSTRIAL/PDR</u>	Use Permit, permitted only as a ground floor use in mixed-use projects
5. <u>INSTITUTIONAL USE CLASSIFICATION</u>	
A. <u>NEIGHBORHOOD INSTITUTIONAL FACILITIES</u>	
1. Community Centers	Use Permit
2. Child Care Centers	None
3. Religious Facilities	Use Permit
4. Educational Facilities	Use Permit
6. <u>ACCESSORY USE CLASSIFICATION</u>	
A. <u>RESIDENTIAL ACCESSORY USES</u>	
Home Occupations	Home Occupation Certificate
B. <u>LIMITED KEEPING OF PETS</u>	
Limited Keeping of Pets	None
7. <u>SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS</u>	None
8. <u>OTHER USE CLASSIFICATION</u>	
A. Community Gardens	Use Permit
B. <u>PARKING</u>	
Stand-alone Parking Lots and Parking Garages	Use Permit
C. <u>OTHER COMPATIBLE USES</u>	

Other Compatible Uses	To Be Determined by Community Development Director
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SECTION 6567.4 DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft, except in the case of multi-family attached residential ownership development, which shall have no minimum parcel area. Minimum parcel width shall be 100 feet, except for attached ground floor ownership housing, for which there shall be no minimum parcel width.

2. Building Setback. The minimum and maximum building setbacks and stepbacks shall be determined by the parcel's location, as shown below. Regardless of minimum setbacks, all projects must provide sufficient onsite open space to accommodate required low-impact development features, fire access, and other open space required by site conditions.

Parcel Location	Front Setback	Side Setback	Rear Setback
Facing Middlefield Road; rear contact with R-Zoned District	0	On projects with side street frontage, a setback sufficient in combination with existing sidewalk to create an 8-foot sidewalk	For buildings with a required stepback as described in 6567.3.a, no setback for the ground floor podium; for all other buildings, 10 feet
Facing Middlefield Road; rear contact with non-R-Zoned District	0	On projects with side street frontage, a setback sufficient in combination with existing sidewalk to create an 8-foot sidewalk	For parcels without rear street frontage, either a 10-foot setback, or for buildings with a first-floor building podium as described in Section 6567.3.a, a minimum 0-foot setback; For parcels with front and rear street frontage, a

			setback sufficient in combination with existing sidewalk to create an 8-foot right-of-way at the non-Middlefield street side
All other parcels	A minimum setback sufficient in combination with existing sidewalk to create an 8-foot sidewalk	For parcels with side street frontage, a setback sufficient in combination with existing sidewalk to create an 8-foot sidewalk	For parcels without rear street frontage, 10 feet. For parcels with front and rear street frontage, minimum setback sufficient in combination with existing sidewalk to create 8-foot right-of-way on any rear street frontage

3. Building Stepbacks.

A. Rear Stepbacks:

For buildings on Middlefield Road abutting R-Zoned Districts to the rear of the parcel:

- For buildings of 40 feet in height or less, no stepback
- For buildings greater than 40 feet in height with a podium, a 10 foot stepback at the top of the building podium

For buildings on the north-east side of Middlefield Road:

- For parcels without rear street frontage and having a first floor podium, a minimum stepback that in combination with the rear setback equals 10 feet.

B. Front Stepbacks:

For parcels on Douglas Avenue between Middlefield and San Mateo Avenue; First Avenue between Middlefield Road and Edison Way; and Edison Way between 1st Avenue and 5th Avenue:

- A 10 foot stepback above the first building floor. However, any building set

back at least 8 feet from the front property line shall only be required to provide a minimum 5 foot setback either above the first floor, or for buildings greater than 60 feet in height, either above the first floor or at 60 feet of building height.

No setbacks are required of projects in any other locations.

4. Maximum Building Floor Area

- a. Maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding non-habitable space, as measured from the outside face of all exterior walls, and (2) the area of all decks, porches, and balconies or other areas covered by a waterproof roof which extends four or more feet from exterior walls.
- b. The maximum floor area for institutional uses shall be 100 percent of the total parcel area, for commercial uses shall be 150 percent of the total parcel area, for industrial shall be 75 percent of the total parcel area, and for mixed-use development shall be 200 percent of the total parcel area. There shall be no floor area limitation for 100% residential projects.
- c. Fully or partially enclosed areas dedicated to parking shall be excluded from maximum building floor area.
- d. Mixed-use residential projects providing sufficient affordable housing to meet the requirements of the County's Inclusionary Housing Ordinance may receive relief from floor area limitations, consistent with the requirements of State Density Bonus law.

5. Building Height. The maximum building height shall be:

- a. For projects located on parcels a portion of which fall within one quarter mile of the crossing of Middlefield Road and the Dumbarton Rail track, except for properties along the south side of Middlefield Road:
 - 70 feet for all allowed uses.
- b. For projects located between 2nd Avenue and 5th Avenue:
 - 50 feet for all allowed uses.
- c. For projects located on the south side of Middlefield Road, directly adjacent to residentially-zoned parcels:

- 60 feet for all allowed uses.

6. First Floor Height. The first floor height of any vertical mixed-use building must be 12 feet or greater.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

Any project providing sufficient affordable housing to meet the requirements of the County's Inclusionary Housing Ordinance may receive relief from height limitations, consistent with the requirements of State Density Bonus law.

The Community Development Director may approve the following exceptions to height limits, if the exception is found to be consistent with the standards incorporated in the North Fair Oaks Community Plan:

- a. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation.
- b. Architectural features on buildings located on corner parcels, such as cupolas and turrets, and rooftop gardens on any parcel may extend beyond the normal maximum height.

7. Signs.

- a. Prohibited Signs. The following signs shall be prohibited:

- (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
- (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (3) Signs emitting intense and focused beams of light, including beacons.
- (4) Off-premises signs.
- (5) Abandoned signs.
- (6) Billboards.
- (7) Any sign that because of its location, construction or other characteristics will impede pedestrian movement or safety or will limit transparency of ground floor non-residential use.

- b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.
 - c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.
 - d. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
 - e. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
 - (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
 - (2) Freestanding signs shall not exceed fifteen (15) feet.
 - f. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
 - g. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.
8. Screening.
- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when the area is visible from a public right-of-way or residentially-zoned parcel.
 - b. A minimum six (6), not to exceed eight (8), foot wall shall be erected along the entire common property line where a commercial or mixed use abuts a residentially zoned parcel. Fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel. The Community Development Director may approve modifications to this standard.
 - c. Mechanical equipment (e.g., air conditioning, heating, compressor,

generator, venting units) or other utility hardware on the roof, ground, or buildings shall be screened with opaque and sound attenuating materials compatible with the building, when visible from or adjacent to a public right-of-way or residentially-zoned parcel.

- d. Fences, walls or screens shall not include barbed or concertina wire, or chain-link fence with or without slats.

9. Horizontal Mixed Use Development - Additional Standards.

Use Permits for horizontal mixed-use development may only be granted when the deciding body issuing the relevant use permit makes all of the following findings:

- a. The horizontal mixed use development is compatible with the surrounding uses, and will not detract from the commercial, pedestrian-oriented character of the street
- b. The horizontal mixed use development has been designed so as to most closely match the intent of mixed use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan;
- c. The horizontal alignment of the uses is demonstrably necessary due to specific characteristics of the type or mix of uses in the proposed development, or due to the specific character of the parcel or location of the development; and
- d. Provision of the same uses in a vertical mixed-use design would be unduly costly, burdensome, or would not meet the intent of mixed-use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan.

SECTION 6567.5 DESIGN STANDARDS. Development in the CMU-3 District must comply with the standards and procedures described in Section 6566, "Design Review and Site Development Permit."

SECTION 6567.6 PERFORMANCE STANDARDS. No use may be conducted in a manner which, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed San Mateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public

sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Community Development Director that such additional lighting is necessary for public health and safety.

3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Non-Chartered Financial Institutions:
 - a. No Non-Chartered Financial Institution may be located within a radius of one thousand (1,000) feet from the nearest existing Non-Chartered Financial Institution.
 - b. No Non-Chartered Financial Institution may be located within a radius of five hundred (500) feet from the following land uses:
 - (1) Residentially zoned parcels.
 - (2) Any State or Federally chartered bank, savings association, credit union, or industrial loan company.
 - (3) Religious institution.
 - (4) School or Day Care Facility.
 - (5) Bar or Liquor Store, excluding full service restaurants and alcoholic beverage sales establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.
 - (6) Pawn Shops.
 - c. Each new Non-Chartered Financial Institution shall meet the following minimum standards of performance, which shall be included as conditions of approval for such uses, provided that nothing in this Section shall limit the discretion of the decision making body to impose additional performance standards as may be warranted in any given case. These standards are obligations of the owner(s) of the Non-Chartered Financial Institution and are intended to ensure that the Non-Chartered Financial Institution does not negatively impact the public health and safety:
 - (1) A lighting plan shall be reviewed and approved by the Community Development Director prior to the issuance of building permits, and all lighting required by the approved plan shall be installed prior to final approval of the building permit. Exterior lighting shall be provided on all frontages. Exterior lighting shall be designed so as not to cast glare off-site.

- (2) Storefronts shall have glass or transparent glazing in the windows and doors. No more than ten (10) percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind.
- (3) Days and hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week. The operator shall discourage patrons from loitering prior to, during, and/or after hours of operation. At least one “no loitering” sign with a typeface at least two (2) inches tall shall be installed and maintained where it will be visible to pedestrians on each side of the building in which the activity is located including, but not limited to, street frontages and parking lots.
- (4) The operator shall remove graffiti from the building that houses the Non-Chartered Financial Institution within seventy-two (72) hours of application.
- (5) The operator shall remove litter at least two (2) times daily or as needed from in front of the building that houses the Non-Chartered Financial Institution, and for twenty (20) feet beyond the building along adjacent street(s). The operator shall remove, or cause to be removed, all crates, mattresses, and other materials placed within this area immediately.
- (6) The owner or operator shall post at least one (1) uniformed security guard on duty at all times the business is open. The security guard shall patrol the interior and all exterior portions of the property under control of the owner or operator of the Non-Chartered Financial Institution including, but not limited to, parking lots and any open public spaces such as lobbies.

SECTION 6567.8 PARKING. Parking shall comply with all of the provisions of Chapter 3 of the Zoning Regulations, except as provided below:

1. Section 6119, Parking Spaces Required. Section 6119 shall be replaced by Table 1 in this Section 6567.8, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 6119 shall apply.
2. Section 6118(a), Size and Access. Notwithstanding Section 6118(a), in the CMU-3 District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Community

Development Director shall approve the heights for all parking stalls with mechanical lifts.

3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

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**TABLE 1
REQUIRED PARKING**

USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	<p>Dwelling Unit Parking: 0-1 bedrooms</p> <p>2 bedrooms</p> <p>3+ bedrooms</p> <p>Dwelling Unit Parking in a Mixed-Use Development: 0-2 bedrooms</p> <p>3+ bedrooms</p> <p>Affordable Housing Parking: (Developments eligible for density bonus) 0-1 bedrooms</p> <p>2 bedrooms</p> <p>3+ bedrooms</p>	<p>1 covered</p> <p>1 covered</p> <p>2 covered</p> <p>1 covered</p> <p>2 covered</p> <p>0.75 covered or uncovered</p> <p>1 covered or uncovered</p> <p>1.5 covered or uncovered</p>

	<p>Visitor Parking: Each Dwelling Unit</p> <p>Bicycle Parking: Each Dwelling Unit</p> <p>Public Bike Parking: Each 35 feet of street Frontage</p> <p>Electric Vehicle Spaces or Charging Stations: Each project</p> <p>For projects required to provide 20 or more parking spaces</p>	<p>0.1</p> <p>0.25</p> <p>2 (consistent with Design Guidelines)</p> <p>A minimum of 1 dedicated EV space or charging station</p> <p>2 dedicated EV spaces or equivalent charging station capacity, in combination with other additional spaces/capacity sufficient to simultaneously charge 5% of parked vehicles; and</p> <p>10% of total spaces provided as EV ready (inclusive of EV spaces and station capacity)</p>
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2. Commercial/Office		
All uses listed under the “Office and Professional Services” in Section 6567.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Specialized Neighborhood Trades and Services” in Section 6567.3, Uses Permitted	Up to 300 sq. ft. and each 300 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Retail Sales, Rental or Repair Establishments,” in Section 6567.3, Uses Permitted	Up to 300 sq. ft. and each 300 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Indoor Recreation Facilities” in Section 6567.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Food Services” in Section 6567.3, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take-out Service)	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed-Use Development	Up to 850 sq. ft. and each 850 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1 (consistent with Design Guidelines)
	Public Bicycle Parking: Each 35 feet of street frontage	2 (consistent with Design Guidelines)

	<p>Electric Vehicle Spaces/Charging Stations: For projects required to provide 10 or more parking spaces (in addition to any spaces required of residential components of mixed use projects)</p> <p>For projects required to provide 20 or more parking spaces</p>	<p>A minimum of 1 dedicated EV space or charging station</p> <p>2 dedicated EV spaces or equivalent charging station capacity, in combination with other additional spaces/capacity sufficient to simultaneously charge 5% of parked vehicles; and</p> <p>10% of total spaces provided as EV ready (inclusive of EV spaces and</p>
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3. Institutional and Other		
All uses listed under the “Institutional Use Classification” in Section 6567.3, Uses	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered

	Private Bicycle Parking: Each 1,500 sq. ft.	1
	Public Bike Parking: Each 35 feet of street frontage	2 (consistent with Design Guidelines)

	<p>Electric Vehicle Spaces/Charging Stations: For projects required to provide 10 or more parking spaces (in addition to any spaces required of residential components of mixed use projects)</p> <p>For projects required to provide 20 or more parking spaces</p>	<p>A minimum of 1 dedicated EV space or charging station</p> <p>2 dedicated EV spaces or equivalent charging station capacity, in combination with other additional spaces/capacity sufficient to simultaneously charge 5% of parked vehicles; and</p> <p>10% of total spaces provided as EV ready (inclusive of EV spaces and station capacity)</p>
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4. Industrial		
Light Industrial/PDR	1 space per 1,000 sq. ft.	1 covered or uncovered

	Private Bicycle Parking: Each 1,500 sq. ft.	1
	Public Bike Parking: Each 35 feet of street frontage	2 (consistent with Design Guidelines)

	<p>Electric Vehicle Spaces/Charging Stations: For projects required to provide 10 or more parking spaces (in addition to any spaces required of residential components of mixed use projects)</p> <p>For projects required to provide 20 or more parking spaces</p>	<p>A minimum of 1 dedicated EV space or charging station</p> <p>1 dedicated EV spaces or equivalent charging station capacity</p> <p>5% of total spaces provided as EV ready (inclusive of EV spaces and station capacity)</p>
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SECTION 6567.9 ALTERNATIVE PARKING APPROACHES. The total number of parking spaces required per Section 6567.8 may be reduced in accordance with the following provisions.

1. Shared Parking.

a. Applicability

Subject to the requirements of this Section 6567.9 and the

securing of a Use Permit in accordance with the provisions of Section 6503, an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.

b. Analysis Required

In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for shared parking shall comply with this Section's standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a Qualified Professional. A shared parking study shall, at a minimum address:

1. The intensity and type of activities and the composition of uses;
2. Hours of operation of each separate use;
3. The rate of turnover for proposed shared spaces;
4. Distances of shared parking spaces from the uses they serve;
and
5. The anticipated peak parking and traffic loads for the site. Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.
6. If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

c. Findings Required

Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by Section 6567.8, if the deciding body issuing the relevant use permit makes all of the following findings, in addition to the findings required in Section 6503 of the Zoning Regulations:

1. The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
2. The peak hours of parking demand from all uses do not

coincide in such a way that peak demand is greater than the parking provided;

3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if shared parking is not provided; and
4. A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
 - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use or property ownership of shared parking will require immediate written notification to the County Planning and Building Department;
 - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including provisions for transfer of shared parking rights to new property owners if property on which shared parking is located changes ownership;
 - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
 - (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and and/or agreement at any time.

2. Off-Site Parking

a. Applicability

Subject to the requirements of this Section 6567.9 and the securing of a Use Permit in accordance with the provisions of Section 6503, required parking may be located on a parcel different than the primary use for which the parking is provided (“off-site parking”).

b. Standards Required

In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this Section’s standards and criteria.

1. Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site

spaces is demonstrated by ownership or a current lease. Changes in ownership, termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.

2. Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
3. In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.

c. Findings Required

Issuance of a Use Permit authorizing off-site parking may be approved if the deciding body issuing the relevant use permit makes all of the following findings, in addition to the findings required in Section 6503:

1. The off-site spaces to be used to satisfy the project's parking obligation will be available as long as the uses requiring the spaces are in operation;
2. The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and
4. A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
 - (a) A guarantee that there will be no alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use will require immediate written notification to the County Planning and Building Department and an reassessment of the parking demand of the revised project and any necessary updates to the written agreement;
 - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;

- (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
- (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.

d. Exceptions.

In addition to the ability to obtain a use permit for shared parking or off-site parking, the Community Development Director may grant an exception to modify the number of spaces, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6567.8.

The Community Development Director may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:

1. The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
2. Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 6567.8.