

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 36 (ZONING) OF THE MOUNTAIN VIEW CITY CODE
TO IMPLEMENT THE ECONOMIC VITALITY STRATEGY BY STREAMLINING PERMIT PROCESSES
FOR CERTAIN ACTIVE, SMALL-FOOTPRINT LAND USES, REMOVE CHANGE OF USE PERMIT
REQUIREMENTS, AND REDUCE MINIMUM PARKING STANDARDS FOR RETAIL AND PERSONAL
SERVICE USES; TO MAKE OTHER MODIFICATIONS, CLARIFICATIONS, AND TECHNICAL
CORRECTIONS THROUGHOUT THE CHAPTER TO ALIGN LAND USES IN THE
RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES WITH PARKING STANDARDS AND
DEFINITIONS TO IMPROVE CONSISTENCY AND CLARITY; AND TO MODERNIZE DEFINITIONS AND
LAND USES TO ALIGN WITH CURRENT BUSINESS TRENDS; AND FINDING THAT THE
AMENDMENTS ARE EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, AS RECOMMENDED BY THE ENVIRONMENTAL PLANNING COMMISSION

WHEREAS, City staff periodically reviews and updates Chapter 36 (Zoning) of the Mountain View City Code (City Code) for consistency with state regulations and to improve internal consistency, usability, and permitting procedures to align with best practices or regulatory changes; and

WHEREAS, the Fiscal Years 2025-26 and 2026-27 Council Work Plan includes a City Code Cleanup project, which directs staff to review and make periodic changes to the City Code to remove contradictory, unenforceable, or otherwise outdated sections as part of the Strategic Priority “Organizational Strength and Good Governance,” for which a portion of the enclosed amendments contribute to this project; and

WHEREAS, the City Council adopted the Economic Vitality Strategy on April 23, 2024, which sets goals, strategies, and actions to implement the economic vision for the City. Consistent with the Economic Vitality Strategy, these amendments update parking standards, introduce permit streamlining for certain highly desirable small businesses, and include other minor code cleanups to address the following strategies and actions:

1. *Strategy 1B (Multi-Modal Access) Action 1B.7* to evaluate reducing or eliminating parking requirements or allowed shared parking with principal uses for small neighborhood-serving uses in mixed-use development to increase the feasibility of providing such uses;
2. *Strategy 4A (Small and Midsize Businesses) Action 4A.6* to evaluate City Code changes that may provide flexibility when requiring use permits for a small and midsize business-related development that may not be able to meet parking requirements; and
3. *Strategy 5D (Regulatory Reform)* to evaluate and adapt policies, regulations, and enforcement to avoid disproportionate or adverse impacts on small businesses; and

WHEREAS, in addition to implementing the Council Work Plan and Economic Vitality Strategy, City staff also seeks to update Chapter 36 to modernize and simplify outdated land use terms and definitions to best align with current business trends, improve internal clarity and consistency within Chapter 36 with consistent organization of the land use tables in the residential, commercial, and industrial zones and the required parking standards table, and make other clarifying cleanups and technical corrections to improve the administration of the City Code for both City staff and the community; and

WHEREAS, the City has complied with the procedures and requirements set forth in Government Code Section 65853, *et seq.*, and Section 36.52.40, *et seq.* (Zoning amendments), of the City Code; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on January 21, 2026 and recommended that the City Council adopt text amendments to Chapter 36 (Zoning), including updates to: Article IV (Residential Zones), Article V (Commercial Zones), Article VI (Industrial Zones), Article VIII (Other Zones and Overlay Districts), Article IX (Standards for Specific Land Uses), Article X (Parking and Loading), Article XVI (Zoning Ordinance Administration), and Article XVII (Definitions); and

WHEREAS, the City Council held a duly noticed public hearing on _____ on this Ordinance and received and considered all information, documents, and comments presented at said hearing regarding amendment(s) to Chapter 36, including the recommendation from the Environmental Planning Commission, the City Council report, and project materials; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby makes the findings for text amendments to Chapter 36 (Zoning) pursuant to Section 36.52.70 of the City Code:

a. **The proposed amendment(s) is consistent with the General Plan.** The proposed amendments are consistent with the Mountain View 2030 General Plan as they support the guiding principles by adding contemporary land uses and definitions and removing outdated land use terms, which contribute to enhanced land uses that meet modern-day needs. The amendments result in minimal changes to allowed land uses in commercial and industrial districts that support a diversified economic base. These proposed changes, including parking and permitting flexibility, are limited to certain active community-serving land uses: retail, restaurants, indoor recreation and fitness centers, and personal services. The proposed amendments also include clarifications to improve internal consistency and usability as well as updates to procedures to reflect current best practices;

b. **The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The proposed amendments would not be

detrimental to the public interest, health, safety, convenience, or welfare of the City because the amendments implement Action 1B.7, Action 4A.6, and Strategy 5D of the Economic Vitality Strategy, which furthers the City's vision to create a thriving community where small businesses, innovation, entrepreneurship, and diversity are encouraged and flourish. Additionally, the minor nature of the code cleanup and modernization of land use terms improves the useability and implementation of zoning regulations for City staff and the community at large;

c. **The proposed amendment(s) is internally consistent with Chapter 36 of the Mountain View City Code.** The proposed amendments are intended to create internal consistency within Chapter 36 (Zoning) of the City Code with modifications to land use tables, the required parking standards table, and land use definitions, which introduce contemporary examples consistent with allowed land uses or which carry consistent naming conventions throughout the Chapter. In addition, the amendments propose minor modifications to the permit process to improve internal consistency, streamline for certain small footprint land uses, and align with current practices or regulatory changes; and

d. **The proposed amendment(s) is in compliance with the provisions of the California Environmental Quality Act (CEQA).** The proposed amendments are not a project under the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, "CEQA") and the CEQA Guidelines (Cal. Code Regs., Tit. 14, § 15000 *et seq.*), pursuant to Public Resources Codes Section 21065 and CEQA Guidelines Section 15378, because they do not approve a project or result in a direct physical impact on the environment or contemplate a known future project, and, as such, there are no known environmental impacts at this time. As a separate and independent basis, adoption of the amendments is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as the amendments are related to state legislation, procedural permit changes or clarifications with no substantive changes to allowable land uses within existing zoning districts, and are otherwise covered by the common-sense exemption whereby it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

SECTION 2. Chapter 36 (Zoning), Article IV (Residential Zones), Division 2 (Land Uses), Section 36.10.05 (Residential zone land uses and permit requirements), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.10.05. - Residential zone land uses and permit requirements.

The uses of land allowed by this Chapter in each residential zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this Chapter, including development review where required and parking requirements, and subject to obtaining any building permit or other permit required by the City Code ("P" uses on the tables).

- b. Allowed subject to approval of a conditional use permit (“CUP”) (Section 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Section 36.46).
- d. Allowed subject to approval of a planned unit development permit (“PUD”) (Section 36.46.70).
- e. Allowed subject to approval of a mobile home park permit (“MHPP”) (Section 36.48.35).

Land uses that are not listed on the table for a particular zoning district are not allowed in that district, except where otherwise provided by Section 36.06.40 (Determination of Allowable Land Uses) or Section 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

NOTE: Where the last column on the following tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use and/or a specific definition; however, provisions in other sections may apply as well.

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
AGRICULTURAL						
<u>Crop production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Small animal-keeping</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.12.55.g.</u>
EDUCATION, PUBLIC ASSEMBLY, AND RECREATION						
<u>Child-care centers</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.28.20;</u> <u>36.60.09</u>
<u>Child-care facilities, large-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20;</u> <u>36.60.09</u>
<u>Child-care facilities, small-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20;</u> <u>36.60.09</u>
<u>Community assembly</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.09</u>
<u>Public recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.60.35</u>
<u>Recreational vehicle (RV) parks</u>				<u>CUP</u>		<u>36.60.39</u>
<u>Religious institutions</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.39</u>
<u>Schools – public and private</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.41</u>
PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES						
<u>Parking lot or area, public (not accessory to residential)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>
<u>Pipelines and utility lines</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.60.35</u>
<u>Public safety facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
<u>Public utility facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>
RESIDENTIAL						
Accessory D <u>d</u> welling U <u>u</u> nit	P	P	P	P	P	36.12.60 <u>Article IV,</u> <u>Division 10;</u> <u>36.60.05</u>
Accessory U <u>u</u> ses and S <u>s</u> tructures	P	P	P	P	P	36.12.35 <u>Article IV,</u> <u>Division 9;</u> <u>36.60.05</u>
Dual U <u>u</u> rban O <u>o</u> ppportunity D <u>d</u> evelopment	P					36.13.10 <u>Article IV,</u> <u>Division 11;</u> <u>36.60.11</u>
Duplexes		P	P		P	36.10.40 <u>Article IV,</u> <u>Division 4;</u> <u>36.60.11</u>
Employee H <u>h</u> ousing ¹	P	P	P	P	P	<u>36.60.13</u>
Home O <u>o</u> ccupations, C <u>c</u> ottage F <u>f</u> ood O <u>o</u> perations, M <u>m</u> icroenterprise H <u>h</u> ome K <u>k</u> itchen O <u>o</u> perations	P	P	P	P	P	36.28.75 <u>Article IX,</u> <u>Division 11;</u> <u>36.60.09;</u> <u>36.60.19;</u> <u>36.60.29</u>
Junior A <u>a</u> ccessory D <u>d</u> welling U <u>u</u> nit	P	P	P	P	P	36.12.60 <u>Article IV,</u> <u>Division 10;</u> <u>36.60.23</u>
Mobile H <u>h</u> ome P <u>p</u> arks	MHPP	MHPP	MHPP	MHPP	MHPP	36.12.15 <u>Article IV</u> <u>Division 7;</u> <u>36.60.29</u>
Manufactured H <u>h</u> ousing	P	P	P	P	P	36.12.30
Mobile H <u>h</u> ome, S <u>s</u> ingle	P	P	P	P	P	36.12.30; <u>36.60.29</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Multiple-Ffamily Hhousing <u>development</u>		CUP	P		P	<u>R2 District:</u> <u>Article IV,</u> <u>Division 4;</u> For R3 District: 36.10.60 <u>Article IV,</u> <u>Division 5; and</u> For R4 District: 36.12 <u>Article IV,</u> <u>Division 6;</u> <u>36.60.29</u>
Residential Ccare Hhome ²	P	P	P	P	P	<u>36.60.39</u>
Rooming and Bboarding Houses <u>house or lodging house</u>	CUP	CUP	CUP	CUP	CUP	<u>36.60.39</u>
Rooming and Bboarding <u>house</u> <u>or lodging house</u> , 2 Ppersons Mmaximum	P	P	P	P	P	36.10.85; <u>36.60.39</u>
Rowhouses <u>Rowhouse</u> <u>development</u>		PUD	PUD		PUD	36.16.20 <u>Article IV,</u> <u>Division 15;</u> <u>36.60.39</u>
Senior Ccare Ffacility	CUP	CUP	CUP		CUP	<u>36.60.41</u>
Senior Ccongregate Ccare Hhousing		CUP	CUP		CUP	
Single-Ffamily Housing <u>house or</u> <u>dwelling</u>	P	P	P	P	P	36.10.10 <u>36.60.41</u>
Small-Llot, Ssingle-Ffamily Housing <u>development</u>		PUD	PUD		PUD	36.16 <u>Article IV,</u> <u>Division 13;</u> <u>36.60.41</u>
Supportive Hhousing	P	P	P	P	P	<u>36.60.41</u>
Transitional Hhousing	P	P	P	P	P	<u>36.60.43</u>
Townhouses <u>Townhouse</u> <u>development</u>		PUD	PUD		PUD	36.16.10 <u>Article IV,</u> <u>Division 14;</u> <u>36.60.43</u>
Uses not Named but Similar to Listed Uses	CUP	CUP	CUP	CUP	CUP	
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55 g.

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	P	P	P	P	P	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	
Recreational Vehicle (RV) Parks				CUP		
Safe Parking ³	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	
SERVICES						
Cemeteries, C olumbariums (with C hurch)	CUP	CUP	CUP	CUP	CUP	36.28.15; 36.60.09
Medical S ervices, E xtended C are			CUP	CUP	CUP	36.60.29
Offices, P roperty M anagement		CUP	P	P	P	36.60.33
Offices, T emporary R eal E state	TUP	TUP	TUP	TUP	TUP	36.46 Article XVI, Division 3; 36.60.33
Parking Lots, not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
<u>OTHER USES</u>						
Safe parking³	CUP	CUP	CUP	CUP	CUP	Article IX, Division 22; 36.60.41; Chapter 19
Temporary U ses	TUP	TUP	TUP	TUP	TUP	36.46 Article XVI, Division 3

¹ Subject to the same permitting requirements as a single-family dwelling.

² Subject to the same requirements as a single-family dwelling or duplex if serving six (6) or fewer clients, or subject to the underlying zoning requirements if serving seven (7) or more clients.

- 3 Safe parking shall only be allowed on sites used for, and in conjunction with, the following uses in residential zones: churches; community centers; membership organization facilities; and schools, public and private.

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted Use , Zoning Compliance Required (Development Review may also be required) <u>compliant</u>	P	36.44 and 36.44.45 <u>Article XVI, Division 2</u>
Conditional Use , C conditional Use <u>P</u> permit <u>R</u> required	CUP	36.48 <u>Article XVI, Division 6</u>
Planned Unit Development , PUD <u>planned unit</u> <u>development</u> <u>P</u> permit <u>R</u> required	PUD	36.46.70 <u>Article XVI, Division 5</u>
Temporary Use , T temporary Use <u>P</u> permit <u>R</u> required	TUP	36.46 <u>Article XVI, Division 3</u>
Mobile H home P park, M mobile H home P park <u>P</u> permit <u>R</u> required	MHPP	36.48.35 <u>Article XVI, Division 7</u>
Use N not A allowed	<u>(blank)</u>	

SECTION 3. Chapter 36 (Zoning), Article V (Commercial Zones), Division 2 (Land Uses), Section 36.18.05 (Commercial zone land use permit requirements), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.18.05. - Commercial zone land use permit requirements.

The uses of land allowed by this Chapter in each commercial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this Chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the city code (“P” uses on the tables). Per Section 36.44.45, development review approval is required for ~~changes from one (1) permitted use to another, including changes in property or building use that involve exterior~~ building or site modifications ~~or change the development’s required parking.~~

b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).

d. Land uses listed, as specifically defined in this Chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as

provided by Section 36.52.35 (Zoning amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Section 36.58.30 (Procedures for interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section 36.06.40 (Determination of allowable land uses) or Section 36.06.50 (Exemptions from zoning permit requirements).

LAND USES AND PERMIT REQUIREMENTS BY COMMERCIAL DISTRICT

NOTE-1: Where the last column on the following tables ("See Section") includes a section number, there are specific regulations and/or a specific definition in the referenced section that apply to the use; however, provisions in other sections may apply as well.

NOTE 2: ~~Changes from one (1) permitted use to another require development review approval.~~

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
MANUFACTURING AND PROCESSING					
Food products		P			36.60.15
Furniture and fixtures		P			
Laundry and dry cleaning plants		P			
Printing and publishing		P			
Recycling—reverse vending machines	CUP	CUP	CUP	CUP	36.60.39
Recycling—small collection facility	CUP	CUP	CUP	CUP	36.60.39
Wholesaling and distribution		P			36.60.49
RECREATION, EDUCATION, PUBLIC ASSEMBLY, <u>AND RECREATION</u>					
Adult entertainment establishments				CUP	36.28.10; <u>36.60.05</u>
Child day care facilities <u>Child-care centers</u>	CUP	CUP	CUP	CUP	36.28.20; <u>36.60.09</u>
Child day care <u>Child-care facilities</u> , large-family				P	36.28.20; <u>36.60.09</u>
Child day care <u>Child-care facilities</u> , small-family				P	36.28.20; <u>36.60.09</u>
Churches	CUP		CUP	P	

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Community centers assembly	CUP		CUP	CUP	36.60.09
Cultural institutions	CUP		CUP	CUP	36.60.09
Indoor recreation and fitness centers – 4,000 square feet or less	P	P		P	36.18.30; 36.60.21
Indoor recreation and fitness centers <u>– more than 4,000 square feet</u>	CUP	CUP		P	36.60.21
Learning center	CUP	CUP	CUP	P	36.60.27
Libraries and museums	CUP		CUP	CUP	
Membership organization facilities and meeting halls			CUP	CUP	
Outdoor commercial recreation				CUP	36.60.33
Pool and billiard rooms				CUP	36.60.35; Chapter 25
Public recreation	P	P	P	P	36.60.35
Public schools	CUP	CUP	CUP	CUP	
Private schools	CUP		CUP	CUP	
Religious institutions	CUP		CUP	P	36.60.39
Schools – public	CUP	CUP	CUP	CUP	36.60.41
Schools – private	CUP		CUP	CUP	36.60.41
Schools — specialized education and training	CUP	CUP	CUP	CUP	36.60.41
Studios for dance, art, music, photography, martial arts, etc.	CUP	CUP	CUP	P	
Theaters				CUP	
PROCESSING AND PRODUCTION					
Food products		P			36.60.15
Furniture and fixtures		P			36.60.15
Laundry and dry-cleaning plants		P			36.60.27
Printing and publishing		P			36.60.35
Recycling facilities – reverse vending machines	CUP	CUP	CUP	CUP	Article IX, Division 13; 36.60.39
Recycling facilities – small collection facility	CUP	CUP	CUP	CUP	Article IX, Division 13; 36.60.39
Wholesaling and distribution		P			36.60.49
PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES					
Hydrogen fueling station	P	P	P	P	36.30.120; 36.60.19
Pipelines and utility lines	P	P	P	P	36.60.35

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<u>Public safety facilities</u>	<u>CUP</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>
<u>Public utility facilities</u>	<u>CUP</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>
<u>Transit stations and terminals</u>		<u>CUP</u>		<u>CUP</u>	<u>36.60.43</u>
RESIDENTIAL					
Accessory dwelling unit	P	P	P	P	36.18.50, 36.12.60, 36.12.85, 36.30.113 <u>Article IV, Division 10; 36.18.50; Article IX, Division 23; 36.60.05</u>
<u>Accessory use or structures</u>				<u>P</u>	<u>Article IV, Division 9; 36.60.05</u>
Efficiency studios				CUP	36.28.40 <u>Article IX, Division 9; 36.60.13</u>
Emergency shelters	CUP	CUP	CUP	CUP	36.28.60
General plan mixed-use village center (only where identified in the general plan)	CUP	CUP	CUP		36.30.110, 36.30.115 <u>Article IX, Division 23; 36.60.17</u>
Home occupations, cottage food operations, microenterprise home kitchen operations				P	36.28.75 <u>Article IX, Division 11; 36.60.19</u>
Low-barrier navigation center	P	P	CUP	P	36.28.60
Mobile home parks				MHPP	36.12.15 <u>Article IV, Division 7; 36.60.29</u>
Multi ple -family housing <u>development</u> , townhouses <u>townhouse development</u> , rowhouses <u>rowhouse development</u> , or mixed-use commercial/housing <u>development</u>				CUP	<u>Article IV, Division 14; Article IV, Division 15; 36.18.50; 36.60.29; 36.60.39; 36.60.43</u>
Residential accessory use structures				P	36.12.35
Residential care home	P	P		P	<u>36.60.39</u>
Safe parking	CUP	CUP	CUP	CUP	36.32 and Chapter 19
RETAIL TRADE					
Accessory retail uses	P	P	P	P	<u>36.28.05; 36.60.05</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Auto, mobile home, trailer and boat sales <u>Auto/motor vehicle, boat, and parts sales</u>		P		CUP	36.30.25; <u>36.60.05</u>
Bars and drinking places		CUP		CUP	<u>36.60.07</u>
Building material stores (not including concrete)		P		CUP	<u>36.60.07</u>
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	36.28.30
Fuel and ice dealers		P		CUP	
Furniture, furnishings and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	<u>36.60.27</u>
Outdoor merchandise and activities <u>Outdoor retail sales, permanent</u>		CUP		CUP	36.28.95; <u>36.60.33</u>
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	36.46 <u>Article XVI, Division 3; 36.60.33</u>
<u>Restaurant – 4,000 square feet or less</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>36.18.30; 36.60.39</u>
<u>Restaurant – more than 4,000 square feet</u>	<u>P</u>	<u>CUP</u>		<u>P</u>	<u>36.60.39</u>
Restaurants serving liquor, with entertainment				CUP	
Restaurants serving liquor, without entertainment <u>Restaurant serving liquor</u>	CUP	CUP		P	<u>36.60.39</u>
Restaurants with or without beer and wine	P	CUP		P	
<u>Restaurant with entertainment (serving or not serving liquor)</u>				<u>CUP</u>	<u>36.60.39</u>
Restaurants, take-out	P	CUP		P	
<u>Retail, general merchandise – 4,000 square feet or less</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>36.18.30; 36.60.39</u>
Retail stores, general merchandise – more than 4,000 square feet	P	CUP		P	36.60.39

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Second hand stores		CUP		CUP	
Shopping centers <u>center</u>	P			CUP	36.60.41
Significant tobacco retailer				CUP	36.30.20; and 36.30.30; <u>36.60.41</u>
Warehouse retail stores		CUP			36.30.40; <u>36.60.49</u>
SERVICES					
Animal service establishments <u>establishment</u>	CUP	CUP	CUP	CUP	36.30.35; <u>36.60.05</u>
Automatic teller machines (ATMs) <u>machine (ATM)</u>	P	P	P	P	<u>36.60.05</u>
<u>Auto/motor vehicle repair – minor or major</u>		<u>P</u>		<u>CUP</u>	<u>36.30.25; 36.60.05; Chapter 39</u>
<u>Auto/motor vehicle storage</u>		<u>P</u>			<u>36.60.05</u>
<u>Auto/motor vehicle tow yard</u>		<u>CUP</u>			<u>36.60.05</u>
Banks and financial services	P		P	P	<u>36.60.07</u>
Business support services		P		P	36.60.07
Cannabis business, nonstorefront retail		CUP			36.30.55, 36.60.03 <u>Article IX, Division 21; 36.60.09; and Chapter 9</u>
Cemeteries, columbariums and mortuaries			CUP	P	36.28.15; <u>36.60.09</u>
Commercial parking lots		CUP		CUP	
Contractors equipment: storage, sales or rental <u>Construction yard and equipment</u>		P			<u>36.60.09</u>
Drive-in and drive-through services <u>facilities</u>	CUP	CUP	CUP	CUP	36.28.30; <u>36.60.11</u>
Hotels and motels				CUP	36.18.50; <u>36.60.19</u>
<u>Parking lot or area, public</u>		<u>CUP</u>		<u>CUP</u>	<u>36.60.35</u>
Medical services— < <u>less than</u> 3,000 square feet	P		P	P	36.60.29
Medical services— 3,000 to 20,000 square feet	CUP		P	P	36.60.29
Medical services— > <u>more than</u> 20,000 square feet			CUP	CUP	36.60.29
Medical services— hospitals and extended care			CUP	CUP	36.60.29

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Offices	CUP	P	P	P	CN District: 36.18.15; b; CS District: 36.18.20; <u>36.60.33</u>
Offices, administrative and executive			P	P	
Offices, research and development (including light testing and assembly)		P		CUP	CS District: 36.18.20; CRA District: 36.18.25; <u>36.60.33</u>
<u>Personal services – 4,000 square feet or less</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>36.18.30; 36.60.35</u>
Personal services <u>– more than 4,000 square feet</u>	P	CUP		P	36.60.35
Plant nursery		P		CUP	
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance— consumer products	P	P		P	36.60.39
Repair and maintenance— vehicle, major work		P			36.30.25, 36.60.39 and Chapter 39
Repair and maintenance— vehicle, minor work		P		CUP	36.30.25, 36.60.39 and Chapter 39
Service stations <u>station</u>	CUP	CUP		CUP	36.30.15; <u>36.60.41</u>
Storage, accessory	P	P	P	P	36.60.41
Tow yards		CUP			
Electrical, plumbing and carpenter shops		P			
Warehousing		P			<u>36.60.49</u>
TRANSPORTATION AND COMMUNICATIONS					
Hydrogen fueling station	P	P	P	P	36.30.120
Pipelines and utility lines	P	P	P	P	
Transit stations and terminals		CUP		CUP	
Vehicle storage		P			36.60.47
OTHER USES					
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	CUP	CUP	36.18.05-d
<u>Emergency shelter</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Article IX, Division 10; 36.60.13</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<u>Low-barrier navigation center</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>P</u>	<u>Article IX, Division 10; 36.60.27</u>
<u>Safe parking</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Article IX, Division 22; 36.60.41; Chapter 19</u>
<u>Temporary uses</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>Article XVI, Division 3</u>
<u>Uses not named but similar to listed uses as determined by the zoning administrator</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.18.05.d</u>

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and development review required <u>compliant</u>	P	36.44.45 <u>Article XVI, Division 2</u>
Conditional use, conditional use permit required	CUP	36.48 <u>Article XVI, Division 6</u>
Temporary use, temporary use permit required	TUP	36.46 <u>Article XVI, Division 3</u>
Use not allowed	<u>(blank)</u>	(Blank)
See Article XVII for definitions of land uses		

SECTION 4. Chapter 36 (Zoning), Article V (Commercial Zones), Division 2 (Land Uses), Sections 36.18.20 (CS zoning district special land use standards) and 36.18.25 (CRA zoning district special land use standards), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below, and a new Section 36.18.30 (Standards for specific small-footprint land uses in commercial zones) of the City Code is added. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by strikethrough font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.18.20. - CS zoning district special land use standards.

a. Offices and offices, research and development uses. Offices and offices, research and development uses as defined in Section 36.60.33 may be permitted in the CS zoning district, subject to the following criteria:

1. Offices and offices, research and development uses may be permitted in multi-tenant buildings up to a maximum of forty-five (45) percent of the allowable floor area on each parcel. Ancillary office area, as determined by the zoning administrator, in tenant spaces occupied by nonoffice uses shall not be counted toward this percentage;

2. Existing buildings with offices and offices, research and development uses that exceed the criterion in subsection 1 must be brought into compliance by December 31, 2009 unless a conditional use permit has been granted to allow an extension to the nonconforming use. The zoning administrator may approve an extension up to January 1, 2040, subject to a determination that significant investment in buildings and improvements to serve the nonconforming office and research and development uses have been made with city approval and that significant remaining lifespan remains for these improvements.

SEC. 36.18.25. - CRA zoning district special land use standards.

Limited offices, research and development uses are allowed in the CRA district upon approval of a conditional use permit. The intent is to allow small-scale businesses that are office-like (such as software and ~~Internet~~ internet companies) and are compatible with the commercial, office and residential uses commonly found in the area; that do not involve manufacturing or the use of hazardous materials (except those normally associated with office buildings, such as cleaning materials); and are located in buildings developed (or redeveloped) for office uses and not in individual tenant spaces in multi-center retail centers.

SEC. 36.18.30. - Standards for specific small-footprint land uses in commercial zones.

a. **Applicability.** Specific small-footprint land uses are exempt from a zoning permit if: (1) the use is a retail, restaurant, personal service or indoor recreation and fitness center land use permitted in an underlying commercial zoning district per Section 36.18.05; and (2) complies with all provisions of this Section.

b. **Standards.** Specific land uses covered by this Section shall comply with all of the following standards to qualify for the exemptions in subsection c:

1. **Size of tenant space:** Occupies a total cumulative commercial tenant space of four thousand (4,000) gross square feet or less.

2. **Compliance with all codes and laws:** Complies with all provisions of the city code, including Section 36.18.30 (General development standards for commercial zones) and obtains all necessary permits in accordance with city, state and federal regulations. This subsection shall not be interpreted to allow any violation of state or federal law or city code.

3. **Required parking:** Complies with required accessible parking in the California Building Code and electric vehicle charging parking in the California Green Building Code, as adopted in Chapter 8 of the city code.

4. **Loading and deliveries:** The operator must comply with the following:

(a) All loading and unloading activities must occur in a designated on-site location or an on-street loading or parking space suitable for these activities;

(b) Loading and delivery vehicles shall not obstruct public sidewalks, bicycle lanes, on-street vehicle travel lanes, or emergency vehicle/fire lanes; and

(c) No goods, materials, or equipment shall be staged or stored on public sidewalks or in required parking areas.

5. Solid waste, recycling and discharge: The operator shall provide:

(a) Adequate, clearly labeled collection containers in a designated location(s) for solid waste and recycling for use by all employees, tenants, and customers consistent with the city's solid waste collection design guidelines (as separately published by the city); and

(b) For restaurants, all discharge must comply with Chapter 35 of the city code, including Section 35.33.11.1.i.

6. Outdoor activities: No outdoor storage or activities are permitted without separate approval per Article XVI of this Chapter, except outdoor dining is permitted with an issued building permit for a restaurant use in compliance with Section 36.44.65 (Development review procedures) and Chapters 8 and 14 of the city code.

7. Noise: All stationary equipment, including any amplified sound within the building interior, must comply with noise standards established in Section 21.26 (Stationary equipment noise) of the city code. No exterior amplified sound is permitted.

8. Change of ownership: Any business shall continue to conform to this Section upon a change of ownership/operator of the site, business, service, use(s) and/or structure provided there are no changes or that any modification(s) are consistent with the provisions in this Section.

c. Exemptions. If the small footprint land use complies with all the provisions of subsections a and b, then the following exemptions apply:

1. No new or additional parking spaces beyond those required by subsection b.3 above are required to be provided on the subject site of the business or any associated parking facility available for the business to use, in accordance with Section 36.32.50.b.3; and

2. No conditional use permit (zoning permit) is required. Other city or governmental agency permits, licenses, or approvals may be required prior to business operation.

d. Enforcement. Any violation of the provisions of this Section shall constitute a public nuisance, and any small-footprint land use that is maintained contrary to the provisions of this

Section is hereby declared to be unlawful and a public nuisance and shall be subject to the enforcement provisions in Article XVI, Division 20 of this Chapter (Enforcement of provisions).

SECTION 5. Chapter 36 (Zoning), Article VI (Industrial Zones), Division 2 (Land Uses), Section 36.20.05 (Industrial zone land use permit requirements), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.20.05. - Industrial zone land use permit requirements.

The uses of land allowed by this Chapter in each industrial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this Chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the ~~C~~city ~~C~~code (“P” uses on the tables). Per Section 36.44.45, development review approval is required for ~~changes from one (1) permitted use to another, including changes in property or building use that involve exterior~~ building or site modifications ~~or change the development’s required parking.~~

b. Allowed subject to approval of a conditional use permit (“CUP”) (~~Section~~ 36.48).

c. Allowed subject to approval of a temporary use permit (“TUP”) (~~Section~~ 36.46).

d. Land uses listed, as specifically defined in this Chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Section 36.52.35 (Zoning Aamendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Section 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section 36.06.40 (Determination of Allowable Land Uses) or 36.06.50 (Exemptions from Zoning Permit Rrequirements).

LAND USES AND PERMIT REQUIREMENTS BY INDUSTRIAL DISTRICT

NOTE-1: Where the last column on the following tables (“See Section”) includes a section number, there are specific regulations in the referenced section that apply to the use and/or a specific definition of the use; however, provisions in other sections may apply as well.

~~**NOTE 2:** Changes from one (1) permitted use to another require development review approval.~~

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
<u>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</u>			
<u>Child-care centers</u>	<u>CUP</u>	<u>CUP</u>	<u>36.20.10.g; 36.28.20; 36.60.09</u>
<u>Community assembly</u>	<u>CUP</u>	<u>CUP</u>	<u>36.20.10.g; 36.60.09</u>
<u>Indoor recreation and fitness centers</u>	<u>CUP</u>	<u>CUP</u>	<u>36.20.10.g; 36.60.21</u>
<u>Outdoor recreation</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.33</u>
<u>Public recreation</u>	<u>P</u>	<u>P</u>	<u>36.60.35</u>
<u>Religious institutions</u>	<u>CUP</u>	<u>CUP</u>	<u>36.20.10.e; 36.60.39</u>
<u>Schools – public</u>	<u>CUP</u>	<u>CUP</u>	<u>36.20.10.g; 36.60.41</u>
<u>Schools – specialized education and training</u>		<u>CUP</u>	<u>36.20.10.g; 36.20.20.a.2; 36.60.41</u>
<u>MANUFACTURING AND PROCESSING AND PRODUCTION</u>			
Assembly or packaging of previously prepared materials (i.e., cloth, plastic, paper, leather, precious or semiprecious metals/stones)	<u>P</u>		
Experimental, film or testing laboratories	<u>P</u>		
<u>Concrete-mixing and asphalt-mixing yards</u>		<u>CUP</u>	
Food products	<u>P</u>		36.60.15
General manufacturing, including processing and assembly		<u>P</u>	
Industrial controls, motors and generators		<u>P</u>	
Instruments for measurement, testing, analysis and control		<u>P</u>	
<u>Laboratory</u>	<u>P</u>	<u>P</u>	<u>36.60.27</u>
<u>Manufacturing, light</u>	<u>P</u>	<u>P</u>	<u>36.60.29</u>
<u>Manufacturing, heavy</u>		<u>P</u>	<u>36.60.29</u>
Manufacture of electric and electronic instruments and devices (i.e., television, radio and phonographic equipment)	<u>P</u>	<u>P</u>	
Optical instruments and lenses		<u>P</u>	
Pharmaceuticals, <u>compounding pharmacy</u>	<u>P</u>		<u>36.60.35</u>
Photographic equipment and supplies		<u>P</u>	
Primary production of wood, metal or chemical products from raw materials or any use listed as a conditional use in the ML district	<u>P</u>		
Printing, <u>and</u> publishing and lithography	<u>P</u>		<u>36.60.35</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
Processing of products, assembly or creation of machinery, apparatus and supplies for the generation, storage, transmission and use of electrical energy and related industries		P	
Semiconductor fabrication		P	
Telephone apparatus		P	
<u>Recycling facilities—reverse vending machines, small collection, and large collection</u>	<u>CUP</u>	<u>CUP</u>	<u>Article IX, Division 13; 36.60.39</u>
Wholesaling and distribution	P	P	36.60.49, ML District: 36.20.15-a.2; <u>36.60.49</u>
<u>PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES</u>			
<u>Hydrogen fueling station</u>	<u>P</u>	<u>P</u>	<u>36.30.120; 36.60.19</u>
<u>Pipelines and utility lines</u>	<u>P</u>	<u>P</u>	<u>36.60.35</u>
<u>Public safety facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.35</u>
<u>Public utility facilities</u>	<u>CUP</u>	<u>P</u>	<u>36.60.35</u>
<u>Transit stations and terminals</u>		<u>P</u>	<u>36.60.43</u>
<u>RECREATION, EDUCATION AND PUBLIC ASSEMBLY</u>			
Educational, public or quasi-public	CUP	CUP	MM District: 36.20.20-a.2
Child-care center	CUP	CUP	36.28.20, 36.20.10-g
Churches	CUP	CUP	36.20.10-e
Membership organization facilities and meeting halls, public halls	CUP	CUP	
Recreational, public or quasi-public	CUP	CUP	MM District: 36.20.20-a.2
<u>RETAIL TRADE</u>			
<u>Accessory retail uses</u>	<u>P</u>	<u>P</u>	<u>36.28.05; 36.60.05</u>
<u>Cannabis business, nonstorefront retail</u>	<u>CUP</u>	<u>CUP</u>	<u>Article IX, Division 21; 36.60.09; Chapter 9</u>
Drive-in and drive-through services <u>facilities</u>	CUP	CUP	36.28.30; i 36.20.10-f; <u>36.60.11</u>
<u>Outdoor retail sales, permanent</u>	<u>CUP</u>	<u>CUP</u>	<u>36.28.95; 36.60.33</u>
Restaurants without beer and wine	P	CUP	36.20.10-b; i ML District: 36.20.15-a.1; <u>36.60.39</u>
Restaurants serving liquor, without live entertainment	P	CUP	36.20.10-b; <u>36.60.39</u>
Restaurants serving liquor, with live entertainment, dancing <u>(serving or not serving liquor)</u>	CUP	CUP	36.20.10-b; <u>36.60.39</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
Retail stores, general merchandise	CUP	CUP	36.60.39 and 36.20.10_-c; <u>36.60.39</u>
<u>Shopping center, warehouse retail</u>		<u>CUP</u>	<u>36.20.10.d; 36.30.40; 36.60.41</u>
Warehouse retail	CUP	CUP	36.20.10_-d; and 36.30.40; <u>36.60.49</u>
TRANSPORTATION AND COMMUNICATION			
Hydrogen fueling station	P	P	36.30.120
Public and quasi-public utility and services	CUP	P	
Service station	CUP	CUP	36.30.15
SERVICES			
Animal service establishments establishment		CUP	36.30.35; <u>36.60.05</u>
<u>Auto/motor vehicle repair – minor or major</u>		<u>CUP</u>	<u>36.30.25; 36.60.05; Chapter 39</u>
Auto/ <u>motor vehicle</u> wrecking yard, <u>junk yard, scrap and dismantling yard</u>		CUP	36.60.23 <u>05</u>
<u>Auto/motor vehicle tow yard</u>		<u>CUP</u>	<u>36.60.05</u>
Banks and financial services	P	CUP	<u>36.60.07</u>
Business support services		CUP	36.60.07
Cannabis business, nonstorefront retail	CUP	CUP	36.30.55, 36.60.03, and Chapter 9
Concrete mixing and asphalt mixing yards		CUP	
Data centers <u>center</u>	P	P	ML District: 36.20.15_-a.2; <u>36.60.11</u>
Junk yard, auto wrecking yard, tow yard		CUP	36.60.23
Office			36.60.33, MM District: 36.20.20-a.1
—Offices	P	CUP	MM District: <u>36.20.20.a.1;</u> <u>36.60.33</u>
—Administrative and executive	P	CUP	
— <u>Offices, R</u> esearch and development	P	<u>CUP</u>	MM District: 36.20.20_a.3; <u>36.60.33</u>
Personal storage facility <u>facilities</u>		P	36.60.35
Repair and maintenance—vehicle, minor repair		CUP	36.30.25, 36.60.39 and Chapter 39
Repair and maintenance—vehicle, major repair		CUP	36.30.25, 36.60.39 and Chapter 39
<u>Service station</u>	<u>CUP</u>	<u>CUP</u>	<u>36.30.15; 36.60.41</u>
Storage, <u>accessory</u>	<u>P</u>	P	<u>36.60.41</u>
Warehousing	P	P	ML District: 36.20.15_-a.2; <u>36.60.49</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
OTHER USES			
Crop, tree farming, livestock	P	P	36.20.10 -a; <u>36.60.09</u>
Emergency shelters <u>shelter</u>	CUP	P	36.28.60 <u>Article IX, Division 10;</u> <u>36.60.13</u>
Low-barrier navigation center	CUP	P	36.28.60 <u>Article IX, Division 10;</u> <u>36.60.27</u>
Railroad yards, freight stations, trucking and motor freight stations		P	
Safe parking	CUP	CUP	36.32 , and <u>Article IX,</u> <u>Division 22; 36.60.41;</u> Chapter 19
Other u Uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	<u>36.20.05.d</u>

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and development review required <u>compliant</u>	P	36.44.45 <u>Article XVI, Division 2</u>
Conditional use, conditional use permit required	CUP	36.48 <u>Article XVI, Division 6</u>
Temporary use, temporary use permit required	TUP	36.46 <u>Article XVI, Division 3</u>
Use not allowed	<u>(blank)</u>	(Blank)
See Section 36.60.03 for definitions of land uses		

SECTION 6. Chapter 36 (Zoning), Article VI (Industrial Zones), Division 3 (Standards for Specific Land Uses), Sections 36.20.10 (General), 36.20.15 (ML zoning district special land use standards), and 36.20.20 (MM zoning district special land use standards), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.20.10. - General.

The following land uses have specific regulations pertaining to operations and development standards applicable to both the ML and MM zoning districts:

- a. **Crop, tree farming, livestock.** Crop and tree farming and livestock of the cow, horse,

sheep or goat species is permitted in the ML and MM districts, where at least ninety (90) percent of the acreage required by Chapter 5 of the City Code is open and unimproved, and subject to the provisions of that Chapter.

b. **Restaurants serving liquor ~~with or without liquor or live~~ restaurant with entertainment (serving or not serving liquor).** Restaurants and other establishments providing live entertainment, or permitting dancing, or serving liquor for consumption on the premises which will not impair the present or potential use of adjacent or nearby properties are conditionally permitted in the ML and MM districts.

c. **Retail ~~commercial~~ and services.** Appropriate retail ~~commercial~~ and service uses are conditionally permitted in the ML and MM districts, such as cafés or service stations necessary to serve those districts.

d. **Warehouse retail.** Warehouse retail stores which meet the following criteria are conditionally permitted in the ML and MM districts:

1. The building and site design shall complement the surrounding industrial development. It shall be comparable to the architectural and design quality expected of new buildings in the area, including quality of materials, building design, building orientation, site design, landscaping and buffering. The building shall reflect the retail aspect of the use by incorporating storefront features, such as facade ornamentation and special detailing which identify the entryway and provide pedestrian-level interest to the facade.

2. Warehouse retail uses shall comply with the basic site development regulations of the ML or MM district, regarding area and yard requirements, landscaping, screening, etc., unless otherwise described in this ~~s~~Section. The zoning administrator shall evaluate sign needs and determine the size, height, lighting, shape, color, number and location of signs based on the CRA standards in ~~Sec.~~tion 36.36.55.

3. Warehouse retail buildings and facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, trash containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard from off-site.

4. When evaluating applications for warehouse retail uses near residential areas, particular attention shall be given to the potential traffic, noise, visual and other effects of warehouse retail uses on the residential uses.

5. Retail commercial parking requirements, including number and design standards, shall apply unless the zoning administrator grants exceptions or imposes special requirements based on the nature of this use. The zoning administrator shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.

6. The zoning administrator may approve shared parking with an adjoining industrial use if compatible hours of operation can be proven and deed restrictions, long-term parking agreements or other legally binding instruments are recorded.

7. Because of high on-site pedestrian and auto activity, the design shall include clearly defined building entrances, specially designated areas to accommodate customer pickup, and pedestrian walks from the parking areas to the building.

8. The use shall be allowed in P (planned community) districts that reference the ML or MM district, provided that the applicable precise plan specifically lists warehouse retail as a conditional or provisional use.

9. The use shall be located only on streets where there is adequate traffic capacity.

e. ~~Churches~~ **Religious institutions.** ~~Churches and religious institutions~~ **uses** where it is demonstrated that they are convenient and in close proximity to residential neighborhoods are conditionally permitted in the ML and MM districts.

f. **Drive-up or drive-in services facilities.** Any use which has as a part of its design or function drive-up or drive-in ~~services~~ **facilities** are conditionally permitted in the ML and MM districts, where special attention has been given to mitigate problems of noise, air pollution, excessive pavement, congestion, litter, unsightliness and access to the disabled.

g. **Child-care centers and highly sensitive uses.** No new child-care facility(ies) or highly sensitive use(s) shall be permitted in the ML or MM districts with the following exception where both subsection 1.(a) and 1.(b) can be met:

1. A child-care facility may be permitted if it meets all of the following requirements:

(a) **Operation.** The child-care facility is owned, operated and located on a company's site and exclusively serves parents employed in the company.

(b) **Adjacent uses.** The child-care facility is located at least one thousand (1,000) feet from the boundaries with adjacent properties zoned for industrial use or the adjacent property owner(s) agree(s) in writing to prohibit the use of extremely hazardous material on their property and notify any tenants of this restriction.

(c) **Conditional use permit.** The child-care facility received conditional use permit approval as provided in ~~City Code~~ **Section** 36.48. The conditional use permit shall be in effect only while the same company occupies the site.

2. **Specific district requirement for the ML district only.** The portion of the ML district along Polaris Avenue and Wright Avenue may be considered for highly sensitive uses subject to a conditional use permit as provided in Section 36.48, except that all ML properties in the vicinity must receive public notice of the hearing in addition to standard noticing requirements.

SEC. 36.20.15. - ML zoning district special land use standards.

The following land uses have specific regulations pertaining to operations and development standards:

a. **Permitted uses.** The following uses are permitted in the ML zoning district:

1. **Restaurants, ~~with or without sale of beer and wine~~ retail, and service uses.** Restaurants, ~~including incidental sale of beer and wine for consumption on the premises and~~ retail, and service uses to serve employees in the ML district that meet the following criteria:

(a) The use is a minor, and clearly ancillary, part of a larger permitted or conditional use on a parcel.

(b) The total floor area of the commercial uses does not exceed three thousand (3,000) square feet.

(c) The use is not immediately adjacent to loading docks, outside storage and equipment areas or other activity areas with high noise levels, odors or other conditions undesirable for commercial uses.

(d) The use is not on a parcel, or adjacent to a parcel, where extremely hazardous materials, as defined in Section 36.60.13, are used.

(e) Parking is provided at a ratio that is no less than the ratio required for the primary use on the site.

(f) Signs are permitted pursuant to Article XII of the city code. In addition, commercial uses permitted under this ~~s~~Section are allowed a freestanding sign with an area not to exceed ten (10) square feet.

2. **Wholesale, warehousing and data centers.** Wholesale businesses, and warehousing, and data centers, when conducted within a fully enclosed building.

b. **Conditionally permitted uses.** The following uses are conditionally permitted in the ML zoning district:

1. **~~Research, light manufacturing and public service~~ Community assembly use.**

Any ~~other research, light manufacturing or public service~~ community assembly use which the zoning administrator finds to be consistent with the purpose of this ~~a~~ Article and which will not impair the present or potential use of adjacent properties.

c. **Accessory uses.** The following accessory uses in the ML District are permitted subject to development review approval and permits:

1. Accessory uses and buildings customarily appurtenant to a permitted use.
2. Outside storage and equipment areas amounting to not more than four (4) percent of the total lot, which shall be screened from view from adjoining streets or properties. ~~Incidental services such as cafeterias, fitness or laundry facilities to serve employees.~~
3. Incidental services, such as cafeterias, fitness, or laundry facilities to serve employees.

SEC. 36.20.20. - MM zoning district special land use standards.

The following land uses have specific regulations pertaining to operations and development standards:

a. **Conditionally permitted uses.** The following uses are conditionally permitted in the MM zoning district:

1. ~~Offices. Administrative, executive and financial offices which are deemed by the zoning administrator to be appropriate in the MM district, provided that the landscaping meets the approval of the zoning administrator~~ complies with the underlying zoning district requirements.
2. ~~Educational or recreational uses.~~ Uses of an educational or recreational nature considered appropriate for the MM district, such as service or industrial job training.
3. ~~Research and development. Research and development offices, devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes some laboratory space or other small scale manufacturing operations.~~

b. **Accessory Uses.** The following accessory uses in the MM district are permitted subject to development review approval and permits:

1. Incidental services, such as cafeterias, fitness or laundry facilities to serve employees.
2. Other accessory uses and buildings customarily appurtenant to a permitted use.

SECTION 7. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 1 (Agriculture (A) Zoning District Standards), Section 36.24.10 (Principal permitted uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.24.10. - Principal permitted uses.

- a. Agriculture, except those specified in Section 36.24.20.
- b. Ranch and farm dwellings appurtenant to a principal agricultural use.
- c. Public ~~parks and recreation areas~~.
- d. Single-family ~~residence~~ house or dwelling.
- e. Employee housing consistent with Government Code Section 17021.

SECTION 8. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 1 (Agriculture (A) Zoning District Standards), Section 36.24.20 (Conditional uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.24.20. - Conditional uses.

- a. ~~Private noncommercial~~ Outdoor recreation uses and facilities, including swimming pools, golf courses, and tennis courts.
- b. Dairy farms or the raising or keeping of farm animals.
- c. Animal feed and sales yards, agricultural processing plants, fertilizer plants and yards.
- d. Quarters, accommodations or areas for transient labor, such as labor cabins or camps.
- e. ~~Commercial recreation uses and facilities~~ Indoor recreation and fitness centers.
- f. Cemeteries, crematories, mausoleums and columbariums.
- g. ~~Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type~~ Public school, public recreation, religious institutions, cultural

institutions, public safety facilities, or public utility facilities, including public utility buildings, structures and uses; but not including corporation, storage or repair yards, warehouses, and similar uses.

h. Poultry farm when any building housing more than four (4) poultry is at least two hundred (200) feet from every lot line.

i. Animal service establishments, as needed to serve the city, which do not impinge on existing or proposed residential uses, in accordance with Section 36.30.35.

j. Riding academies and commercial stables, including horse rentals, horse riding trails, riding rings, horse training tracks, equestrian clubs and boarding, provided that structures housing animals are at least two hundred (200) feet from any property line and a minimum of four (4) acres of land ~~is~~are provided.

k. Child-care centers.

SECTION 9. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 2 (Public Facility (PF) Zoning District Standards), Section 36.24.45 (Principal permitted uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.24.45. - Principal permitted uses.

- a. City-owned facilities.
- b. Public ~~parks and open space~~ recreation.
- c. County, state and federally owned facilities.
- d. Public schools intended to serve the immediately surrounding neighborhood.
- e. Uses and facilities, whether constructed publicly or privately, developed on city-owned land and intended for a purpose found by the city to be in the public interest.
- f. Crop and tree farming and livestock of the cow, horse, sheep or goat species where at least ninety (90) percent of the acreage required by the animal control ordinance is open and unimproved, ~~and~~ subject to the provisions of Chapter 5 of the city code.

g. Child-care centers that comply with the following standards:

1. Adequate on-site drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or create circulation problems in parking lots.

2. The proposed site shall not be adjacent to a ~~gas~~ service station, automobile/motor vehicle repair ~~shop~~ or similar businesses that use, sell, or store significant amounts of hazardous materials.

3. Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along boundaries with residential uses.

4. Development review shall be required as provided in ~~City Code~~ Section 36.44.45.

SECTION 10. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 2 (Public Facility (PF) Zoning District Standards), Section 36.24.55 (Conditional uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.24.55. Conditional uses.

a. Private schools and public schools intended to serve a broader population than the immediately surrounding neighborhood.

b. Any other ~~public and quasi-public buildings and the uses of a recreational, educational, religious, cultural or public service type~~ public recreation, religious institutions, cultural institutions, public safety facilities, or public utility facilities, not specifically mentioned above, including public utility buildings, structures and uses; but not including corporation storage or repair yards, warehouses and similar uses unless the adjacent zoning is industrial.

c. Temporary ~~private and quasi-public offices~~ and indoor recreation and fitness studio uses of low intensity, providing space for artists, dance, music, or theater and low-intensity private office use, with adherence to the following guidelines:

1. Usage shall be conducted in existing buildings or facilities, and no major renovation of the facilities or new building construction shall be permitted.

2. Private uses shall be low intensity, involving little public interaction, minimum traffic generation and general compatibility with surrounding uses.

3. Approval shall be limited to a maximum of five (5) years, subject to renewal with application.

4. No additional parking or major modification of the parking facilities is needed in order to accommodate the use.

5. Outside activity producing noise or visual problems shall be limited, and there shall be no outside storage of any materials.

6. Public events, including sale of items made on the premises, shall be limited and specified within the conditional use permit.

7. The continued maintenance and availability of open lands for public use shall be assured.

d. Child-care centers that do not comply with the standards in Section 36.24.45 ~~g~~.

e. Emergency shelters and low-barrier navigation centers in compliance with Division 10 of Article IX of this Chapter.

f. Safe parking in compliance with Division 22 of Article IX of this Chapter and Chapter 19 of the city code.

SECTION 11. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 3 (Flood Plain (F) Zoning District Standards), Section 36.26.10 (Principal permitted uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.26.10. - Principal permitted uses.

a. Public ~~parks and recreation areas~~.

b. Extraction of chemicals from sea water by natural evaporation or distillation.

c. Crop and tree farming and livestock of the cow, horse, sheep or goat species, where at least ninety (90) percent of the acreage required by the animal control ordinance is open and unimproved, ~~and~~ subject to the provisions of Chapter 5 of the ~~City Code~~.

SECTION 12. Chapter 36 (Zoning), Article VIII (Other Zones and Overlay Districts), Division 3 (Flood Plain (F) Zoning District Standards), Section 36.26.20 (Conditional uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by

~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.26.20. - Conditional uses.

- a. ~~Private~~Outdoor recreation ~~areas~~, uses and facilities, including golf course and driving range, shooting clubs and facilities, yacht clubs and facilities, commercial swimming pools, and other similar recreation facilities.
- b. Boatyards.
- c. ~~Outdoor theaters, golf driving ranges, commercial swimming pools and other similar commercial recreation facilities~~ cultural institutions.
- d. Livestock.
- e. Any other use which, in the judgment of the zoning administrator, will not be inconsistent with the purpose of this ~~a~~Article, and will not impair the present or potential use of adjacent properties.

SECTION 13. Chapter 36 (Zoning), Article IX (Standards for Specific Land Uses), Division 2 (Accessory Retail Uses), Section 36.28.05 (Accessory retail uses), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.28.05. - Accessory retail uses.

Retail sales and services, including, but not limited to, restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use as follows:

- a. **General standard.** Accessory retail uses are permitted, provided there is no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining streets), and all access to for the accessory retail use is from within the structure.
- b. **Commercial and industrial zoning districts.** Restaurants and retail sales are permitted in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities; pharmacies are permitted accessory to hospitals and other medical facilities. Accessory restaurants, retail sales and other services are permitted in the industrial zoning districts to serve the needs of employees.

c. **Residential and special-purpose zoning districts.** ~~Membership organizations, social or recreational~~ Community assembly, indoor recreation and fitness centers, outdoor recreation, or public recreation establishments may engage in retail sales for guests only.

d. **Development review approval required.** All accessory retail uses shall require development review as provided in Section 36.44.45 (Development ~~R~~review). In order to approve an accessory retail use, the approval body shall first find that there will be no harm to adjacent existing or potential residential development due to excessive traffic, noise, or other adverse effects generated by the accessory use.

SECTION 14. Chapter 36 (Zoning), Article IX (Standards for Specific Land Uses), Division 5 (Child Day-Care Facilities), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below, including modifying the Division title. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

DIVISION 5. ~~CHILD DAY-CARE~~ CHILD-CARE FACILITIES

SEC. 36.28.20. - ~~Child day-care~~ Child-care facilities.

This ~~s~~Section establishes standards for city review of ~~child day-care~~ child-care facilities, in conformance with state law, including the limitations on the city's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this ~~c~~Chapter and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the ~~d~~Department of ~~s~~Social ~~s~~Services is required for all ~~child day-care~~ child-care facilities.

a. **Small and large family ~~day~~child-care homes.** Permitted within any single-family or multi-family dwelling in a residential zone.

b. **~~Child day-care~~ Child-care centers.** Allowed in the zoning districts determined by ~~Section~~s 36.10.05 (Residential ~~Z~~zones), 36.18.05 (Commercial ~~Z~~zones), 36.20.05 (Industrial ~~Z~~zones), and 36.22, 36.24, 36.24.35, 36.26, and 36.26.35 (Special ~~P~~urpose ~~Z~~zones), subject to conditional use permit approval (~~Sec. 36.48~~ Division 6 of Article XVI of the city code), and the following:

1. **Spacing/concentration.** No residential property shall be bordered on more than one (1) side by a ~~child day-care~~ child-care facility.

2. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day-care home may serve as its drop-off area. Adequate drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or does not create circulation problems in parking lots.

3. **Adjacent uses.** The proposed site shall not be located adjacent to a business that uses, sells, or stores significant amounts of hazardous materials or creates high noise levels or fumes.

4. **Outdoor play areas.** Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.

5. **Development review approval.** Development review approval shall be required as provided in ~~C~~ity ~~C~~ode Sec~~ti~~on 36.44.45.

SECTION 15. Chapter 36 (Zoning), Article IX (Standards for Specific Land Uses), Division 7 (Drive-In and Drive-Through Sales and Services), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below, including modifying the Division title. Section titles are shown in **bold** font, additions are shown in red font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

DIVISION 7. DRIVE-IN AND DRIVE-THROUGH ~~SALES AND SERVICES~~FACILITIES

SEC. 36.28.30. - Drive-in and drive-through ~~sales and services~~facilities.

Any retail trade or service use providing drive-in/ and/or drive-through ~~sales or services~~ facilities requires approval of a conditional use permit. Drive-through facilities shall comply with the property development standards of the underlying district and with this ~~s~~Section.

a. **Pedestrian requirements.** Pedestrian walkways should not intersect the drive-through through aisles, but where they do, they shall have clear visibility, and they must be clearly marked with paving or striping.

b. **Stacking.** Drive-through aisles at restaurants shall provide sufficient stacking area to accommodate a minimum of six (6) cars unless additional stacking area is required by the zoning administrator.

c. **Equipment screening.** All service areas, ~~rest rooms~~ restrooms, and ground-mounted and roof-mounted mechanical equipment shall be screened from view.

d. **Landscaping.** Landscaping shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board and directional signs.

e. **Noise.** Any drive-up or drive-through speaker system shall not be audible above the ambient noise levels beyond the property boundaries.

- f. **Permitted products.** The sale of alcoholic beverages is not allowed.

SECTION 16. Chapter 36 (Zoning), Article IX (Standards for Specific Land Uses), Division 12 (Outdoor Merchandise Display and Activities), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below, including modifying the Division title. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

DIVISION 12. ~~OUTDOOR-MERCHANDISE-DISPLAY-AND-ACTIVITIES~~ RETAIL SALES

SEC. 36.28.95. - ~~Outdoor-merchandise-display-and-activities~~ retail sales.

Permanent outdoor **retail** sales and rental establishments, including those dealing with autos, other vehicles and equipment; service stations; and other uses where the business is not conducted entirely within a structure, shall comply with the following standards. Temporary outdoor sales are subject to ~~Section 36.46~~ a temporary use permit (~~Temporary Use Permits Division 3 of Article XVI of the city code~~).

a. **Outdoor merchandise display.** The outdoor display of merchandise shall comply with the following standards:

1. **Screening required.** Except for automobile sales, an outdoor sales/activity area shall be screened from adjacent streets by decorative solid walls, fences, or landscaped berms, a minimum of thirty-six (36) inches high, in a ten (10) foot landscaped area adjacent to the street property line;

2. **Location of merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic; and

3. **Signs.** Generally, there shall be no signs in addition to that allowed by Article XII (Signs) that is visible from the street. Pricing signs shall be no larger than necessary to be read by on-site shoppers.

b. **Outdoor storage areas.** Where permitted by the underlying zoning district, all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six (6) feet in height.

c. **Development review approval required.** Any use proposing outdoor ~~merchandise~~ **retail** display or other outdoor business activities shall require a development review permit in compliance with Section 36.44.45 (~~Development R~~eview).

SECTION 17. Chapter 36 (Zoning), Article IX (Standards for Specific Land Uses), Division 16 (Vehicle Sales and Repair Operations), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below, including modifying the Division title. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

DIVISION 16. AUTO/MOTOR VEHICLE SALES, AND REPAIR, AND TOW YARD OPERATIONS

SEC. 36.30.25. - Auto/motor ~~V~~vehicle sales, and repair, and tow yard operations, ~~parking~~.

a. The business of auto/motor vehicle sales, ~~towing or repairs~~, or tow yards, whether for new vehicles, used vehicles, rentals, or leases (collectively “vehicle business(es)”), must be conducted solely on private property without storing or parking any of the vehicles that are in any way connected with the vehicle business on public or private property that is not part of the vehicle business.

b. No person who owns, operates, leases or otherwise has control over a vehicle business shall allow any vehicle that is stored, has been towed or is for sale, lease, rental or under repair as part of that business to be parked on any public street or thoroughfare within five hundred (500) feet of the property comprising the vehicle business.

c. Violation of this ~~s~~Section may be punished pursuant to ~~C~~city ~~C~~code Section 1.7. In addition, after written notice delivered by certified mail to the owner or operator of the vehicle business, any vehicle found in violation of this ~~s~~Section within six (6) months of said notice may be towed and impounded by the city and retained as evidence in the prosecution of a violation of this ~~s~~Section. The owner of the vehicle business shall be liable, in addition to any penalties, for the costs of towing, impounding, and storing of the vehicles as well as any liability for the loss of use of the vehicle to the owner or third party.

d. For purposes of this ~~s~~Section, auto/motor vehicle repair shall include dismantling, disassembling, building, remodeling, assembling, repairing, painting, washing, cleaning, servicing or storing of motor vehicles, boats, trailers, airplanes, and aircraft.

SECTION 18. Chapter 36 (Zoning), Article X (Parking and Loading), Division 3 (Number of Parking Spaces Required), Section 36.32.50 (Required number of parking spaces), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.32.50. - Required number of parking spaces.

Each land use shall provide the minimum number of off-street parking spaces required by this Section, inclusive of accessible and electric vehicle (EV) charging spaces required per Chapter 8 of the city code.

a. **Uses not listed.** Land uses not specifically listed in subsection c below shall provide parking as required by the zoning administrator. In determining appropriate off-street parking requirements, the zoning administrator shall use the requirements of subsection c below as a general guide in determining the minimum number of off-street parking spaces necessary to avoid undue interference with public use of streets and alleys.

b. **Exemptions.**

1. **Parking requirements near major transit stops.**

(a) No minimum number of parking spaces is required for residential or nonresidential development on properties located within one-half (1/2) mile of a major transit stop as defined in Section 21155 of the Public Resources Code, unless the city makes written findings in accordance with Government Code Section 65863.2 (b).

(b) Subsection (a) above shall not apply to a project where any portion is designated for use as a hotel (except a residential hotel as defined in Section 50519 of the Health and Safety Code), motel, bed and breakfast inn or other transient lodging (i.e., short-term rentals), which shall instead meet the minimum number of parking spaces required for each applicable use in subsection c (Parking requirements by land use), below. Notwithstanding subsection (a), an event center shall provide parking as required for employees and other workers.

(c) Any new development exempt from minimum parking standards per Government Code Section 65863.2 must provide electric vehicle equipment-installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development as required by Government Code Section 65863.2(f).

(d) If parking is provided voluntarily under subsection (a), the city may impose requirements for car-share vehicles, require spaces for public use or require parking owners to charge for parking.

2. **Moffett Boulevard general plan change area.**

(a) No minimum number of parking spaces is required for the residential component of any development in the Moffett Boulevard general plan change area.

3. Specific small footprint commercial land uses.

(a) Specific land uses permitted in an underlying zoning district consistent with the provisions of Section 36.18.30 (Standards for specific small-footprint land uses in commercial zones) are exempt from providing any new or additional parking spaces to comply with the requirements of subsection c.

c. **Parking requirements by land use.** The following minimum number of parking spaces shall be provided for each use:

REQUIRED PARKING BY LAND USE

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>	Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Manufacturing and General Industrial		
Manufacturing and industrial, general	1 space for each 250 sq. ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use	5 percent of vehicle spaces
Recycling facilities	Space shall be provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time	None
	1 employee parking space shall be provided on-site for each commercial vehicle operated by the processing center	5 percent of vehicle spaces
Recreation, Education, Public Assembly Uses <u>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</u>		
Child day-care centers <u>Child-care centers</u>	1 space for each employee, plus 1 space for every 15 children for visitor parking and drop-off areas	2 percent of vehicle spaces
<u>Child-care facilities, large-family and small-family</u>	<u>No parking required, but designated drop-off and pick-up areas are required per Section 36.28.20</u>	
Churches, mortuaries	1 space for each 170 sq. ft. of gross floor area	5 percent of vehicle spaces for churches; 2 spaces for mortuaries
Indoor recreation and fitness centers		

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Arcades	1 space for each 200 sq. ft. of gross floor area		5 percent of vehicle spaces
Bowling alleys	Parking study required		
Dance halls	Parking study required		None
Health/fitness clubs	1 space for each 200 sq. ft. of gross floor area		5 percent of vehicle spaces
Libraries and museums	Parking study required		5 percent of vehicle spaces
Membership organizations <u>Community assembly</u>	1 space for every 3.5 fixed seats		5 percent of vehicle spaces
<u>Cultural institutions</u>	<u>Theaters</u>	<u>1 space for every 3.5 fixed seats</u>	<u>5 percent of vehicle spaces</u>
	<u>Other uses</u>	<u>Parking study required</u>	<u>5 percent of vehicle spaces</u>
<u>Indoor recreation and fitness centers</u>	<u>Bowling alley/dance halls</u>	<u>Parking study required</u>	<u>Parking study required</u>
	<u>Other uses</u>	<u>1 space for each 200 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
	<u>Studios for dance, art, etc.</u>	<u>1 space for each 2 students</u>	<u>5 percent of vehicle spaces</u>
<u>Learning center</u>	<u>1 space for each 2 students</u>		<u>5 percent of vehicle spaces</u>
<u>Outdoor recreation</u>	<u>Parking study required</u>		<u>5 percent of vehicle spaces</u>
<u>Pool and billiard rooms</u> <u>Pool and billiard rooms</u>	2.5 spaces for each table		5 percent of vehicle spaces
<u>Public recreation</u>	<u>Parking study required</u>		<u>Parking study required</u>
<u>Religious institutions</u>	<u>1 space for each 170 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>	Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Schools <u>Schools—public, private, and specialized education and training</u>	Parking study required	Parking study required
Studios for dance, art, etc.	1 space for each 2 students	5 percent of vehicle spaces
Tennis/racquetball courts	Parking study required	5 percent of vehicle spaces
Theaters and meeting halls	1 space for every 3.5 fixed seats	5 percent of vehicle spaces
<u>PROCESSING AND PRODUCTION</u>		
<u>Concrete-mixing and asphalt-mixing yards</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>None</u>
<u>Food products</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Furniture and fixtures</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Laboratory</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Laundry and dry-cleaning plants</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Manufacturing, light and heavy</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Pharmaceuticals, compounding pharmacy</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>Printing and publishing</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>	Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
<u>Recycling facilities</u>	<u>Space shall be provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time</u>	<u>None</u>
	<u>1 employee parking space shall be provided on-site for each commercial vehicle operated by the processing center</u>	<u>5 percent of vehicle spaces</u>
<u>Wholesaling and distribution</u>	<u>1 space for each 250 square feet of gross floor area plus 1 space for each vehicle operated in connection with the business</u>	<u>5 percent of vehicle spaces</u>
<u>PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES</u>		
<u>Hydrogen fueling station</u>	<u>1 space for each 180 square feet of gross floor area</u>	<u>None</u>
<u>Public safety facilities</u>	<u>Parking study required</u>	<u>Parking study required</u>
<u>Public utility facilities</u>	<u>Parking study required</u>	<u>Parking study required</u>
<u>Transit stations and terminals</u>	<u>Parking study required</u>	<u>Parking study required</u>
<u>Residential Uses</u> <u>RESIDENTIAL</u>		
Accessory dwelling units <u>Accessory dwelling unit</u>	1 space per unit, except if compliant with Section 36.12.75 <u>95</u>	None
Affordable housing development (100% affordable units, excluding manager units) <u>Affordable housing development (100% affordable units, excluding manager units)</u>	No minimum required	1 space per unit; and 1 space per 20 units for guests

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Dual urban opportunity development <u>Dual urban opportunity development</u>	1 covered space per unit, except if compliant with Section 36.13.75 <u>45</u> -		None
<u>Duplexes</u>	<u>2 spaces per unit, of which 1 space shall be covered</u>		<u>None</u>
<u>Efficiency studios</u>	<u>1 space per unit plus 1 space for every nonresident employee. Reduction of up to 0.50 space per unit may be granted per Section 36.28.50</u>		<u>1 space per 10 units</u>
<u>Home occupations, cottage food operations, and microenterprise home kitchen operations</u>	<u>None required</u>		<u>None</u>
<u>Junior accessory dwelling unit</u>	<u>None required</u>		<u>None</u>
Multi-family dwellings <u>Multi-family housing development</u>	Studio unit	1.5 spaces per unit, 1 space shall be covered	1 space per unit (refer to Section 36.32.85 <u>a.1</u>)
	1-bedroom unit, less than or equal to 650 sq<u>uare</u> <u>feet</u>.	1.5 spaces per unit, 1 space shall be covered	
	1-bedroom unit, greater than 650 sq<u>uare</u> <u>feet</u>.	2 spaces per unit, 1 space shall be covered	
	2 bedrooms or more	2 spaces per unit, 1 space shall be covered	

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
	Guest	15 percent of the parking spaces required for the project shall be conveniently located for guest parking. The zoning administrator may increase the parking requirement to 2.3 spaces per unit if needed to ensure adequate guest spaces	1 space per 10 units
Rooming and boarding houses <u>Rooming and boarding house or lodging house</u>	Parking study required		Parking study required
Rowhouse developments <u>Rowhouse development</u>	Studio unit	1.5 spaces per unit, 1 space shall be covered	1 space per unit
	1-bedroom or more	2 covered spaces	
	Guest	Guest parking <u>spaces</u> shall equal, in total, an additional 0.3 space for each unit	
Senior congregate care housing <u>Senior congregate care housing</u>	1.15 spaces per unit; half the spaces shall be covered		2 percent of vehicle spaces
Senior care facility <u>Senior-care facility</u>	Parking study required		Parking study required
Single-family housing and each dwelling unit in a duplex <u>Single-family house or dwelling</u>	2 spaces, <u>of which 1 space</u> of which shall be covered		None
Single-room occupancies <u>Single-room occupancies</u>	1 space per dwelling unit; plus 1 for every nonresident employee. Reduction of up to 0.50 space per unit may be granted through the <u>a</u> conditional use permit process		1 space per 10 units
Small lot, single-family developments <u>Small-lot, single-family development</u>	2 spaces, one of which <u>1 space</u> shall be covered; i and 0.50 guest space per unit		None

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Townhouse developments <u>Townhouse development</u>	Per unit	2 spaces, <u>one of which 1 space</u> shall be covered	1 space per unit
	Guest	Guest parking <u>spaces</u> shall equal, in total, an additional 0.6 space for each unit, for an aggregate ratio of 2.6 spaces for each unit	
Retail Trade <u>RETAIL</u>			
Auto, mobile home, vehicle and parts sale <u>Auto/motor vehicle, boat, and parts sales</u>	1 space for each 450 sq. ft. <u>square feet</u> of gross floor area for showroom and office, plus 1 space for each 2,000 sq. ft. <u>square feet</u> of outdoor display area, plus 1 space for each 500 sq. ft. <u>square feet</u> of gross floor area for vehicle repair, plus 1 space for each 300 sq. ft. <u>square feet</u> of gross floor area for the parts department		5 percent of vehicle spaces
<u>Bars</u>	<u>1 space for each 2.5 seats or 1 space for each 100 square feet of gross floor area, whichever is greater. For any outdoor seating, 1 space for each 2.5 seats</u>		<u>5 percent of vehicle spaces</u>
<u>Building material stores</u>	<u>Parking study required</u>		<u>Parking study required</u>
<u>Cannabis business, nonstorefront retail</u>	<u>1 space for each 250 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
Furniture, furnishings and home equipment stores	1 space for each 600 sq. ft. of gross floor area		5 percent of vehicle spaces
<u>Liquor store</u>	<u>1 space for each 250 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
Plant nurseries <u>Outdoor retail sales, permanent</u>	Parking study required		Parking study required
Restaurants, Cafés, Bars, Other Eating/Drinking Places			
Take-out only	1 space for each 180 sq. ft. of gross floor area		
Fast food (counter service)	<u>1 space for each 100 sq. ft.; minimum 25 spaces</u>		5 percent of vehicle spaces
Table service	<u>1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater</u>		
Outdoor seating	1 space for each 2.5 seats		

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
<u>Restaurant</u>	<u>Take-out</u>	<u>1 space for each 180 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
	<u>Fast food (counter service)</u>	<u>1 space for each 100 square feet; minimum 25 spaces</u>	<u>5 percent of vehicle spaces</u>
	<u>Table service</u>	<u>1 space for each 2.5 seats or 1 space for each 100 square feet of gross floor area, whichever is greater</u>	<u>5 percent of vehicle spaces</u>
	<u>Outdoor seating</u>	<u>1 space for each 2.5 seats</u>	<u>5 percent of vehicle spaces</u>
Retail Stores			
General merchandise <u>Retail, general merchandise</u>	<u>Furniture, furnishings and home equipment stores</u>	<u>1 space for each 600 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
	<u>Other uses</u>	<u>1 space for each 180 sq. ft. 250 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
Warehouse retail	<u>Parking study required</u>		<u>Parking study required</u>
Service stations	<u>1 space for each 180 sq. ft. of gross floor area</u>		<u>None</u>
<u>Significant tobacco retailers</u>	<u>1 space for each 250 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
Shopping centers <u>Shopping center</u>	<u>1 space for each 250 sq. ft. square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
<u>Shopping center, warehouse retail</u>	<u>1 space for each 250 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
<u>Warehouse retail</u>	<u>Parking study required</u>		<u>Parking study required</u>
Service Uses <u>SERVICES</u>			
Animal service establishment <u>Animal service establishment</u>	<u>1 space for each 200 sq. ft. square feet of gross floor area</u>		<u>2 percent of vehicle spaces</u>

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>		Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
<u>Auto/motor vehicle repair – minor or major</u>	<u>Lube-n-tune</u>	<u>2 spaces per service bay</u>	<u>None</u>
	<u>Repair garage</u>	<u>5 spaces, plus 1 space for each 200 square feet of gross floor area</u>	<u>None</u>
	<u>Vehicle washing</u>	<u>Parking study required</u>	<u>None</u>
<u>Auto/motor vehicle storage</u>	<u>Parking study required</u>		<u>Parking study required</u>
<u>Auto/motor vehicle tow yard</u>	<u>Parking study required</u>		<u>Parking study required</u>
<u>Auto/motor vehicle wrecking yard, junk yard, scrap and dismantling yard</u>	<u>Parking study required</u>		<u>Parking study required</u>
Banks and financial services <u>Banks and financial services</u>	1 space for each 300 sq.-ft. <u>square feet</u> of gross floor area, plus 1 space per ATM		5 percent of vehicle spaces
<u>Business services</u>	<u>1 space for each 300 square feet of gross floor area</u>		<u>5 percent of vehicle spaces</u>
<u>Cemeteries, columbariums and mortuaries</u>	<u>1 space for each 170 square feet of gross floor area</u>		<u>2 spaces</u>
<u>Concrete-mixing and asphalt-mixing yard</u>	<u>Parking study required</u>		<u>Parking study required</u>
<u>Construction yard and equipment</u>	<u>For storage area</u>	<u>1 space for each 2,000 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
	<u>For sales, display, and repair areas</u>	<u>1 space for each 450 square feet of gross floor area for showroom and office, plus 1 space for each 2,000 square feet of outdoor display area, plus 1 space for each 500 square feet of gross floor area for equipment repair</u>	<u>5 percent of vehicle spaces</u>
<u>Data center</u>	<u>1 space for each 500 square feet of gross floor area plus 1 space for each company vehicle</u>		<u>5 percent of vehicle spaces</u>

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>	Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Hotels and motels <u>Hotels and motels</u>	1 space for each guest room, plus 1 space for each 2 employees, plus as required for ancillary uses	2 percent of vehicle spaces
Medical Services		
<u>Medical services – less than 3,000 square feet</u>	<u>1 space for each 150 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
Clinics, offices, labs, under 20,000 square feet <u>Medical services – 3,000 to 20,000 square feet</u>	1 space for each 150 sq. ft. <u>square feet</u> of gross floor area	5 percent of vehicle spaces
Clinics, offices, labs, greater than 20,000 square feet <u>Medical services – greater than 20,000 square feet</u>	1 space for each 225 sq. ft. <u>square feet</u> of gross floor area	2 percent of vehicle spaces
Extended care <u>Medical services – extended care</u>	1 space for each 3 beds, plus 1 space for each employee	<u>None</u>
Hospitals <u>Medical services – hospitals</u>	1 space for each patient bed	<u>None</u>
<u>Offices</u>	<u>1 space for each 300 square feet of gross floor area</u>	<u>5 percent of vehicle spaces</u>
Offices, administrative, corporate, research and development <u>Offices, research and development</u>	1 space for each 300 sq. ft. <u>square feet</u> of gross floor area	5 percent of vehicle spaces
Personal services <u>Personal services</u>	1 space for each 180 sq. ft. <u>250 square feet</u> of gross floor area	5 percent of vehicle spaces
<u>Personal storage facilities</u>	<u>1 space for each 2,000 square feet of gross floor area plus 2 spaces for any resident manager</u>	<u>None</u>
Vehicle washing	Parking study required	None

Land Use Type <u>LAND USE</u>	Vehicle Spaces Required <u>VEHICLE SPACES REQUIRED</u>	Bicycle Spaces Required <u>BICYCLE SPACES REQUIRED</u>
Repair and Maintenance—Vehicle		
Lube n tune	2 spaces per service bay	None
Repair garage	5 spaces, plus 1 space for each 200 sq. ft. of gross floor area	None
Storage, personal storage facilities	1 space for each 2,000 sq. ft. of gross floor area plus 2 spaces for any resident manager	None
<u>Service station</u>	<u>1 space for each 180 square feet of gross floor area</u>	<u>None</u>
<u>Storage, accessory</u>	<u>1 space for each 2,000 square feet of gross floor area</u>	<u>None</u>
Warehousing and data centers <u>Warehousing</u>	1 space for each 500 sq. ft. <u>square feet</u> of gross floor area plus 1 space for each company vehicle	5 percent of vehicle spaces
<u>OTHER USES</u>		
<u>Emergency shelter</u>	<u>0.35 space per individual bed plus one additional space per employee</u>	<u>None</u>

SECTION 19. Chapter 36 (Zoning), Article XVI (Zoning Ordinance Administration), Division 2 (Development Review Process), Sections 36.44.55 (Applicability), 36.44.60 (Exemptions), and 36.44.65 (Development review procedures), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.44.55. - Applicability.

All new construction, modifications to building exteriors or development sites, and changes in land use shall require a development review permit, except as otherwise listed in ~~Section 36.44.45~~ this Division, including, but not limited to, the following:

- a. All new buildings or additions to existing buildings;
- b. Any modification that affects the exterior appearance of an existing building, including, but not limited to, covering or blocking window openings in any manner;
- c. Any modification to parking lot striping or other on-site circulation changes; and
- d. Any change to fencing, landscaping or hardscape; ~~.~~

~~e. A change from one permitted use to different permitted use.~~

SEC. 36.44.60. - Exemptions.

Zoning permits are not required for the following developments and improvements:

a. Any exterior or site modification that the zoning administrator determines is minor, including, but not limited to, minor changes to building color, minor changes to a landscaping plan, restriping parking lots to match previously approved plans, minor adjustments to doors and windows, new or replaced roof equipment and a new or modified roofscreen(s) or parapet(s) consistent with height limitations of this Chapter;

b. Construction of or additions and improvements to conforming single-family or two (2) family structures that comply with the provisions of this Chapter;

c. Interior improvements;

d. Construction of fences and entry features over front yard gates that comply with height, width and depth requirements in Section 36.06.50; ~~and~~

e. Establishment of new tenants with the same or similar use with no exterior changes;

f. A change from one permitted use to a different permitted use; and

g. A small-footprint land use in compliance with the provisions of Section 36.18.30 (Standards for specific small-footprint land uses in commercial zones).

SEC. 36.44.65. - Development review procedures.

Preliminary development review through a preapplication meeting or submittal of an informal application (see Section 36.44.40) is encouraged prior to the formal submittal of an application. This informal review provides guidance to project proponents prior to preparation of detailed building designs and site plans for formal application submittal.

Formal development review is initiated when the department receives a complete application for development review. Development review can be a separate permit application or part of a larger permit application as described in this Section. The zoning administrator shall have the overall authority to conduct development review, subject to appeal to the city council, but may refer applications to other community development department staff for review and issuance of permits. The development review process is administered at three (3) levels of evaluation: administrative, zoning administrator public hearings and council public hearings.

The zoning administrator or community development director may require that any application be reviewed through the more formal development review process, including design review.

a. **Administrative procedures.** Applications with complete materials for simple requests, in full compliance with this Chapter or applicable precise plans, requiring no site visits or review by other departments may be approved administratively without public notice or hearing. Typical projects that may qualify include the following:

1. New signs and change of copy on existing signs, which conform to a previously approved sign program;

2. New or amended sign programs;

~~3. Change of use in nonresidential zoning districts where the proposed use is principally permitted and the proposed parking is in compliance with this Chapter;~~

~~4~~³. Temporary use permit for the sale of seasonal items, including Christmas trees and pumpkins, seasonal or temporary recreation uses, such as day camps, construction yards in conjunction with an approved construction project, mobile home(s) as part of a temporary work site for employees, homeless shelter for up to twenty-nine (29) people and not exceeding thirty-five (35) days, food kitchens and relief services and similar type uses;

~~5~~⁴. Minor facade modifications, including: adding or removing door(s), automated teller machines (ATMs) at an existing bank, handicapped-accessible ramps, additions to single-family structures with nonconforming setbacks and minor architectural enhancements to multi-family structures which conform to approved plans;

~~6~~⁵. Minor site plan modifications, including adding or changing: trash enclosures, bicycle lockers, utilities with minimal aboveground structures, satellite dish antennas, fences, landscaping and landscaping structures, such as arbors or gazebos and parking lots striping;

~~7~~⁶. Fences which exceed six (6) feet in height but do not exceed seven (7) feet in a residential zoning district and where the applicant can provide letters of agreement from all adjacent property owners;

~~8~~⁷. Facade modifications to multi-family, commercial and industrial structures where less than one thousand (1,000) square feet of additional floor area is proposed;

~~9~~⁸. Modification or minor additions to existing site plans and/or structures located in the planned community zoning district as provided by ~~sub~~^{Section 36.50.30-}b. or where the precise plan allows for minor modifications;

~~10~~9. Development review associated with consideration of any new use, new construction or modifications within the neighborhood design (ND) and special design (SD) overlay zoning districts;

~~11~~10. Development on sites with existing nonconforming structures (see Section 36.06.60);

~~12~~11. Modifications to residential structures for reasonable accommodations (see Section 36.08.40);

~~13~~12. Multi-family accessory structure(s);

~~14~~13. New or modified outdoor dining located on private property. This includes outdoor dining located within the downtown precise plan;

~~15~~14. New or modified merchandise displays located on private property within the downtown precise plan; and

~~16~~15. Parking reductions associated with an increase in bedrooms within an existing multiple-family residential dwelling unit per Section 36.32.70.

b. **Zoning administrator procedures.** In addition to the authority to take final action on variances, conditional use permits and other special property development permits, the zoning administrator is responsible for making development review recommendations to the city council on planned community permits when specified by a precise plan, overseeing design review as part of the development review process and making final decisions on applications for the following:

1. New construction and/or major remodeling or site plan modifications when in full compliance with the provisions of this Chapter;

2. Single-family structures and additions where a floor area ratio exception is requested;

3. Minor adjustment to design/site consideration of an approved permit from a public hearing which does not result in a reduction from any standard outlined in this Chapter or change any special conditions adopted by the city council, including, but not limited to:

(a) On-site circulation and parking, loading and landscaping;

(b) Placement and/or height of walls, fences and structures; and

(c) Minor changes to architectural features and/or modification of finished materials and colors that do not alter or compromise the previously approved theme-;

4. Development review associated with applications for variances, conditional use permits, temporary use permits and planned unit developments, including general plan mixed-use village center developments;

5. Changes of use in commercial, office and industrial zoning districts which are in compliance with this Chapter but may impact adjacent properties, including, but not limited to, proposals for outdoor storage adjacent to a residential zoning district; outdoor seating at an existing restaurant; or changes in parking lot lighting which may generate off-site glare;

6. Fences which exceed six (6) feet in height but do not exceed seven (7) feet in a residential zoning district where the applicant cannot provide the community development department with letters of agreement from all adjacent property owners;

7. Antenna or communication facilities in all zoning districts, including public right-of-way;

8. Public projects involving permanent new buildings; and

9. The moving or relocation of a building per Division 7 of Article III of this Chapter.

c. **City council.** The city council shall make a final development review determination on a planned community permit when the precise plan requires council approval and a planned unit development when it is accompanied by a tentative map. The city council is the final appeal body of zoning administrator determinations.

SECTION 20. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Sections 36.60.05 (Definitions - "A"), 36.60.07 (Definitions - "B"), 36.60.09 (Definitions - "C"), and 36.60.11 (Definitions - "D"), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.05. - Definitions - "A."

Accessory dwelling unit (ADU). An attached, detached, multi-family interior or single-family interior residential dwelling unit that provides complete, independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the existing or proposed single-family dwelling or existing multi-family dwelling. "Accessory structures" are separately defined in this ~~e~~**Chapter**. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory retail uses. The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of a health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores; and food-service establishments within hotel, office and industrial complexes.

Accessory structure, open. An accessory structure with no building walls or features that effectively enclose space that may contain a roof, such as trellises or arbors.

Accessory use or structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the City of Mountain View Disaster Container Guidelines.

Adult entertainment establishment. Any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters, such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store, whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of "adult entertainment enterprise," "adult bookstore," "adult motion picture theater," "adult cabaret" and "adult theater" contained in Section 26.52 shall govern.

Agent of owner. Any person who can show written authority that he/she is they are acting for the property owner.

Agriculture. The principal use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries, and animal husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and, provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley or lane. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Animal service establishment. Any commercial business providing services and care to animals, including, but not limited to, pet day care, pet hotel, kennel, veterinary clinic, animal hospital, and pet grooming. Does not include retail pet stores (see "Retail stores, general

merchandise”) and exempts private animal kennels in accordance with Chapter 5 of the ~~C~~city ~~C~~code.

Antennas, communications facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone and data network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

- a. Home television and radio receiving antennas, including noncommercial satellite dish antennas for home use, which are included under “residential accessory uses.”
- b. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections with no wireless component(s), which are included under “pipelines and utility lines.”

Apartment. A dwelling unit in a multi-family building.

~~Auto, mobile home,~~ **motor vehicle, boat, and parts sales.** Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under “~~R~~etail stores, general merchandise”). Also includes stores selling new automobile parts, tires and accessories (does not include tire recapping establishments, which are found under “~~Auto/motor vehicle~~ repair – ~~minor and major~~” and maintenance vehicle”), as well as businesses dealing in used automobiles exclusively. May include an open lot for **indoor or outdoor** display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under “~~R~~ecycling—scrap and dismantling yards.” Includes repair shops only when part of a dealership selling new **or used** vehicles on the same site. Does not include “~~S~~ervice stations,” which are separately defined.

~~**Automatic teller machine (ATM).** A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.~~

~~**Automobile repair, major.** All repair and servicing or maintenance work not provided for under “automotive repair, minor,” including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one half (1½) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.~~

~~**Automobile repair, minor.** The general servicing and maintenance of passenger cars and trucks not exceeding one and one half (1½) ton capacity. Such servicing may include, but is not~~

~~limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "automotive repair, major."~~

Auto/motor vehicle repair – minor or major. The repair, alteration, restoration, painting, cleaning or finishing of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats and other vehicles as a principal use, including the incidental sale, installation and servicing of related equipment and parts. This definition includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, lube-n-tune shops, auto glass services, tire sales and installation, tire recapping and general repair shops. May include incidental car wash services and temporary vehicle storage during service work. Does not include "Auto/motor vehicle storage," repair shops that are part of an auto/motor vehicle dealership on the same site; or "Recycling facilities—scrap and dismantling yards." The type of repair services include:

1. Major repair. Includes general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one-half (1-1/2) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.

2. Minor repair. Includes general servicing and maintenance of passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle.

Auto/motor vehicle storage. Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. (All principal uses are considered to include any customer or public use of off-street parking required by this ordinance.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, scrap and dismantling yards.")

Auto/motor vehicle tow yard. Service establishment where the primary function is the dispatching of tow trucks to motorists in need of a tow to a separate location. The facility provides space for the parking of the tow trucks and the private motor vehicles of the tow truck drivers. Also includes offices for the tow truck company and indoor accommodations for servicing (minor maintenance and repair) the tow trucks. Does not include the short-term storage of towed vehicles (see “Auto/motor vehicle storage”).

Auto/motor vehicle washing or car wash. See “Auto/motor vehicle repair – minor or major.”

Automobile/motor vehicle wrecking yard. The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts. Also see “Junkyard” and “Recycling facilities—scrap and dismantling yard.”

Automatic teller machine (ATM). A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Chapter.

SEC. 36.60.07. - Definitions - “B.”

Banks and financial services. Financial institutions, including banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also “Automatic teller machine.”

~~**Bars and drinking places.** A building or tenant space within a building where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, breweries, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcohol. May include live entertainment such as live music and/or dancing if specifically permitted.~~

~~**Boarding or lodging house.** A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.~~

Boat yard. A place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building lot. A lot occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, together with such open spaces as are required by this ~~e~~Chapter, and having a required frontage on a street; or a planned unit development approved by the zoning administrator under the provisions of Section 36.46.70 of this ~~e~~Chapter.

Building, main or principal. A building in which is conducted the principal use of the building site on which it is situated.

Building material stores. Primarily indoor retail establishments selling lumber and other large building materials and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of “Retail ~~stores~~, general merchandise”). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, air-conditioning equipment and supplies to contractors or to other wholesalers are classified in “Wholesaling and distribution.”

Business ~~support~~ services. Establishments ~~primarily within buildings~~ providing other businesses with services, including maintenance, installation, sale, repair ~~and service~~, testing, and rental, etc., intended to support other businesses rather than individual customers, such as, but not limited to ~~also includes:~~

Business equipment repair services (except vehicle repair, see “~~Repair and maintenance—Auto/motor~~ vehicle repair (minor or major)”).

Commercial art and design (including production).

Computer-related rental and repair services ~~(rental, repair)~~.

Copying, photocopying, quick printing and blueprinting services.

Equipment rental businesses ~~within buildings (rental yards are “Storage yards and sales lots”)~~.

Film processing laboratories.

Heavy equipment repair services where repair occurs on the client site.

Janitorial services, window cleaning or power washing.

Landscaping services.

Mail advertising services ~~(~~Print reproduction, mailing and shipping~~)~~.

~~Other “heavy service” business services.~~

Outdoor advertising services.

~~Photocopying.~~

Photo finishing.

~~Protective~~ Security services ~~(other than office related).~~

Soils and materials testing laboratories.

~~Window cleaning.~~

SEC. 36.60.09. - Definitions - “C.”

Camp car. A vehicle with or without motive power that is designed or used for human habitation.

Camper. A structure intended for human habitation that is designed to be carried in the cargo space of a separate motor vehicle when in use.

Cannabis. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means cannabis as defined by Business and Professions Code Section 26001, Subdivision (f), Health and Safety Code Section 11018, and by other state law.

Cannabis business. The activity of any natural or legal person, business or collective in the city relating to cannabis, including, but not limited to, transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (including both wholesale and retail sales) of cannabis, cannabis products, or any accessories for the use of cannabis or cannabis products, whether or not carried on for gain or profit, whether for medical or recreational use, and whether or not such business is licensed by the state. A cannabis business does not include any business the only relationship of which to cannabis or cannabis products is the production or sale of cannabis accessories.

Cannabis business, delivery. The transfer for any form of compensation of cannabis or cannabis products to a customer or caregiver at a location that is not a cannabis business.

Cannabis business, nonstorefront retail. A cannabis business that closed to the public and conducts sales exclusively by delivery. Also referred to as “nonstorefront retail” or “nonstorefront retail cannabis business.”

Cannabis business, owner. An owner is any person having more than a ten (10) percent interest, legal or equitable, or otherwise, in a cannabis business.

Cannabis business, premises. Each building, or the portion of any building, where the cannabis business is located, including any site.

Cannabis business, storefront retail. A cannabis business that is open to the public to sell cannabis and cannabis products directly to customers. The primary use of the storefront retail business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also referred to as “storefront retail” or “storefront retail cannabis business.”

Cannabis business, transport. All activity involved in the movement of cannabis from one (1) location to another, including, but not limited to, loading, shipping and receiving. Transport does not include delivery to a qualified patient, caregiver or individual cannabis user age twenty-one (21) or older.

Cannabis business, qualified cannabis business list. A list of cannabis business applications eligible to submit planning applications at the discretion of the zoning administrator and pursuant to [Section 36.30.85](#). Applications are placed on the list in the order chosen by the cannabis business application selection lottery. The list shall be maintained by the zoning administrator and effective until such time as the maximum number of cannabis businesses permitted by [subSection 36.30.55.b](#). has received occupancy in the application period determined by the zoning administrator.

Cemeteries, columbariums and mortuaries. Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

Child-care centers. A commercial or nonprofit facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. This includes infant centers, preschools, sick-child centers and school-age child-care facilities but does not include small- and large-family child-care homes. Child-care centers may be operated in conjunction with a school or church facility or as an independent land use.

Child-care facilities. A facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. Child-care facilities include small-family child-care homes, large-family child-care homes and child-care centers. Child-care facilities are required to be licensed by the California State Department of Social Services.

a. **Small-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision for up to eight (8) children for periods of less than twenty-four (24) hours per day. Children under the age of ten (10) years who reside at the residence are counted in the eight (8) children maximum for small-family child-care homes.

b. **Large-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision of seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours. Children under the age of ten (10) years who reside in the residence are included in the number of children served by the large-family child-care home.

~~**Churches.** Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.~~

City council. The city council of the City of Mountain View, California.

Commercial coach. A vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Commission or planning commission. The environmental planning commission of the City of Mountain View, California.

Community assembly. A facility for public or private meetings, including clubs and lodges, community centers, civic and private auditoriums, union halls and banquet or meeting halls for clubs and other membership organizations. This classification includes related ancillary facilities for use by members and attendees, such as kitchens or outdoor cooking facilities, multi-purpose rooms, storage and child-care facilities during events. It does not include "Indoor recreation and fitness centers," "Outdoor recreation," residential accommodations available to members, "Schools" and "Child-care centers," all of which are separately defined.

Community center. Multi-purpose meeting, banquet and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities; that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community development director. The director of the community development department of the City of Mountain View.

Community service organization. Any organization, group, society, corporation, institution or other entity, organized solely for religious, charitable, educational, scientific or literary purposes, no part of the net earning of which benefits any private stockholder or individual.

Construction ~~contractors (contractors yard)~~ and equipment. The sale, rental or storage of construction tools, equipment, vehicles and other construction materials used by Storage yard operated by, or on behalf of, a contractor licensed by the State of California for construction activities: storage of large equipment, vehicles or other materials commonly used in the individual contractor's type of business; and storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. Includes electrical, plumbing and carpenter supplies sold primarily to licensed contractors and incidentally to the general public. Also includes showroom and display areas for vehicle, tool, or equipment sales or rentals and ancillary office or repair facilities but does not include concrete mixing and asphalt mixing yards.

Convalescent hospital. See "Medical services—~~E~~extended care."

Cottage food operation. An operation as defined in Health and Safety Code Section 113758, and as may be amended, which maintains a valid business license with the City of Mountain View and is registered and/or permitted by the County of Santa Clara Department of Environmental Health.

Court. An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Crop and tree farming. The use of land for horticultural uses.

Cultural institutions. Public or nonprofit institutions engaged primarily in the display or preservation of the arts, history, or sciences that are open to the public on a regular basis. This classification includes, but is not limited to: performing arts centers for theater, music, dance and events; buildings of an educational, charitable, or philanthropic nature; auditoriums, exhibition, and convention halls; libraries; museums; motion picture theaters; historical sites; aquariums; art galleries; and botanical gardens.

SEC. 36.60.11. - Definitions - "D."

Data center. A building that primarily contains computing and data storage systems and equipment.

Density bonus. In accordance with State Density Bonus Law, an allowance to exceed the maximum allowable residential density on a property in exchange for providing affordable units for households with a specific income level or for seniors.

Disaster storage container. An independent self-contained storage container for the sole purpose of storing disaster supplies, such as water, food, blankets, cots and emergency medical and rescue supplies, inspected and regulated by the City of Mountain View fire department.

District. A portion of the territory of the City of Mountain View within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ~~e~~Chapter. Also known as a “zoning district.”

a. Where certain uses are required to be a specified distance from “any R district” as provided in this ~~e~~Chapter, the term “any R district” shall include any R1, R2, R3, R4 or RMH district, or any A district, P district or portion thereof designated for future residential uses in the Mountain View general plan.

b. The term “any C district” shall include any CN, CS, CO or CRA district.

c. The term “any M district” shall include any ML or MM district.

~~**Drive-in and drive-through sales.** Facilities where food or other products may be purchased by motorists without leaving their vehicles. Such facilities include fast food restaurants, drive-through dairies, etc.~~

Drive-in and drive-through services facilities. Facilities where food and other products ~~services~~ may be obtained by or provided to motorists without leaving their vehicles. Such facilities include fast food restaurants, pharmacies, ~~drive-up teller windows in banks,~~ etc. Does not include: “Automatic teller machines (ATMs)” or “Service stations,” which are separately defined, or car washes, which are included in the definition of “Repair and maintenance—Auto/motor vehicle repair—minor or major.”

Dual urban opportunity development. Two (2) primary dwelling units, which may be attached or detached, on an R1-zoned lot.

Dual urban opportunity housing site. An R1-zoned lot which contains up to two (2) primary dwelling units and/or was created through an urban lot split.

Duplex. A detached structure under single ownership containing two (2) dwellings.

Dwelling group. A group of three (3) or more detached dwellings having any yard or court in common.

Dwelling or dwelling unit. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one (1) kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Types of dwellings include “Single-family dwellings,” “Duplexes,”

~~"Multiple-family dwellings," "Mobile homes," "Townhouses development"~~ and ~~"Rowhouses development,"~~ all of which are separately defined.

SECTION 21. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Section 36.60.15 (Definitions - "F"), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.15. - Definitions - "F."

~~**Filling station or automobile service station.** A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.~~

Flag lot. An interior lot which is located behind another lot and which has access to a public street by means of a narrow driveway or flag "pole," which is a part of the flag lot.

Floor area ratio (FAR). The ratio of gross floor area to lot area.

Food products ~~(land use)~~. Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

a. Bakery products, sugar and confectionery products (except facilities that produce baked goods only for on-site sales with no wider distribution which are included under "Retail stores, general merchandise");

b. Beverage and liquor production ~~(except in wineries, which are included under "Agricultural processing";~~ and beer brewing as part of a brew pub, bar or restaurant, which are included under "Bars");

c. The bottling, canning, preserving and related processing of products for human consumption, but not including animal slaughtering or rendering; and

d. Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

~~{Operations on crops after harvest are included under "Agricultural processing uses."}~~

Frontage, building or occupancy. The length of that portion of a building or ground-floor occupancy which abuts a street, publicly used parking area or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

Frontage, lot. The length of that portion of a lot which abuts a street expressed in lineal feet and fraction thereof.

~~**Fuel and ice dealers.** Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.~~

Furniture and fixtures. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; ~~all types of office furniture and public building furniture and partitions, shelving, and lockers and store furniture;~~ and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but does not include sawmills or planing mills, ~~which are instead included under "Lumber and wood products."~~

Furniture, furnishings and home equipment stores. Retail stores primarily selling: home furnishings such as furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, and other household electrical and gas appliances, including televisions and home sound systems; and outdoor furniture, such as lawn furniture, movable spas and hot tubs. Also includes the retail sale of office furniture and large musical instruments. Also referred to as "Retail, general merchandise."

SECTION 22. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Section 36.60.21 (Definitions - "I"), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.21. - Definitions - "I."

Illumination, indirect. Illumination from sources concealed behind opaque surfaces, including, but not limited to, concealed floodlighting, remote source lighting, recessed cove lighting and reverse pan channel sign letters.

Illumination, interior. Illumination from behind a translucent surface.

Illumination, light source. Illumination from visible light sources, including, but not limited to, exposed neon tubing or exposed incandescent or fluorescent lamps.

Indoor recreation and fitness centers. ~~Primarily indoor~~ establishments providing amusement, entertainment or physical fitness/exercise services for a fee or admission charge, including, but not limited to: studios for dance, art, music, photography and martial arts; experiential or team-building games; ~~arcades containing coin-operated amusements and/or electronic games (five (5) or more such games or coin-operated amusements in any establishment are considered an arcade as defined herein; four (4) or less are not considered a~~

~~land use separate from the primary use of the site~~); card rooms; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms ~~that are principal uses rather than being subordinate to a bar or restaurant~~; fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges; and other indoor sports activities. Does not include “Outdoor recreation” and “Pool or billiard rooms,” which are separately defined ~~(see “Pool or billiard room”).~~

Intersection, controlled. Those intersections where movements in the right-of-way are controlled by traffic control devices, such as, but not limited to, a traffic signal, a stop sign, and a yield sign.

Intersection, uncontrolled. Those intersections without any traffic control devices to control movements in the right-of-way.

SECTION 23. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Sections 36.60.27 (Definitions - “L”) and 36.60.29 (Definitions - “M”), of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~striketrough~~ font. Provisions that are not shown in underline or striketrough font are not changed.

SEC. 36.60.27. - Definitions - “L.”

Laboratory. A space, room, or building equipped for scientific experiments or research or for the manufacture of drugs or chemicals, which may be business-to-business sales or direct-mail to consumers.

Laundries and dry-cleaning plants. Service establishments primarily engaged in high-volume laundry (serving multiple locations) and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaners (which includes self-contained facilities with dry-cleaning equipment serving the specific location only) which are classified in ~~“P~~Personal services.”

Learning center. An establishment intended for teaching learned skills in individual or small group settings for children or adults, including, but not limited to: tutoring, standardized test preparation, language classes, after-school programs, cooking classes, and similar uses.

Liquor store. A retail establishment which has twenty-five (25) percent or more of the store display area devoted to the public display and sale of alcoholic beverages for off-site consumption.

Lot. A parcel of land used or capable of being used under the regulations of this Chapter, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot area. The computed area contained within the lot lines, said area to be exclusive of street rights-of-way, but including portions held in fee title in the same ownership which may have easements for such purposes as utilities or flood-control channels. The area of new public streets dedicated as part of a project shall be included in the calculation of lot area as part of a planned unit development or planned community or as determined by the subdivision committee or city council.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, coverage. That percentage of the total lot area covered by structures as herein defined.

Lot, depth. The mean horizontal distance between the front and the rear lot lines.

Lot, key. A lot to the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

Lot line, front. The front lot line on a corner lot shall be the line with the shortest frontage unless, at the time of development, the longer frontage is designated by the owner to be the front. When a lot runs through from one (1) street to another, both lot lines shall be construed to be front lot lines, and the lot may have no rear lot line.

Lot lines. The property lines bounding the lot.

Lot width. The mean horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

Lottery. A procedure in which an object is used to randomly select applications in the cannabis screening application process. All eligible applications shall be represented by equivalent tokens. The zoning administrator shall select tokens at random until all tokens have been selected.

Low-barrier navigation center. A housing-first, low-barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing by providing 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 personal possessions; and (4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds or private rooms.

Low-income and very low-income household. “Low-income” means any household whose income is fifty (50) to eighty (80) percent of the median household income for Santa Clara County and as adjusted for family size. “Very low-income” means any household whose income is less than fifty (50) percent of the median income for the Santa Clara County and as adjusted for family size. Housing affordable to low-income and very low-income persons is where the total monthly housing cost does not exceed thirty (30) percent of the gross household income.

SEC. 36.60.29. - Definitions - “M.”

Manufacturing, light. A business engaged in light industrial activities taking place within an enclosed building(s) that includes manufacturing finished parts or products primarily from previously prepared materials; processing, assembly, treatment and packaging of such products and materials; and use of instruments for measurement, testing, analysis, and control.

Manufacturing, heavy. Manufacturing of products from extracted or raw materials or recycled or secondary materials; processes utilizing flammable, explosive, or extremely hazardous materials; processes which create hazardous or commonly recognized offensive materials or conditions other than properly stored and handled hazardous waste or byproducts incidental to the manufacturing process. Can include offensive or bulk storage and handling of such products and materials. Includes, but is not limited to: semiconductor fabrication, processing of products, assembly or creation of machinery, apparatus, and supplies.

Medical offices. See “Medical services—clinics and laboratories.”

Medical services. Any services where medical assistance, care and support are provided to an individual to diagnose, maintain, treat or improve health. These services can include, but are not limited to, ~~massage therapy~~, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services, physical therapy, and skilled nursing facilities.

Medical services—clinics and laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under “~~e~~Offices”); medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Small-scale clinics include no more than two (2) separate health-care businesses (i.e., two (2) separate doctors’ offices not sharing reception/waiting facilities). Large-scale clinics include three (3) or more health-care businesses and may also include accessory retail pharmacies.

Medical services—extended care. Residential facilities providing nursing and health-related care as a principal use with inpatient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; and board and care

homes. Long-term personal care facilities that do not emphasize medical treatment are classified in “Residential care homes.”

Medical services—hospitals. Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment, including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of “Accessory retail uses”) and emergency heliports.

Meeting halls. Facilities that may be rented for public assembly. Also referred to as “Community assembly.”

Membership organization facilities and meeting halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging); political organizations; country clubs (golf courses treated as a separate land use); and other membership organizations. Also referred to as “Community assembly.”

Microenterprise home kitchen operations. A food facility that is operated by a resident in a private home where food is stored, handled and prepared for, and may be served to, consumers consistent with this Chapter, and that: (a) meets the requirements of Health and Safety Code Section 113825, as may be amended; (b) maintains a valid business license with the City of Mountain View; and (c) is registered and/or permitted by the County of Santa Clara Department of Environmental Health.

Mixed-use development. The development of a site or structure with two (2) or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

Mobile home. A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure and for being drawn by a motor vehicle.

Mobile home lot. A prepared plot of land within a mobile home park used or designed to be occupied by one (1) and only one (1) mobile home and its accessory structures.

Mobile home park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation for either sleeping or living, irrespective of whether or not rent is charged for such accommodation.

Mobile food vendor. As defined in ~~city code~~ Section 15.12, any mobile vendor who sells or offers for sale food, and includes any person who engages in such operations as an agent or employee of a food vendor.

Mobile vendor. As defined in ~~city code~~ Section 15.12, any person who, on or along any street or sidewalk, or operating any vehicle or other mobile unit on private property, sells or offers for sale any goods, wares, merchandise, services, food or other things of value from a cart, stand or other structure, from their person, or from a vehicle or other mobile unit; and includes the person who engages in such vending operations as an agent or employee. Does not include outdoor retail sales of adjacent businesses.

Mobile vending, special event. As defined in ~~city code~~ Section 15.12, any event or location, other than on a street or sidewalk, on any individual (or contiguous) property(ies) at which four (4) or more mobile vendors are operating at the same time, or total mobile vending operations on any individual (or contiguous) property(ies) exceeds four (4) hours within a twenty-four (24) hour period.

Motel, including hotel and motor hotel. A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

Multiple-family development. Multiple-family development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for three (3) or more families living independently of each other. Includes: triplexes and fourplexes (buildings under one (1) ownership with three (3) or four (4) dwelling units in the same building) and apartments (five (5) or more units under one (1) ownership in a single building); senior-citizen multiple-family housing; and common-ownership, attached-unit projects, such as condominiums. “Duplexes” and “Townhouses development” are separately defined and treated as different land uses by this Chapter.

SECTION 24. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Sections 36.60.33 (Definitions - “O”) and 36.60.35 (Definitions - “P”), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.33. - Definitions - “O.”

Occupancy. That portion of a building occupied by one (1) tenant.

Offices. A facility used for business ~~or personal services~~ involving information processing, clerical work, consulting, and record-keeping rather than sale or manufacturing of goods. ~~The term “office” shall~~ This definition includes, but is not be limited to, general business offices; administrative and executive offices; high-tech software/internet offices; and ~~personal service~~ offices ~~such as~~ for tax preparation, insurance offices and real estate ~~office~~, but does not include banks and other financial offices, medical offices, ~~dental or related health care services,~~ ~~administrative offices~~ or research and development uses (see definition for “Banks and other financial offices,” “Medical services,” or “Offices, research and development”).

Offices, administrative and executive. Offices and service facilities performing headquarters, regional or other organizations management and administrative services for firms and institutions. Also referred to as "Offices."

Offices, property management. See "Offices."

Offices, research and development. ~~A specific type of office uses~~ devoted to scientific and engineering research; ~~and the design, development and testing of new~~ hardware and product technology and products; ~~usually~~ and may includes ~~some~~ wet or dry laboratory space or ~~other small-scale ancillary manufacturing operations. This definition includes software and Internet companies and other similar uses.~~

Offices, temporary real estate. See "Offices."

One and one-half (1½) story residential structure. A residential structure where a top second floor is housed within a gable or hip roof structure, with a maximum vertical distance of twenty (20) feet from sidewalk grade to the highest ridge line of the roof.

Open area. The land area within a developed site that is not covered by buildings, paving dedicated to auto use, or garbage and refuse facilities. Open area is intended for active and passive recreational use and to provide access to the natural environment. Landscaping is the primary and preferred use of open area, but it may also include hard surfaces such as patios, decks, balconies, walkways, game courts, bicycle parking areas, swimming pools and associated structures that are not fully enclosed that are consistent with these purposes.

Open automobile dedicated area. That land reserved for the ingress, egress or parking of motor vehicles on any parcel. This does not include the land considered as aggregate floor area.

Outdoor ~~commercial recreation.~~ Facilities for various outdoor participant sports and ~~types~~ of recreation where a fee is charged for use, including, but not limited to: amusement, theme and kiddie parks; ~~drive-in theaters;~~ golf driving ranges independent from golf courses; miniature golf courses (golf courses are considered a separate land use); skateboard parks and water slides; go-cart and miniature auto race tracks; ~~recreation equipment rental (e.g., nonhighway motor vehicles, roller skates);~~ health and athletic clubs with predominantly outdoor facilities; tennis courts, swim and tennis clubs; and zoos. 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, recreational equipment rental, etc.

Outdoor retail sales, ~~permanent and activities.~~ Permanent outdoor sales and rental establishments, including autos, other motorized vehicles and equipment, plant nurseries and other uses where the retail business is not conducted entirely within a structure.

Outdoor retail sales, temporary. Temporary outdoor retail operations, including: farmer's markets; seasonal sales of Christmas trees, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Mobile vendors operating within the public right-of-way are subject to the provisions of Article II of Chapter 15 of the city code. Outdoor patios operating within the public right-of-way are subject to the provisions of Section 27.17 of Article I of Chapter 27 of the city code.

SEC. 36.60.35. - Definitions - "P."

Parking lot or area, public. An open area or lot, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking space. A permanently surfaced and marked area not less than eight and one-half (8½) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

Personal services. Establishments providing nonmedically related services, including beauty and barber shops; body art salons; shoe repair shops; tanning salons; day/health spa, including intravenous hydration; and massage establishments. Also includes laundromats (self-service laundries); dry cleaners (includes self-contained facilities with dry-cleaning equipment serving the specific location only); clothing rental; locksmiths; ~~and~~ psychic readers; and consumer product repairs and maintenance (including electrical repair shops; appliance repair; watch, clock and jewelry repair; and reupholstery and furniture repair). These uses may also include accessory retail sales of products related to the services provided.

Personal storage facilities. A facility consisting of a building or group of buildings that contains generally small, individual, compartmentalized stalls or lockers designed and constructed for the purpose of being rented as individual storage spaces and characterized by low parking demand.

Pharmaceuticals or compounding pharmacy. See "Laboratory."

Pipelines and utility lines. Transportation facilities for the conveyance of: crude petroleum; refined petroleum products such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified under "Offices"); and distribution substations (classified under "Public utility facilities").

Planned unit development permit. A discretionary land use permit issued after a process for reviewing a project containing nontraditional or unique site plan design and interrelated structures, amenities, open space or access, on a shared common lot(s) with individual units fronting a common area or driveway or street, reviewed by the zoning administrator in compliance with Section 36.46.70, (Planned unit development permits). This process affords maximum flexibility and diversity in site planning, structure height and location while protecting the basic integrity and character of the zoning district designation on the property. The planned unit development process cannot be used to approve a project that exceeds the maximum density for the zone district.

Pool or billiard room. For the purposes of this Chapter, the term “pool or billiard room” shall have the same definition as set forth in Chapter 26, Article II of the Mountain View City Code.

Poultry farm. Any premises used for the breeding, raising or maintaining of poultry for sale of eggs or poultry.

Precise plans. A document usually comprised of maps, pertinent data and text, standards and criteria, which pertains to a limited area of the community and which serves to bridge the gap between broad policies reflected in the general plan and the more immediate means of implementation. A precise plan may be adopted for the P (planned community) district for this purpose.

Printing and publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Public recreation. An outdoor or indoor facility for recreational enjoyment by the public and operated by a public agency, which includes, but is not limited to, a public park or open space, community assembly, or a building or structure.

Public safety facilities. Facilities operated by public agencies, including fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public utility facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one (1) transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code §Section 53091: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution

facilities; public water system wells, treatment plants and storage; community wastewater treatment plants, settling ponds and disposal fields; and corporation and maintenance yards. These uses do not include office or customer service centers (classified in "Offices"),⁷ or equipment and material storage yards.

SECTION 25. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Sections 36.60.39 (Definitions - "R"), 36.60.41 (Definitions - "S"), and 36.60.43 (Definitions - "T"), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.39. - Definitions - "R."

Recreational trailer park. Any area or tract of land where one (1) or more lots are rented or leased or held out for rent or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recreational vehicle. A camp car, mobile home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures; bath and toilet rooms; and is identified as a recreational vehicle by the manufacturer.

Recycling facilities:

a. **Collection facility.** A center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may include the following:

1. Reverse vending machine(s).
2. Small collection facilities which occupy an area of three hundred fifty (350) square feet or less and may include:
 - (a) A mobile unit;
 - (b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and
 - (c) Kiosk-type units which may include permanent structures.
3. Large collection facilities which may occupy an area of more than three hundred fifty (350) square feet and may include permanent structures.

- b. **Convenience zones.** An area within a one-half (1/2) mile radius of a supermarket.
- c. **Mobile recycling unit.** An automobile, truck, trailer or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.
- d. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the land use definition of "Recycling, scrap and dismantling yards":
1. Light processing facility occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source-separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers; and
 2. A heavy processing facility is any processing facility other than a light processing facility.
- e. **Recycling facility.** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.
- f. **Recycling or recyclable material.** Reusable domestic containers, including, but not limited to, glass, metals, paper and plastic, which are intended for reconstitution, remanufacture or reuse for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.
- g. **Reverse vending machine.** An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. Multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time and will pay by weight instead of by container.

h. **Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings, ~~pawn shops and other secondhand~~ retail stores, the sale of operative used cars or terminal waste disposal sites.

Religious institutions. Religious organization facilities operated for worship or promotion of religious activities, including churches and religious classes or workshops; and accessory uses on the same site, such as living quarters for religious leaders and staff; and child-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.

Remnant parcel. A parcel that is less than five thousand (5,000) square feet in area which was created by an action of a public agency, such as for a right-of-way, easement, street dedication or an abandonment.

~~**Repair and maintenance—consumer products.** Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; and reupholstery and furniture repair. Does not include shoe repair (included under “Personal services”). Does not include businesses serving the repair needs of heavy equipment, which are included under “Business support services.”~~

~~**Repair and maintenance—vehicle.** This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes) or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes tire recapping establishments. Does not include: automobile parking (see “Vehicle storage”), repair shops that are part of a vehicle dealership on the same site, which are included under “Auto, mobile home, vehicle and parts sales” service stations, which are separately defined; or automobile dismantling yards which are included under “Recycling—scrap and dismantling yards.” Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair, i.e., car washes, muffler and radiator shops, quick lube, etc. (See “Automotive repair, minor” and “Automotive repair, major.”)~~

Residential care home. A nonmedical custodial home or facility for residential care of the elderly, adult residential facilities, drug and alcohol treatment facilities, group homes for children and small family homes for children which are licensed by the state and provide twenty-four (24)

hour care, meals, support and maintenance services to the mentally ill, the developmentally disabled, children and the elderly.

Restaurant (land use). The retail sale of food and beverages, which may include the sale of beer and wine, that are prepared on the same premises. Types of restaurants include:

a. **Counter service.** A restaurant where a customer orders and picks up the food at a central counter and where the restaurant maintains tables or counters for on-premise consumption of the food and beverages. This definition does not include the serving of single specialty items, such as ice cream, or restaurants where food is prepared and sold but not consumed on the premises (see "Take-out" below), but does include the counter service portion of restaurants providing both counter and table service.

b. **Fast food.** Franchised or independently operated restaurants where customers are served prepared food from an ordering counter or drive-through aisle, for either on- or off-premise consumption.

c. **Table service.** A restaurant where orders are placed and prepared food is brought to a customer for consumption at a table or counter maintained by the restaurant.

d. **Take-out.** A restaurant that provides no tables or counters on the premises for the consumption of food otherwise prepared and served on the premises.

Retail food establishment. Any building, structure or establishment used for the preparation of food but which provides no tables or counters on premises for the consumption of food, thereby requiring a customer who purchases food to take food off premises for consumption.

Retail stores, general merchandise. Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include, but are not limited to:

Artists' supplies.

Antique stores.

Auto parts and supplies (not repair or ~~machine~~ maintenance shops).

Bakeries (retail only).

Bicycles and mopeds.

Books.

Cameras and photographic supplies.

Clothing and accessories.

Department stores.

Drug, pharmacy, and discount stores.

Dry goods.

Fabrics and sewing supplies.

Florists and houseplant stores (indoor sales only—outdoor sales are “~~plant nurseries~~
Outdoor retail sales”).

Food and beverage sales.

Furniture, furnishings and home equipment stores.

General stores.

Grocery stores and specialty markets.

Gifts, novelties and souvenirs.

Handcrafted items (stores may include crafting operations subordinate to sales).

Hardware.

Hobby materials.

Jewelry.

Luggage and leather goods.

Musical instruments, parts and accessories.

Newsstands.

Orthopedic or medical supplies for consumers.

Pawn shops.

Pet stores.

Religious goods.

Secondhand stores.

Small wares.

Specialty shops.

Sporting goods and equipment.

Stationery.

Toys and games.

Variety stores.

Roadside stand. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Rooming and boarding house or lodging house. A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.

Rowhouse development. A rowhouse is a one (1) family dwelling in a row of such units, where each unit has its own front access which is usually above grade, no unit is located over another unit (except for minor deviations of a unit located partially above another unit approved as part of a condominium plan) and each unit is either in an attached configuration or separated by no more than ten (10) feet. The garage is at the rear of the unit with visitor parking located along internal streets, in lots or separate buildings. Private open space may be limited to a porch, patio, front yard or deck.

SEC. 36.60.41. - Definitions - "S."

Safe parking. Area of a site that provides homeless individuals and families living in vehicles a temporary safe place to park while accessing services to end their homelessness.

Schools—college and university. Community colleges, public or private universities and professional schools granting associates art degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training and not otherwise defined as a private educational facility school.

Schools—private. Any educational institution, not under public administration, including: privately owned schools and schools owned and operated by religious organizations or other

similar activity or pursuit. This definition ~~does not~~ could include ~~community or~~ private junior colleges, colleges, or universities.

Schools—public. A building or group of buildings for educational and/or classroom purposes operated in the Mountain View Whisman Elementary School District, Mountain View-Los Altos Union High School District or other public education institutions, such as charter schools, community or junior colleges, colleges or universities, offering a general course of study at primary, secondary or high school, college, or higher levels which offers instruction in those courses of study required by the California Education Code.

Schools—specialized education and training. Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized nondegree-granting schools offering training in such subjects as: ~~art, drama, language, music, driver education, ballet and other dance and after-school tutoring centers~~ and personal growth and development. Also includes seminaries and other facilities exclusively engaged in training for religious ministries and establishments furnishing educational courses by mail. ~~Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).~~

Secondhand stores. ~~Indoor~~ Retail establishments that buy or collect and sell used products, including, but not limited to, books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under “~~a~~ Auto/motor, mobile home, vehicle, boat, and parts sales.” Also referred to as “Retail, general merchandise.”

Senior care facility. Communities designed for seniors, including, but not limited to, senior independent living communities, assisted living and nursing homes or similar uses as determined by the zoning administrator.

Service station. A retail business having pumps and storage tanks ~~selling where~~ gasoline or other motor vehicle fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale, which may also provide vehicle engine maintenance and repair services incidental to fuel sales (if permitted in the applicable zoning district). May also include accessory towing and trailer rental services spaces (if permitted in the applicable zoning district) but not the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

Shopping center. A building or collection of buildings ~~in which are situated~~ include: (1) no less than five (5) separate tenants or occupants whose combined gross floor area totals at least a minimum of twenty thousand (20,000) square feet; (2) where such tenants are local-serving

uses, such as personal service, retail (general merchandise), indoor recreation and fitness centers, banks and financial services and where no more than ten (10) percent of such tenants' or occupants' the combined gross floor area of the center is devoted to restaurant use; and (3) where the zoning administrator determines that such tenants or occupants are engaging in compatible uses and which uses are located on the same lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access. Any proposed use not identified in this definition must refer to the applicable land use table for the underlying zoning district in this Chapter to determine permit requirements.

Shopping center, warehouse retail. A building or collection of buildings which include: (1) more than five (5) separate tenants whose combined gross building floor area totals thirty-five thousand (35,000) square feet or more; (2) where such tenants serve regional and local patrons with a mix of warehouse retail (sixty (60) percent or more of the center) and local-serving uses (forty (40) percent or less of the center) such as personal service, retail (general merchandise), restaurant, indoor recreation and fitness centers, banks and financial services and medical services of no more than five (5) percent of the center's combined gross floor area; and (3) where such uses are compatible in nature located on the same lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access on a cumulative site of no less than ten (10) acres in size. Any proposed use not identified in this definition must refer to the applicable land use table for the underlying zoning district in this Chapter to determine permit requirements.

Short-term rental. The use or possession of, or the right to use or possess, any room or rooms, or portions thereof, in any residential dwelling unit for residing, sleeping or lodging purposes for thirty (30) or fewer consecutive calendar days, excluding “Hotels and motels,” “Rooming and boarding house” or lodging house,” “Supportive housing” or “Transitional housing.”

Sign. Any card, cloth, glass, metal, painted, paper, plastic, wooden or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, building, structure or thing for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity or building, including, but not limited to, clocks, barber poles and similar devices, and excluding official notices issued by a court or public officer.

Sign area. The calculated area of all parts and surfaces of a sign except the supporting structure. The sign area shall be measured by means of a single rectangular or circular shape that encloses all sign elements. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides.

Sign, decorative graphics. Decorative graphics shall be defined to include any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device which

identifies the specific business or products or services offered on the premises or which relates to the contents of the building-mounted sign. This section shall apply only to commercial signs.

Sign, directional. Any sign the sole purpose of which is to regulate the flow of pedestrians and vehicles on private property.

Sign, freestanding. Any sign not entirely supported by a building.

Sign, identification. Any sign the sole purpose of which is to identify the appurtenant premises, the occupant of the premises or the principal business conducted on the said premises or the principal product sold or service performed on the said premises.

Sign, nonappurtenant. Any sign which does not relate to, or which relates only incidentally to, the occupant of the appurtenant premises or the principal business conducted thereon or the principal product sold or service performed thereon.

Sign, real estate. Any sign the purpose of which is to declare the appurtenant real property for rent, lease or sale.

Sign, window. Window signs shall include any graphics material, words or symbols attached to the glass surface of a building or located within four (4) feet of the inside surface of a window that is viewable by the public. Window graphics and displays complying with Section 36.36.15.j shall not be considered “window signs.”

Significant tobacco retailers. Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location. This definition shall not include cigar stores which qualify for exemption under Section 21.61.

Single-family dwellings. A detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

Small-footprint land use(s). Refers to a specific land use(s) in a commercial zoning district that meets minimum development and operating standards established in Section 36.18.30, which exempts the associated business from meeting certain parking and zoning permit requirements.

Small-lot, single-family development. Small-lot, single-family development consists of two (2) or more detached single-family dwellings within a planned unit development project on individual lots that typically average between three thousand six hundred (3,600) square feet to four thousand three hundred (4,300) square feet per lot.

Storage, accessory. The indoor storage of various materials on the same site as a principal building or land use which is other than storage which supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

Storage containers. Cargo, shipping and/or containers which are designed for the storage or transportation of goods by sea, air, rail or truck and can include commercial truck bodies, with or without wheels.

Storage, outdoor. The storage of various materials outside of a building or structure, either as an accessory or principal use.

Street. Publicly maintained right-of-way which provides a public means of access to abutting property. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Structure. That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Studio. A business operating in a class-like setting with a fixed weekly or monthly schedule and fixed customer capacity, typically for creative arts or fitness-related activities, such as, but not limited to, dance, martial arts, kickboxing, cycling, painting, ceramics, etc. Also referred to as “Indoor recreation and fitness centers.”

Supergraphics. Painted or otherwise colored, specific symbols, shapes or devices on the walls of a building wherein the primary intent is decoration and architectural enhancement of a building. Supergraphics shall not be used to convey information about a specific occupant of a building or of a specific type of use within a building or specifically direct attention to the identification sign or signs of a tenant within a building or of the building itself.

Supportive housing. A facility or use that provides housing with no limit of stay, that is occupied by the target population, as defined in California Health and Safety Code Section 53260(d), and that is linked to on-site or off-site services that assist the tenant to retain the housing, improve their help status, and maximize their ability to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses if the same type in the same zone.

Swimming pool. Any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet.

SEC. 36.60.43. - Definitions - "T."

Theaters. Indoor facilities for public assembly and group entertainment other than sporting events, such as: public and semipublic auditoriums, exhibition and convention halls, civic theaters and facilities for "live" theater and concerts, motion picture theaters and similar public assembly uses. Also referred to as "Indoor recreation and fitness centers" or "Cultural institutions."

Townhouse development. A group of two (2) or more attached single-family dwellings where each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from others by one (1) or more common and fire-resistant walls and owners have fee simple title to the property and each has a private "open area."

Trailer. Any unit used or designed to be used for living or sleeping purposes, or both, and which is designed to be equipped with wheels or similar devices used, or to be used, for the purpose of transporting said unit from place to place, in compliance with the provisions of the California Vehicle Code, whether by motive power or other means.

Trailer park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation, either sleeping or living; irrespective of whether or not rent is charged for such accommodation.

Transit stations and terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transitional housing. A facility or use that provides housing accommodations and support services for persons or families; but restricts occupancy to no more than twenty-four (24) months. Support services may include meals, counseling and other services, as well as common areas for residents of the facility. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type and zone.

SECTION 26. Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Sections 36.60.47 (Definitions - "V") and 36.60.49 (Definitions - "W"), of the City Code are hereby amended to add, delete, or modify the provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 36.60.47. - Definitions - "V."

~~**Vehicle storage.** Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long term public and commercial garages, parking lots and structures, except when accessory to a principal use. (All principal uses are considered to include any customer or public use of off street parking~~

~~required by this ordinance). Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, scrap and dismantling yards").~~

Veterinary clinics and animal hospitals. Any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury. Also referred to as "Animal service establishment."

SEC. 36.60.49. - Definitions - "W."

Wall plate. The top most structural element of a wall frame.

Warehouse or warehousing. A building or part of a building that is constructed or adapted for the storage of goods or merchandise, as distinguished from "Personal storage facilities" which is separately defined.

Warehouse retail. Retail businesses that retail goods in large quantities to the general public in a building or on a site that is large and industrial in character.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; and stores primarily selling electrical, plumbing, heating and air-conditioning supplies and equipment to contractors or other wholesalers.

SECTION 27. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 28. Publication. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

SECTION 29. Effective Date. Pursuant to Section 519 of the Mountain View City Charter, this ordinance shall be effective thirty (30) days from and after the date of its adoption.
